

**Notice of City Council Public Hearings and Regular Meeting  
AGENDA**

**January 11, 2022 at 6:00 PM**

**NOTICE TO THE PUBLIC IS HEREBY GIVEN** the Montgomery City Council will conduct its Public Hearings and Regular Meeting scheduled for **6:00 PM on Tuesday, January 11, 2022**, at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

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

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO FLAGS**

**RECEIVE PLANNING AND ZONING COMMISSION FINAL REPORTS - ZONING**

- 1.** Receive the Planning & Zoning Commission Recommendations and Reports for the following:
  - a. A rezoning request from B-Commercial to R1-Single Family Residential for Hills of Town Creek Section Five.
  - b. A rezoning request from R1-Single Family Residential to B-Commercial for 14855 N. Liberty Street, Montgomery, Texas.
  - c. A Special Use Permit application for a microblading studio located at 20165 Eva Street, Suite C, Montgomery, Texas.

**PUBLIC HEARING(S)**

- 2.** Convene into Public Hearing for the purposes of giving interested persons an opportunity to provide comments on the following:
  - a. A rezoning request from B-Commercial to R1-Single Family Residential for Hills of Town Creek Section Five.
  - b. A rezoning request from R1-Single Family Residential to B-Commercial for 14855 N. Liberty Street, Montgomery, Texas.
  - c. A Special Use Permit application for a microblading studio located at 20165 Eva Street, Suite C, Montgomery, Texas.

**ADJOURN PUBLIC HEARING(S)**

**RECONVENE REGULAR MEETING**

**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:**

- 3.** Matters related to the approval of the December 14, 2021, Regular Meeting Minutes.
- 4.** Consideration and possible action regarding adoption of the Election Services Agreement by and between the City of Montgomery and Montgomery County Elections for the May 7, 2022 Election.
- 5.** Consideration and possible action regarding adoption of the Joint Election Agreement by and between the City of Montgomery and Montgomery County Elections for the purpose of sharing jointly conducted elections to be held on May 7, 2022.

## **CONSIDERATION AND POSSIBLE ACTION:**

- 6.** Consideration and possible action regarding naming Diana Cooley to serve as Deputy City Secretary.
- 7.** Consideration and possible action regarding approval of purchase and use of License Plate Reader cameras.
- 8.** Consideration and possible action regarding adoption of the Volunteers in Police Service (VIPS) program.
- 9.** Consideration and possible action regarding adoption of the following Ordinance: AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) CITY COUNCIL MEMBERS, PLACES 2 AND 4; APPROVING ELECTION SERVICE AGREEMENTS WITH MONTGOMERY COUNTY, TEXAS: AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.  
*Consideración y posible acción respecto a la adopción de la siguiente Ordenanza:*  
*UNA ORDENANZA DE LA CIUDAD DE MONTGOMERY, TEXAS, PROPORCIONANDO EL FINANCIAMIENTO PARA LLEVAR A CABO UNA ELECCIÓN GENERAL A REALIZARSE EL DÍA 7 DE MAYO DE 2022, CON EL PROPÓSITO DE ELEGIR A UN ALCALDE Y A DOS (2) MIEMBROS DEL CONCEJO MUNICIPAL, PUESTOS 2 Y 4; APROBAR ACUERDOS DEL SERVICIO DE ELECCIÓN CON EL CONDADO DE MONTGOMERY, TEXAS; Y PROPORCIONAR DETALLES EN RELACIÓN CON LA CELEBRACIÓN DE DICHA ELECCIÓN.*
- 10.** Consideration and possible action regarding the following Ordinance: AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT TO MEAGHAN BIRD FOR USE OF THE PROPERTY LOCATED AT 20165 EVA STREET SUITE "C", MONTGOMERY, TEXAS 77356, FOR A MICROBLADING BUSINESS; ESTABLISHING CERTAIN TERMS, CONDITIONS AND LIMITATIONS; PROVIDING FOR PENALTY, SEVERABILITY, AND EFFECTIVE DATE.
- 11.** 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).

**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.

- 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:

- a) Section 551.071 (consultation with attorney);
- b) Section 551.072 (deliberation regarding real property); and
- c) Section 551.074 (personnel matters) City Administrator's Review.

Reconvene into Regular Session.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

- 13. Consideration and possible action(s), if necessary, on matter(s) deliberated in Closed Executive Session.
- 14. Discussion and consideration on relocating a historic home to City of Montgomery property.

**COUNCIL INQUIRY:**

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

**ADJOURNMENT**

/s/Susan Hensley

Susan Hensley, City Secretary

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on January 7, 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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Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> January 11, 2022	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Receive the Planning & Zoning Commission Recommendations and Reports for the following:

- a. A rezoning request from B-Commercial to R1-Single Family Residential for Hills of Town Creek Section Five.
- b. A rezoning request from R1-Single Family Residential to B-Commercial for 14855 N. Liberty Street, Montgomery, Texas.
- c. A Special Use Permit application for a microblading studio located at 20165 Eva Street, Suite C, Montgomery, Texas.

**Recommendation**

Motion to accept the Recommendations and Reports as presented.

**Discussion**

The Planning & Zoning Commission held Public Hearings on January 4, 2022 in conjunction with their regular monthly meeting for interested persons to be heard regarding these requests. Two residents attended the meeting, along with Councilwoman Davis. Both residents asked for clarification related to a City-owned property in Hills of Town Creek that was labeled “future water plant”.

No opposition to the rezoning of either properties or the Special Use Permit application was given. The Reports and Recommendations are attached for review.

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 01/05/2022
City Administrator	Richard Tramm	Date: 01/05/2022

# PLANNING & ZONING COMMISSION RECOMMENDATION AND REPORT

TO: MONTGOMERY MAYOR AND CITY COUNCIL

FROM: PLANNING & ZONING COMMISSION

CC: RICHARD TRAMM, CITY ADMINISTRATOR  
DAVE MCCORQUODALE, ASSISTANT CITY ADMINISTRATOR

SUBJECT: REPORT CONCERNING A PROPOSED RECLASSIFICATION OF HILLS OF TOWN CREEK SECTION FIVE, A 16.41-ACRE TRACT OF LAND NORTH OF THE INTERSECTION OF EMMA'S WAY AND SCENIC HILLS COURT IN MONTGOMERY, TEXAS FROM B-COMMERCIAL TO R1-SINGLE FAMILY RESIDENTIAL.

Mayor and Members of City Council,

Pursuant to Sections 98-30 and 98-53 of the City of Montgomery Code of Ordinances ("the Code"), the Montgomery Planning and Zoning Commission met on January 4, 2022 to consider a request from Cheatham Management to reclassify the property as R1 – Single-Family Residential. A map of the property with the current zoning overlay is attached as Exhibit "A."

After duly noticed public hearings with an opportunity for public comments concerning the requested rezoning classification, the Commission found:

- The property is currently zoned B-Commercial.
- The rezoning request for the entire parcel to be R1-Single-Family Residential is consistent with the proposed use and with other developments in the vicinity.
- The Commission found it is not contrary to the interest of the community to reclassify the land use zoning designation of said tract to R1-Single-Family Residential.

- By a unanimous vote the Planning and Zoning Commission hereby presents this Recommendation and Report pursuant to Section 98-30 of the City Code, recommending to **approve** reclassification of the land use zoning designation of said property on the Official Zoning Map of Montgomery Texas to R1-Single-Family Residential, thereby subject to all the requirements of Chapter 98 of the City of Montgomery Code of Ordinances for that designation.

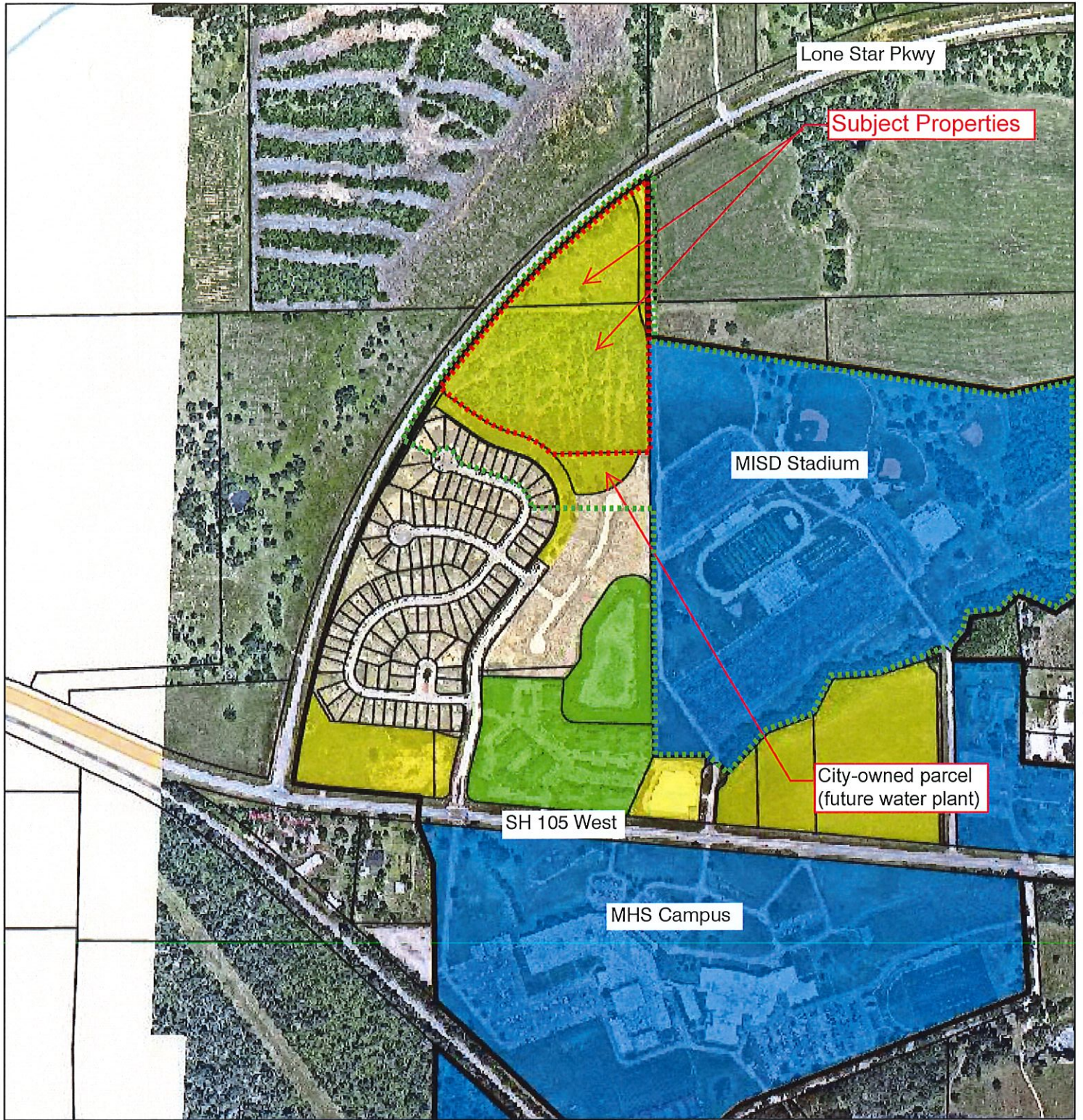
I, Jeffrey Waddell, Chairman of the Montgomery Planning and Zoning Commission, on this 4th day of January 2022, certify the above Report to be true and correct to the best of my knowledge.

Signed:   
Jeffrey Waddell, Chairman

Attest:   
Susan Hensley, City Secretary



# Hills of Town Creek Section 5 Rezoning Exhibit "A"



1 inch equals 752 feet

Public Hearing Schedule:  
 Planning & Zoning:  
 Tues. 01/04/21 at 6:00 pm

City Council:  
 Tues. 01/11/21 at 6:00 pm

101 Old Plantersville Road  
 Montgomery, TX 77316

### Zoning Legend

- Commercial (B)
- Residential (R-1)
- Multi-Family (R-2)
- Institutional (I)

- City Limit
- City ETJ
- Hills of Town Creek Section 5
- Properties within 200-ft notification boundary



# PLANNING & ZONING COMMISSION RECOMMENDATION AND REPORT

TO: MONTGOMERY MAYOR AND CITY COUNCIL

FROM: PLANNING & ZONING COMMISSION

CC: RICHARD TRAMM, CITY ADMINISTRATOR  
DAVE MCCORQUODALE, ASSISTANT CITY ADMINISTRATOR

SUBJECT: REPORT CONCERNING A PROPOSED RECLASSIFICATION OF 14855 N. LIBERTY STREET, MONTGOMERY, TEXAS, A 1.5-ACRE TRACT SITUATED IN THE BENJAMIN J. RIGSBY SURVEY, ABSTRACT NUMBER 31, IN MONTGOMERY COUNTY, TEXAS COMMONLY KNOWN AS 14855 NORTH LIBERTY STREET, MONTGOMERY, TEXAS 77356 FROM R1-SINGLE FAMILY RESIDENTIAL TO B-COMMERCIAL.

Mayor and Members of City Council,

Pursuant to Sections 98-30 and 98-53 of the City of Montgomery Code of Ordinances (“the Code”), the Montgomery Planning and Zoning Commission met on January 4, 2022 to consider a request from Arnette and Sherry Easley to reclassify the property as B-Commercial. A map of the property with the current zoning overlay is attached as Exhibit “A.”

After duly noticed public hearings with an opportunity for public comments concerning the requested rezoning classification, the Commission found:

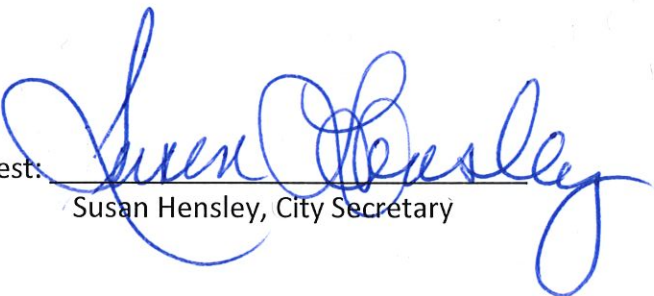
- The property is currently zoned R1-Single-Family Residential.
- The rezoning request for the parcel to be B-Commercial is consistent with the proposed use and with other developments in the vicinity. Several properties approximately 900-feet to the south along Liberty St. are zoned for and used as R1-Single Family Residential.
- The Commission found it is not contrary to the interest of the community to reclassify the land use zoning designation of said tract to B-Commercial.



- By a unanimous vote the Planning and Zoning Commission hereby presents this Recommendation and Report pursuant to Section 98-30 of the City Code, recommending to **approve** reclassification of the land use zoning designation of said property on the Official Zoning Map of Montgomery Texas to B-Commercial, thereby subject to all the requirements of Chapter 98 of the City of Montgomery Code of Ordinances for that designation.

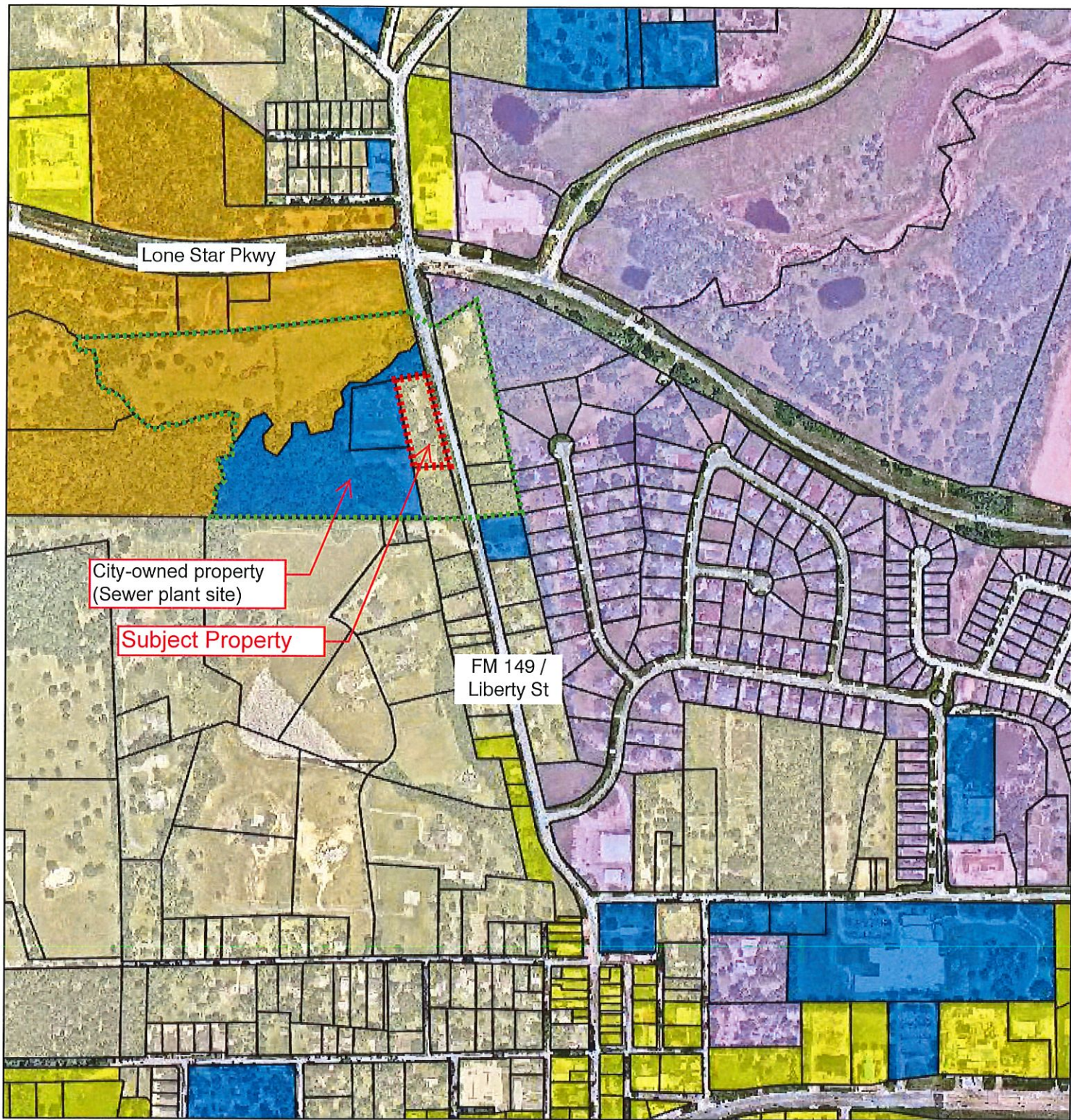
I, Jeffrey Waddell, Chairman of the Montgomery Planning and Zoning Commission, on this 4th day of January 2022, certify the above Report to be true and correct to the best of my knowledge.

Signed:   
Jeffrey Waddell, Chairman

Attest:   
Susan Hensley, City Secretary



# 14855 N. Liberty Street, Montgomery, Texas Rezoning Exhibit "A"



1 inch equals 752 feet

Public Hearing Schedule:  
 Planning & Zoning:  
 Tues. 01/04/21 at 6:00 pm

City Council:  
 Tues. 01/11/21 at 6:00 pm

101 Old Plantersville Road  
 Montgomery, TX 77316

### Zoning Legend

- Residential (R-1)
- Commercial (B)
- Institutional (I)
- Planned Development (PD)
- Industrial (ID)

Boundary of 14855 N. Liberty Street

Properties within 200-foot notification boundary



# PLANNING & ZONING COMMISSION RECOMMENDATION AND REPORT

TO: MONTGOMERY MAYOR AND CITY COUNCIL

FROM: MONTGOMERY PLANNING & ZONING COMMISSION

CC: RICHARD TRAMM, CITY ADMINISTRATOR  
DAVE MCCORQUODALE, ASSISTANT CITY ADMINISTRATOR

SUBJECT: REPORT CONCERNING A SPECIAL USE PERMIT APPLICATION FOR A MICROBLADING BUSINESS LOCATED AT 20165 EVA STREET, SUITE C, MONTGOMERY, TEXAS.

Mayor and Members of City Council,

Pursuant to Sections 98-27 and 98-88 of the City of Montgomery Code of Ordinances (“the Code”), the Montgomery Planning and Zoning Commission met on January 4, 2022 to consider an application from Symmetry Brows, LLC for a Special Use Permit for a microblading business to be located at 20165 Eva Street, Suite C in Montgomery, Texas.

After reviewing the request and studying the matter, the Commission thereby found:

- No deleterious effects to the character and development of the neighborhood are posed by the proposed business.
- By a unanimous vote of the members present and pursuant to Section 98-27 of the Code, the Planning and Zoning Commission hereby presents this Report recommending approval of the Special Use Permit subject to all the terms, provisions, and limitations of the Ordinance granting the Special Use Permit.

I, Jeffrey Waddell, Chairman of the Montgomery Planning and Zoning Commission, on this 4<sup>th</sup> day of January 2022, certify the above Report to be true and correct to the best of my knowledge.

Signed: Jeffrey Waddell  
Jeffrey Waddell, Chairman

Attest: Susan Hensley  
Susan Hensley, City Secretary



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> January 11, 2022	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

### Subject

Convene into Public Hearing for the purposes of giving interested persons an opportunity to provide comments on the following:

- a. A rezoning request from B-Commercial to R1-Single Family Residential for Hills of Town Creek Section Five.
- b. A rezoning request from R1-Single Family Residential to B-Commercial for 14855 N. Liberty Street, Montgomery, Texas.
- c. A Special Use Permit application for a microblading studio located at 20165 Eva Street, Suite C, Montgomery, Texas.

### Recommendation

Listen to and consider any comments given.

### Discussion

As you will recall from the December 14th meeting, the two rezoning requests and the Special Use Permit application all require a Public Hearing as the first step. A summary of each request is attached.

Formal action on the two rezoning requests will take place at the January 25th meeting to allow for the required 30 days between the Legal Notice publication date and City Council action. Following tonight's Public Hearing, staff and the city attorney will draft the rezoning ordinances for consideration at your next meeting.

Formal action on the Special Use Permit application will occur later in this meeting.

The city attorney advised a single Public Hearing is permissible as long as proper notice was given and public comments are allowed on each request. This avoids the cumbersome procedural steps of conducting three separate Public Hearings back-to-back within tonight's meeting. Legal notice of the Public Hearing was published on 12/17/21 and 12/24/21. Notification letters were mailed to adjacent property owners within 200-feet on 12/17/21.

### Approved By

Asst. City Administrator	Dave McCorquodale	Date: 01/04/2022
City Administrator	Richard Tramm	Date: 01/04/2022



# L SQUARED ENGINEERING

MUNICIPAL COMMERCIAL RESIDENTIAL

3307 W Davis St., Suite 100  
Conroe, TX 77304  
P: 936-647-0420 F: 936-647-2366  
www.L2Engineering.com

November 30, 2021

City of Montgomery  
C/o Dave McCorquodale  
101 Old Plantersville Road  
Montgomery, TX 77316

RE: Rezoning request for Hills of Town Creek Section 5 for development purposes by Cheatham Management

L Squared Engineering is formally requesting a rezoning for MCAD R#'s R396538 and R362324. Currently the referenced properties are zoned for commercial. The proposed zoning is R1, which corresponds to the residential development that shall be Hills of Town Creek Section 5.

Attached below are the Rezoning Application form and required attachments mentioned on that form. Please feel free to contact me at 936-647-0420 if you have any questions or concerns.

Thank you,

Jonathan White, PE  
L Squared Engineering  
Senior Project Manager, Partner  
936-647-0420  
Jwhite@L2Engineering.com

Attachments: Rezoning Request Application, Metes and Bounds, Property Deed, Site Plan





# Rezoning Application

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

Item 2.

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

**Contact Information**

Property Owner(s): Chris Cheatham, Cheatham Management

Address: PO Box 234 Montgomery TX

Zip Code: 77356 Phone: 936-449-5400

Email Address: ccheatham@consolidated.net

Applicants: L Squared Engineering, Jonathan White, PE

Address: 3307 W Davis Street Suite 100 Conroe Texas

Zip Code: 77304 Phone: 936-647-0420

Email Address: Jwhite@L2engineering.com

**Parcel Information**

Property Identification Number (MCAD R#): R396538 and R362324

Legal Description: Tracts 64B-1 and 63A1-A within the Ben J Rigsby Survey, A31

Street Address or Location: Emma's Way and Lone Star Parkway

Acreage: 16.41 Present Zoning: Commercial Present Land Use: N/A

Proposed Zoning: R1 Proposed Land Use: Residential

Is the proposed use in compliance with the Future Land Use Plan?  YES  NO

**Additional Information**

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

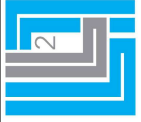
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

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

<p><b>Date Received</b> <i>Office Use</i></p>	
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**SQUARED ENGINEERING**  
 MUNICIPAL - COMMERCIAL - RESIDENTIAL  
 WWW.SQUAREDENGINEERING.COM  
 1100 WEST 10TH AVENUE, SUITE 100  
 DENVER, CO 80202  
 (303) 733-8888

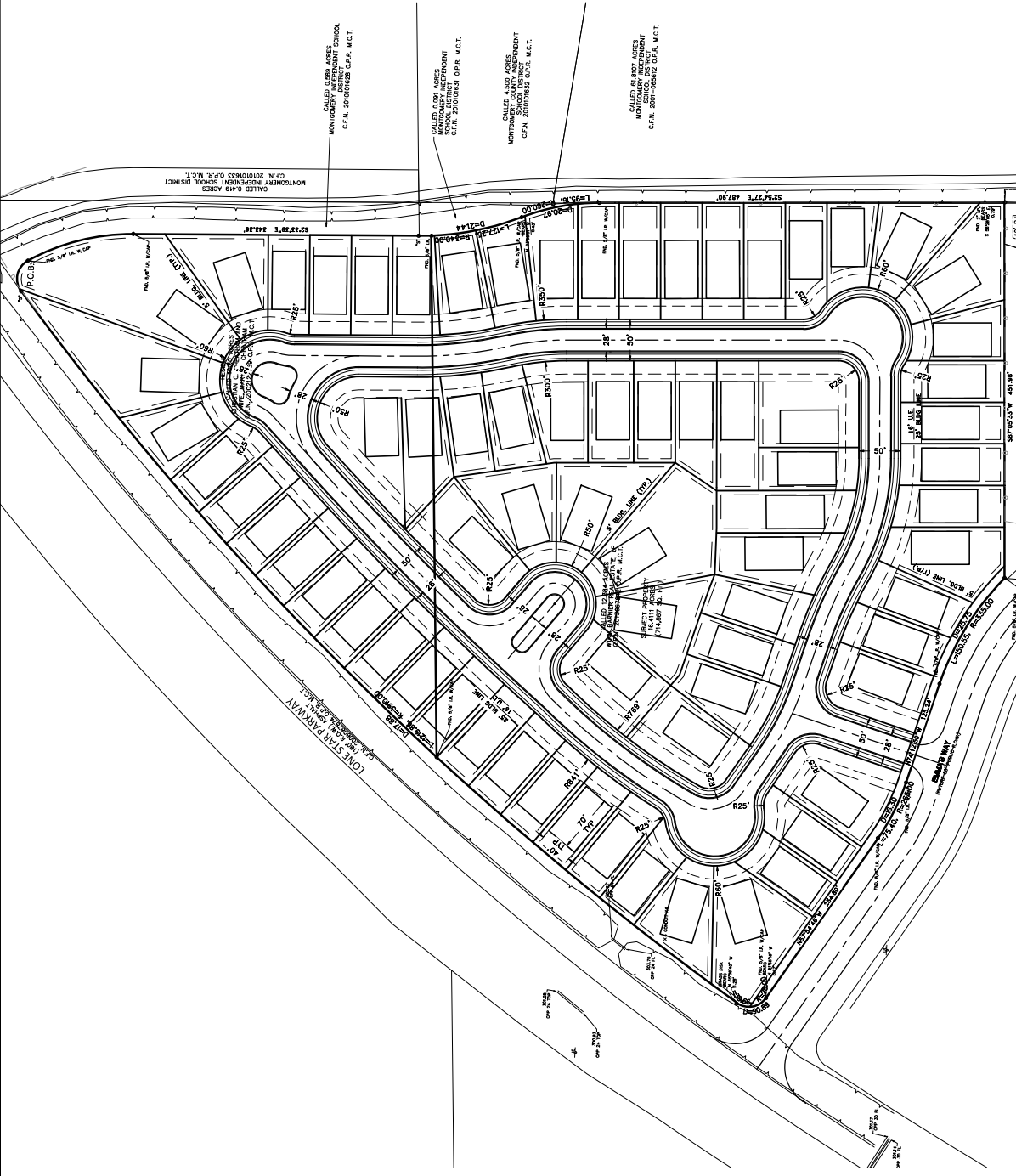
# HILLS OF TOWN CREEK

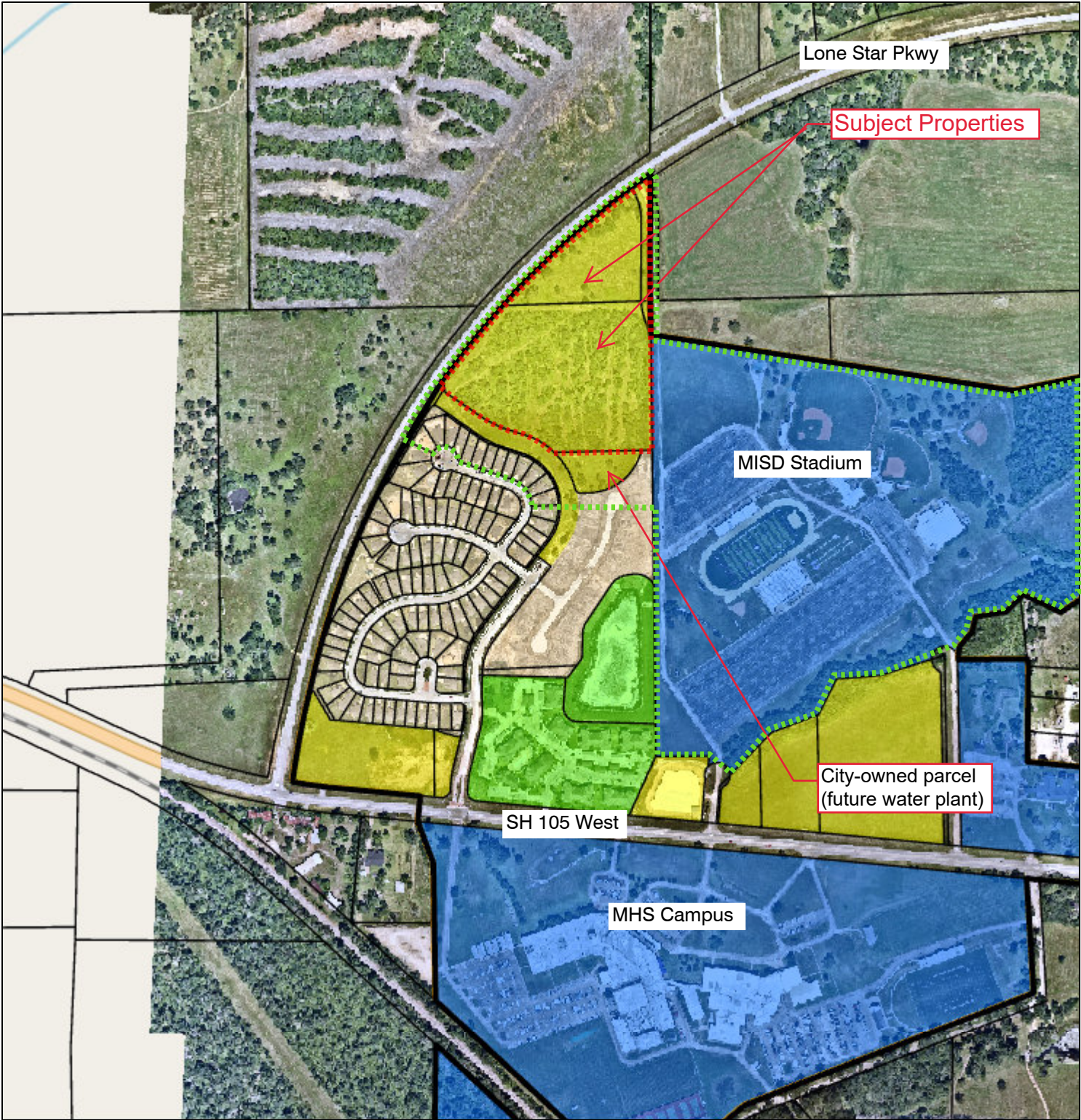
## NEW SITE EXHIBIT

DATE: 11/08/2021	SCALE: 1"=100' (24x36)	SHEET: 1
PROJECT: HILLS OF TOWN CREEK	DATE: 11/08/2021	DATE: 11/08/2021
DESIGN: [ ]	MEAS: [ ]	DATE: [ ]
DATE: [ ]	DATE: [ ]	DATE: [ ]

THIS DOCUMENT IS ISSUED AS THE ENGINEER'S BEST AND TRUE COPY OF THE ORIGINAL DRAWINGS. IT IS THE USER'S RESPONSIBILITY TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THIS DOCUMENT IS NOT FOR CONSTRUCTION.

**-40.13 AC. LOTS**  
**TOTAL 72 LOTS**  
**16.45 ACRE SITE**  
**-42,712 LF PAVEMENT**





1 inch equals 752 feet

Public Hearing Schedule:  
 Planning & Zoning:  
 Tues. 01/04/21 at 6:00 pm

City Council:  
 Tues. 01/11/21 at 6:00 pm

101 Old Plantersville Road  
 Montgomery, TX 77316

**Zoning Legend**

- Commercial (B)
- Residential (R-1)
- Multi-Family (R-2)
- Institutional (I)

- City Limit
- City ETJ
- Hills of Town Creek Section 5
- Properties within 200-ft notification boundary







# Rezoning Application

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

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

**Contact Information**

Property Owner(s): Arnette Easley & Sherry Easley

Address: 15275 N Liberty Montgomery

Zip Code: 77356 Phone: (936) 718-7860

Email Address: ArnetteEasley@aol.com

Applicants: Arnette Easley & Sherry Easley

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Parcel Information**

Property Identification Number (MCAD R#): R434507

Legal Description: A0031 - Riggsby Ben J. Tract 47, 47-A, Acre 1.5

Street Address or Location: 14855 North Liberty Montgomery TX 77356

Acreage: 1.5 Present Zoning: Residential Present Land Use: Residential

Proposed Zoning: Commercial Proposed Land Use: \_\_\_\_\_

Is the proposed use in compliance with the Future Land Use Plan?  YES  NO

**Additional Information**

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

Signature: Arnette Easley Date: 10-18-2021

Signature: S/Casley Date: 10-18-2021

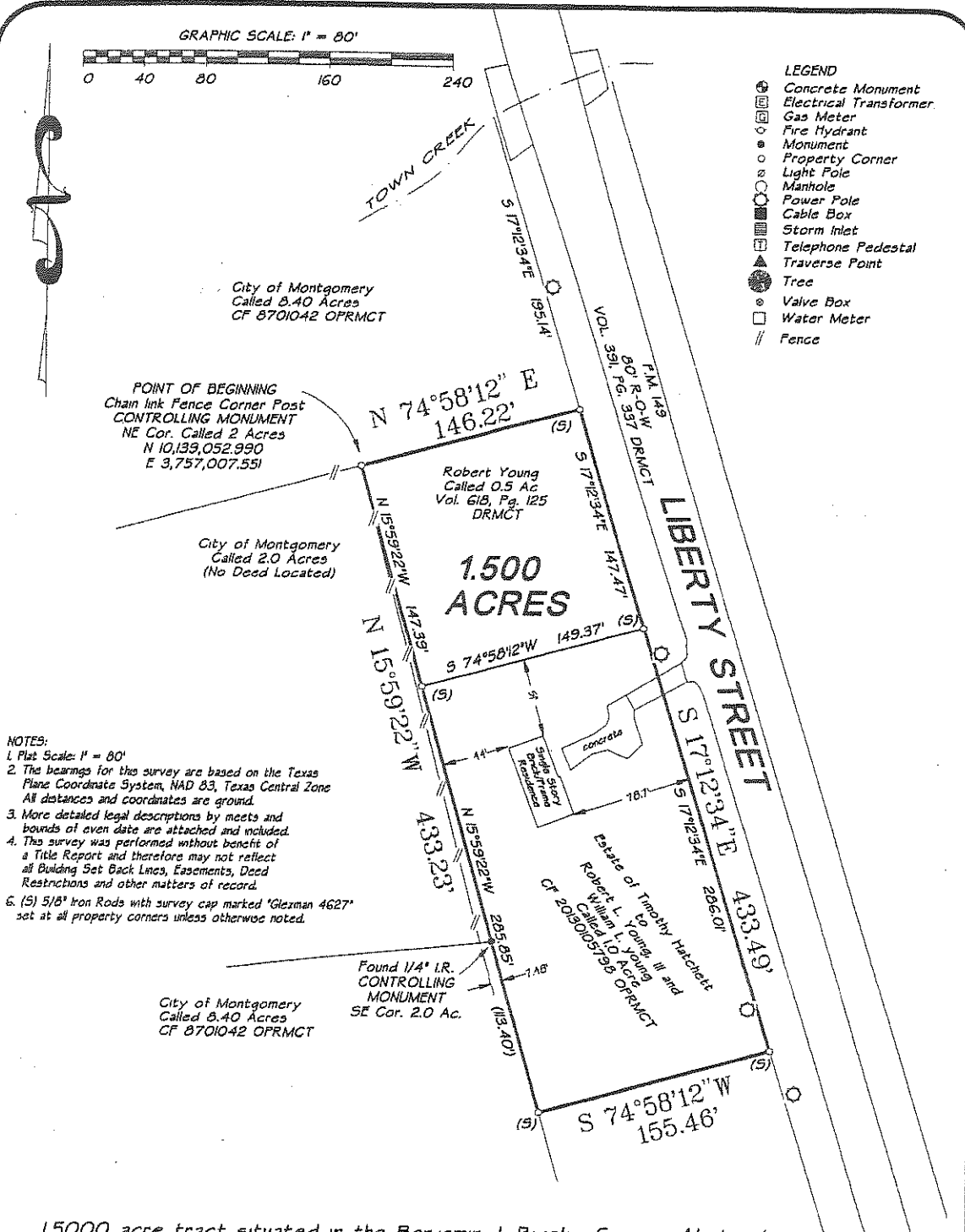
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

<h2>Date Received</h2> <p>Office Use</p>	
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- LEGEND**
- ⊕ Concrete Monument
  - ⊞ Electrical Transformer
  - ⊞ Gas Meter
  - ⊞ Fire Hydrant
  - ⊙ Monument
  - ⊙ Property Corner
  - ⊙ Light Pole
  - ⊙ Manhole
  - ⊙ Power Pole
  - ⊙ Cable Box
  - ⊙ Storm Inlet
  - ⊙ Telephone Pedestal
  - ▲ Traverse Point
  - Tree
  - ⊙ Valve Box
  - ⊞ Water Meter
  - || Fence



- NOTES:**
1. Plat Scale: 1" = 80'
  2. The bearings for this survey are based on the Texas Plane Coordinate System, NAD 83, Texas Central Zone. All distances and coordinates are ground.
  3. More detailed legal descriptions by meets and bounds of even date are attached and included.
  4. This survey was performed without benefit of a Title Report and therefore may not reflect all Building Set Back Lines, Easements, Deed Restrictions and other matters of record.
  5. (S) 5/8" Iron Rods with survey cap marked "Glezman 4627" set at all property corners unless otherwise noted.

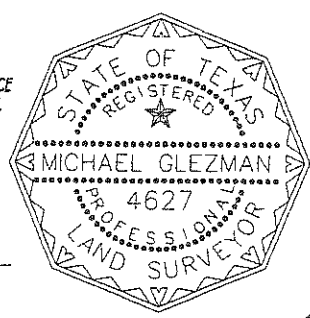
1.5000 acre tract situated in the Benjamin J. Rigsby Survey, Abstract Number 31, in Montgomery County, Texas, consisting of: All that certain called 0.5 acre tract conveyed to Robert Young and wife, Martha Young in Deed recorded in Volume 618, Page 125 Deed Records of Montgomery County, Texas, and All that certain called 1.0 acre tract conveyed to Robert L. Young, III and William L. Young, in Deed recorded under Clerk's File Number 2013010579 Official Public Records of Montgomery County, Texas (O.P.R.M.C.T.)

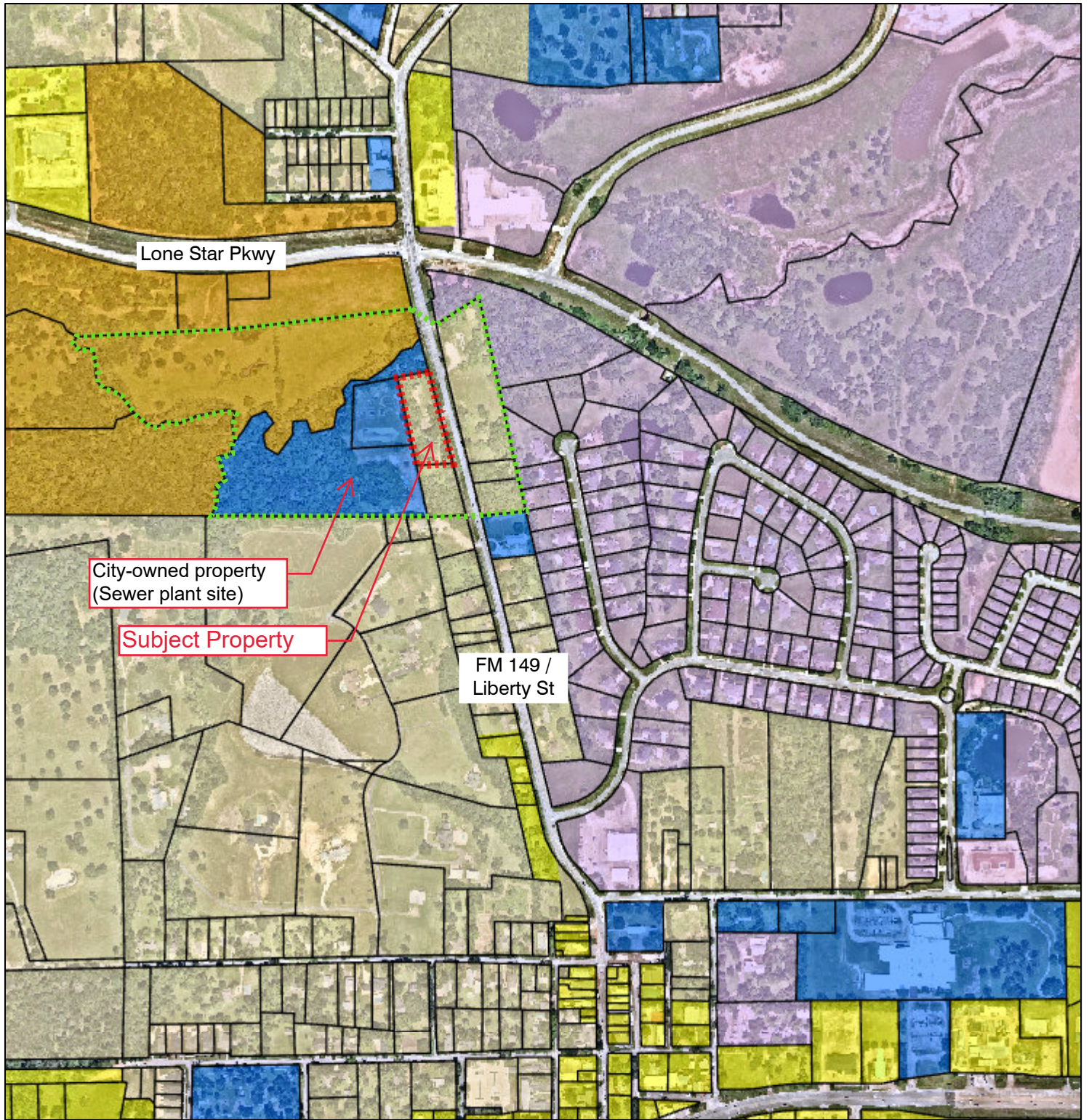
SURVEY DATE: November 28, 2020  
 GC20-0012-102920  
 14855 LIBERTY STREET  
 MONTGOMERY, TEXAS 77436

I HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1A, CONDITION 3 TSPS LAND TITLE SURVEY.

GLEZMAN CONSULTING  
 TBP/ELS FIRM NO. 10194587  
 18215 LONG KEY DRIVE  
 CYPRESS, TEXAS 77433  
 936.499.1035  
 mglez2@aol.com

*Michael Glezman*  
 MICHAEL GLEZMAN, R.P.L.S. 4627





1 inch equals 752 feet

Public Hearing Schedule:  
 Planning & Zoning:  
 Tues. 01/04/21 at 6:00 pm

City Council:  
 Tues. 01/11/21 at 6:00 pm

101 Old Plantersville Road  
 Montgomery, TX 77316

**Zoning Legend**

- Residential (R-1)
- Commercial (B)
- Institutional (I)
- Planned Development (PD)
- Industrial (ID)
- Boundary of 14855 N. Liberty Street
- Properties within 200-ft notification boundary





# Special Use Permit

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

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

### Contact Information

Property Owner(s): Sh 105 Associates

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Applicants: Meaghan Bird

Address: 20165 Eva st ste c

Zip Code: 77356 Phone: 7138992121

Email Address: Meaghan88@me.com

### Parcel Information

Type of Business: Microblading and lash studio

Legal Description: Reserve H Shoppes At Montgomery

Street Address or Location: 20165 Eva st ste c

### Special Use Permit Request

Description of request:

**Microblading and lash studio**

### Submission Information

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

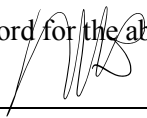
**City of Montgomery  
101 Old Plantersville Road  
Montgomery, Texas 77316**

**Additional Information**

Date Application received by the City of Montgomery: \_\_\_\_\_

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

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

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

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

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

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

<p><b>Date Received</b> <i>Office Use</i></p>	
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## **\*Public Hearings\***

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

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

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

## **\*Protests\***

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

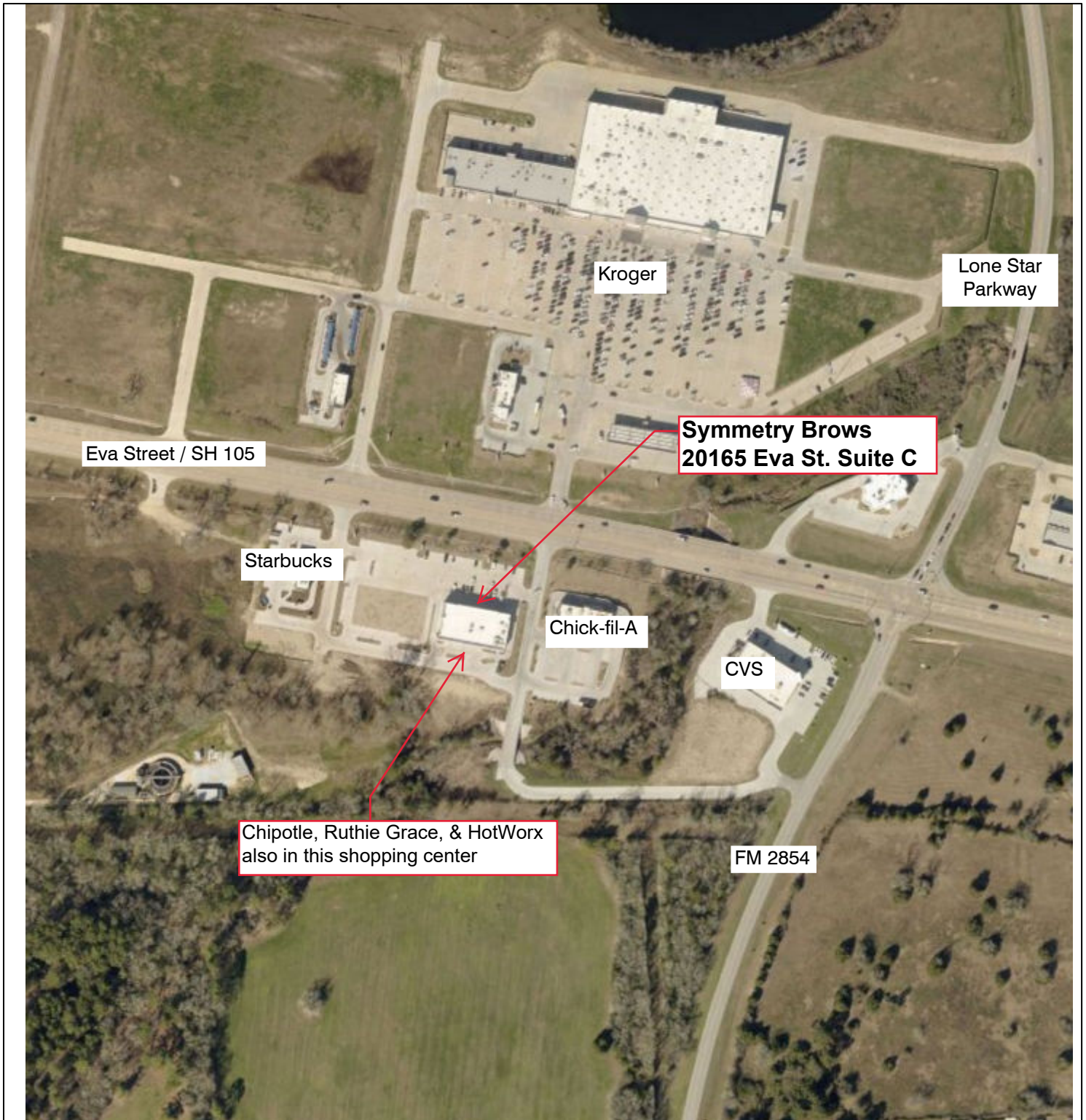
## **\*Resubmission\***

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

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

# Microblading SUP Location Map



Special Use Permit Applicant: Meaghan Bird  
Purpose: Microblading (Permanent facial cosmetics)  
Business name: Symmetry Brows  
Location: 20165 Eva Street Suite "C", Montgomery, Texas



**MINUTES OF REGULAR MEETING**

**December 14, 2021**

**MONTGOMERY CITY COUNCIL**

**CALL TO ORDER**

Mayor Countryman declared a quorum was present and called the meeting to order at 6:00 p.m. Mayor Countryman stated Kevin Lacy is absent this evening.

Present:	Sara Countryman	Mayor
	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:	Kevin Lacy	City Council Place # 2
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Also Present:	Richard Tramm	City Administrator
	Dave McCorquodale	Assistant City Administrator
	Susan Hensley	City Secretary
	Caleb Villarreal	City Attorney

**INVOCATION**

T.J. Wilkerson gave the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

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



Mayor Countryman said after the last City Council meeting there was a discussion and the police had to get involved to stop the screaming and aggressive behavior between herself and Julie Davis that continued in the parking lot. Mayor Countryman said she wanted to play the video showing what took place in front of City Hall in the parking lot that evening. Mayor Countryman said this is important to go on the record and the video was viewed.

Bill Clevenger, 388 Berkley Drive, Montgomery, Texas, said at the last City Council meeting it was mentioned he does not pay taxes. Mr. Clevenger asked Mr. Tramm if he had investigated to find out whether Texas Twist & Shakes pays its share of taxes. Mr. Tramm said Mr. Clevenger sent him a copy of a receipt where he filed sales tax on October 19, 2021. Mr. Tramm said as of the report he received yesterday through December; there were no taxes collected from the State Comptroller's office. Mr. Clevenger said when you start a business you report your taxes quarterly. Mr. Clevenger said Texas Twist & Shakes opened on August 6, 2021, so they had the remaining days between August and September. Mr. Clevenger said they received their receipt from the Texas Comptroller's Office which he forwarded to the City Administrator. Mr. Clevenger said he wants it on the record they did pay their taxes and they continue to do so. Mr. Tramm said he did forward the receipt from Mr. Clevenger to City Council. Mr. Clevenger asked Mayor Countryman if she saw the receipt. Mayor Countryman said she did. Mr. Clevenger asked if Mayor Countryman is satisfied he does pay taxes. Mayor Countryman said she has not seen the tax report yet. Mr. Clevenger asked if she saw the receipt. Mayor Countryman said she did.

**CONSENT AGENDA:**

1. Matters related to the approval of minutes of the August 26, 2021, Budget Workshop, September 11, 2021, Retreat Meeting, September 28, 2021, Workshop Meeting, and November 9, 2021, Regular Meeting. (Note: A typo was made in the Workshop Meeting date, not the contents. The correct date is September 30, 2021.)

Byron Sanford moved to review items from the Consent Agenda individually. Julie Davis seconded the motion, the motion carried unanimously. (4-0)

Julie Davis moved to approve item #1 as presented. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

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

Julie Davis moved to approve the item as presented.

Discussion: Byron Sanford asked if the Discount Tire store would be east or west of Kroger. Mayor Countryman said it is west of Kroger. Byron Sanford said he did not know if it made a difference in the way it is typed up. Mr. Tramm said it does not with relation to the agreement.

Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

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

Julie Davis moved to approve this item as presented.

Discussion: Byron Sanford said as long as it takes to get water rights they want to see something along Lone Star and get this brewery. Byron Sanford asked if this is an opportunity to pursue anything to get that developed which would be an annexation and some good things for the City. Mr. Chris Roznovsky, City Engineer said yes and that is one of the things they are discussing with the developer with the idea of coming to MEDC. Mr. Roznovsky said what this development includes is a brewery on-site and it is also a gathering space to include games, picnic tables, and things like that for people to spend an afternoon or evening at that location. Mayor Countryman asked if it is similar to B52 on SH 105. Mr. Roznovsky said it would be on a smaller scale but that is the goal.

T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

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

Mayor Countryman said the location looks like it is going to impede traffic. Mayor Countryman said when you are coming out and have to look west it is on a curve, which looks like it could potentially be dangerous. Mayor Countryman said if you look at where the placement is going to be, it looks like it is right on top of the road and it is running north/south, not east/west. Mr. Roznovsky said from the edge of the road to the closest edge of the sign is 43 feet. Mr. Roznovsky said it is hugging the inside. Mayor Countryman said she was reading it was hugging FM 1097. Mayor Countryman thanked Mr. Roznovsky for the clarification.

Byron Sanford moved to accept item #4 as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

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

Mr. Tramm said he went out there today and spoke with the owner. Mr. Tramm said the repair work for unit #7 has been completed and will be painted to match the house.

Carol Langley moved to approve item #5 as presented. Julie Davis seconded the motion, the motion carried unanimously. (4-0)

#### **CONSIDERATION AND POSSIBLE ACTION:**

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

Mayor Countryman said this item has been stricken.

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

Mr. Tramm said this is the Womack house located on a hill on the west side of SH 149 south of the City. Mr. Tramm said this item was discussed by Mr. Miles Marks on August 24, 2021, at the City Council meeting requesting the house be relocated to his property. Mr. Tramm said since that time the Palmer's, owners of the Womack house contacted the City asking if they would be interested in moving the house to the City property.

Mr. Tramm said he and the Mayor went out to look at the property. Mr. Tramm said it is mostly an open concept with several bedrooms in the front. Mr. Tramm said it is in fairly good condition and the electricity is modern. Mr. Tramm said the costs associated with moving the house to City property were estimated in September at \$52,500.

Mr. Tramm said this could be something that could be part of the historic homes the City has and could also be an interim step in terms of spacing relative to City Hall staff. Mr. Tramm said what they are asking for is not an approval required to move this house, but to find what actual costs would be and to bring that information back to City Council in January if City Council is interested in obtaining those numbers and considering it.

Mayor Countryman said for the record Ms. Palmer is here and they were together at the Historical Society Thanksgiving where Ms. Palmer mentioned the house was available. Mayor Countryman said there had been someone interested in purchasing it but it fell through and did not happen. Mayor Countryman said Ms. Palmer then asked if the City was interested. Mayor Countryman said it is a beautiful 1800's building and Ms. Palmer would love to see the house stay in the City.

Mayor Countryman said her thought was they could put the house on the City's property on Clepper Street and it could serve as the interim offices before they build the new City Hall and the police department could take over this area. Mayor Countryman said when they are done with it in a couple of years it could stay with the Fernland homes and become a visitors center.

Byron Sanford said it is certainly a beautiful home and meets all the historical requirements. Byron Sanford said it is a great asset. Byron Sanford said a second possibility is since we do not have any plans that he knows of to get moving on City Hall, it might make sense to at least get it here in proximity. Byron Sanford said he knows the employees at City Hall are bursting

at the seams. Byron Sanford said since there is no plan in place it might be a good idea to bring the house here. Byron Sanford said he does not know if they can set it up on the property.

Mr. Tramm said if it is something City Council thinks it wants to consider, between now and the next City Council meeting they can set up the opportunity for Council members to look at it and get prices for the January meeting.

Carol Langley said she was interested in the pricing and the cost of the upkeep because the houses in Fernland need upgrading and she knows that is expensive.

Mr. Tramm said they will investigate the cost to move it, the cost for any rehabilitation work necessary to make it useful, the cost to set it up, and maintenance and utility costs. Mr. Tramm said modern efficient windows have been added and an HVAC system.

Carol Langley asked if they would be getting a quote from Cherry House Moving. Mr. Tramm said yes. Carol Langley said there are three or four movers in the area.

Mayor Countryman said they need to know what would it take to be ready, how long it would take, and if it would make financial sense or not. Mayor Countryman said otherwise, the only other alternative is to rent somewhere.

T.J. Wilkerson asked if it would be moved to the location by the school. Mr. Tramm said that is one thought and certainly something where they can proceed with a plan and bring it back to City Council. Mr. Tramm said he is open to suggestions. Mr. Tramm said there is certainly land the City has which is right by Fernland.

Mr. Tramm said it sounds as if there is enough interest from City Council so they will bring a more formal agenda item to the next City Council meeting.

8. Consideration and possible action regarding Board Appointments to the Montgomery Economic Development Corporation Board for a two-year term beginning January 1, 2022.

Mr. Tramm said the Montgomery Economic Development Corporation has three positions due for appointment due to the expiration of terms. Mr. Tramm said two of these appointments are

from the general public currently held by Dan Walker and Arnette Easley. Mr. Tramm said one position is from the governing body which is held by Byron Sanford. Mr. Tramm said Carol Langley is the other member of the governing body who is serving an alternating term.

Mr. Tramm said all three of these terms will run from January 1, 2022, through December 21, 2023. Mr. Tramm said they sent out applications for these positions and received two. Mr. Tramm said one was from Dan Walker and the other Wade Nelson.

Mr. Tramm said Councilmember Byron Sanford has indicated a willingness to continue to serve in his MEDC position.

Carol Langley moved to appoint Mr. Dan Walker, Mr. Wade Nelson, and Mr. Byron Sanford to the Montgomery Economic Development Corporation Board. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

9. Consideration and possible action to authorize amending ByLaws of the Montgomery Economic Development Corporation.

Mr. Tramm said at the November 15, 2021 meeting the MEDC Board of Directors approved a motion to amend the ByLaws of the MEDC to clarify the language describing the terms of office. Mr. Tramm said according to the ByLaws after MEDCs approval, City Council must also consent to the amendment to take effect.

Mr. Tramm said the reason for the change is there is some confusing language regarding the terms of office. Mr. Tramm said the terms are by statute as well as elsewhere stated in the ByLaws which are two-year terms. Mr. Tramm said the way they were described in the language they appear to be three-year terms.

Julie Davis said it would add more ease to change December 31<sup>st</sup> to January 1<sup>st</sup>.

Mr. Tramm said he will rewrite that portion.

Byron Sanford moved to accept item #9 with the changes as noted. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

10. Consideration and possible action on calling a Public Hearing for January 11, 2022, at 6:00 p.m. related to a Special Use Permit application for a microblading studio located at 20165 Eva Street, Suite C, Montgomery, Texas.

Mr. Dave McCorquodale, Assistant City Administrator said microblading studios are licensed by the State under the same regulations as tattoo artists. Mr. McCorquodale said microblading studios require the same zoning process to practice as tattoo parlors and require City Council approval via a Special Use Permit.

Mr. McCorquodale said they are asking to call for a Public Hearing in January that would allow them to publish their legal notice to prepare the Ordinance. Mr. McCorquodale said there are already a couple of microblading studios in town.

Carol Langley moved to call a Public Hearing for January 11, 2022, at 6:00 p.m. related to a Special Use Permit for a microblading studio located at 20165 Eva Street, Suite C, Montgomery, Texas. Julie Davis seconded the motion.

Discussion: Carol Langley asked if Mr. McCorquodale will make sure the owner is present at the Public Hearing. Mr. McCorquodale said yes.

The motion carried unanimously. (4-0)

11. Consideration and possible action regarding calling a Public Hearing for a rezoning request from R1-Single Family Residential to B-Commercial for 14855 N. Liberty Street, Montgomery, Texas.

Mr. McCorquodale said the Easley' own the small brick home at the bottom of the hill on FM 149 North. Mr. McCorquodale said the Easley's have been doing a lot of work to get the house up to standards and to clear the site of debris. Mr. McCorquodale said the Easley's have asked to rezone the property from Single-Family Residential to Commercial.

Byron Sanford asked beside the plant itself, was there some area where the police may want to use it for training. Mr. McCorquodale said two acres take up the sewer plant site and eight and a half residual acres in the flood plain. Mr. McCorquodale said the City owns 10 and a half acres just west of that property.

Mayor Countryman asked if the house would then become a business and if that is what Mr. Easley is wanting to do. Mr. McCorquodale said at the Planning and Zoning meeting Mr. Bill Simpson one of the Commissioner's mentioned he thought Mr. Easley wanted to relocate his business.

Carol Langley said when they have the Public Hearing and it is changed to commercial, Mr. Easley has several things to deal with the City in making it into a commercial piece of property. Mr. McCorquodale said if he added a parking lot or storage buildings he would. Mr. McCorquodale said if he was just going to open an administrative office he does not know if he would.

Carol Langley said he could do that as a Single-Family Residential leaving it zoned like that. Mr. McCorquodale said with a Special Use Permit he could. Carol Langley said he could leave it residential and have a home-based business. Mr. McCorquodale said what he is looking for is long-term predictability. Mr. McCorquodale said anytime a single-family is turned into commercial one should pause and consider it.

Julie Davis asked if the only thing they are considering is setting a Public Hearing. Mr. McCorquodale said yes. Mr. McCorquodale said they will call the Public Hearing and Planning and Zoning will have a Public Hearing as well.

Julie Davis moved to approve item #11 as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

12. Consideration and possible action by the Montgomery City Council acting as the Zoning Board of Adjustment regarding the following zoning variance requests for Hills of Town Creek Section Five:



Mr. McCorquodale said this is similar to the last request and is asking to call a Public Hearing to rezone the property from B-Commercial to Single-Family Residential for the new section of Hills of Town Creek.

Byron Sanford asked if they would need the developer for this. Mr. McCorquodale said not for a Public Hearing because the request is from the landowners.

Julie Davis asked if they plan to move on this within the next 30 days. Mr. McCorquodale said yes, in the essence that once they start splitting lots and they are looking at rezoning 72 or 78 individual properties versus the two properties we are looking at here. Mr. McCorquodale said in 2019 they rezoned Sections 2 and 3 after they were split up and it was a lot more work. Mr. McCorquodale said they know it is going to be zoned Single-Family Residential and they are trying to get ahead of that subdivision of land and allow the zoning to be Single-Family.

Julie Davis said her only concern is this is now three Public Hearings for January 11, 2022, and it will more than likely be a very large meeting.

Mr. McCorquodale said this schedule is what the developer has asked for and believes it is a reasonable request.

Carol Langley moved to call a Public Hearing for a rezoning request for Hills of Town Creek Section Five from Commercial to Single-Family Residential on January 11, 2022, at 6:00 pm. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

13. Consideration and possible action by the Montgomery City Council acting as the Zoning Board of Adjustment regarding the following variance requests for Hills of Town Creek Section Five:

- a. Lot width less than 75-feet,
- b. Side yard setback less than 10-feet, and
- c. Lot size less than 9,000 square feet.

Mr. McCorquodale said for the newest section of Hills of Town Creek the developer is wanting to build the same product on the ground as what he has done in the previous three single-family sections which is exactly what is in sections two and three.

Julie Davis asked if we are still holding them to the standard for compensating green space. Mr. McCorquodale said yes.

Byron Sanford said he had a meeting with the developer yesterday and the developer reinforced what we do know that these are hot products and this is what the market is and this is where we need to build.

Byron Sanford moved to approve item #13. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

14. Consideration and possible action by the Montgomery City Council acting as the Zoning Board of Adjustment regarding the following zoning variance requests for Porter Farms single-family residential development:
- a. Lot width less than 75-feet,
  - b. Side yard setback less than 10-feet, and
  - c. Lot size less than 9,000 square feet.

Mr. McCorquodale said this is a very similar home product being proposed. Mr. McCorquodale said this is a new development and the individual home cost is now in the \$260,000 price range.

Mr. McCorquodale said the development was initially proposed to be a PID which is a public improvement district. Mr. McCorquodale said it is like a tax, but technically it is an assessment. Mr. McCorquodale said it was \$600 for the annual assessment per lot, but now the cost is closer to \$1,100-\$1,199.

Mayor Countryman asked if they are just approving the change in lot size. Mr. McCorquodale said yes, just the three variances presented.

T.J. Wilkerson asked if the 75-foot lot would be reduced to 50-foot. Mr. Charles Von Schmidt, President and Managing Member of Waterstone Development Group said yes.

Mr. Von Schmidt said this is a modified plan which originally had 128 lots but now there are 90 lots per subdivision, which is one of the biggest changes is the simple economics of roads, sewer lines, and property acquisition. Mr. Von Schmidt said they are still going to do their very best to get the price as low as possible. Mr. Von Schmidt said the development has two entrances going in and out. Mr. Von Schmidt said they will work with the City Engineer and staff regarding getting the sewer and water across FM 1097.

Mayor Countryman asked if the entrances are at FM 149. Mr. Von Schmidt said yes. T.J. Wilkerson asked if the north entrance was close to the hill. Mr. Von Schmidt said the crest of the hill is just north of the property and would be on top of that hill.

Mr. Chris Roznovsky, City Engineer said since this is a TxDOT road they will need to obtain permits from them. Mr. Roznovsky said sight distance, spacing between intersections, and safety is something TxDOT will be looking at to determine if it meets their criteria. Mr. Roznovsky said it could come back to require a traffic analysis to be completed and submitted to TxDOT.

T.J. Wilkerson asked if they are planning to install sidewalks. Mr. Roznovsky said yes throughout the green space within the development. Mr. Roznovsky said it is yet to be determined where the sidewalks will go along FM 1097.

Mayor Countryman asked if there is any chance they could take the FM 149 monies they have already dedicated to SH 105 for the expansion and combine the projects to complete them sooner. Mr. Roznovsky said it is all subject to TxDOT. Mr. Roznovsky said he does not think they can combine them because the funding and the timing of any improvements they would do would be funded by the developer versus TxDOT having their budget set aside for final payments for FM 149 improvements. Mr. Roznovsky said he does not think they would hold up the developer, but it would be taken into consideration. Mayor Countryman said she thought the money was already earmarked for downtown. Mr. Roznovsky said it was in the six to eight years out range. Mayor Countryman questioned the six to eight years out range to

expand FM 149 north for SH 105. Mr. Roznovsky said when they were looking at the latest TxDOT projections of projects listed, the FM 149 prints he saw were in the five to ten-year range. Mr. Roznovsky said a couple of years ago they were on the funding cycle and since the project did not go forward they moved it back and at that time it was moved back to 2025, 2026 which is the five to ten-year range.

Mayor Countryman said with the rapid growth they are experiencing with the 500 18-wheelers going through the center of town on FM 149 and SH 105, 15,000 cars go through Buffalo Springs and Lone Star Parkway, and another 25,000 cars, we cannot wait another five or six years for the expansion. Mr. Roznovsky said they need to have continued conversations with TxDOT to work on the timing. Mayor Countryman asked if TxDOT is aware they are in hyper-growth mode and even the school district is expecting 5,000 homes within the next two or three years.

T.J. Wilkerson said once the subdivision is in it will affect the property value of all the people around there. Mr. Roznovsky said that is correct.

T.J. asked how far it is from the light at FM 1097 to the first entrance. Mr. Roznovsky said he would need to look that information up.

Julie Davis said she knows money and the price of products is fluctuating, but asked the City Council if they have any control once the PID is formed to set a maximum dollar amount. Mr. Caleb Villarreal, City Attorney said typically the developer provides that information to City Council, and City Council can make that decision.

Mr. Von Schmidt said before City Council approves a PID it is set in stone as to what exactly the assessment is and how it is set up. Mr. Von Schmidt said one of the biggest advantages of a PID over a MUD which they know is its own entity, which is very necessary and they do use them, but they have discovered the PID is a lot more user-friendly to the consumer because they have a fixed amount. Mr. Von Schmidt said it does not increase like a tax so if the property value increases, their effective rate goes down. Mr. Von Schmidt said before City Council approves it they give an exact amount that will be assessed so it cannot change, be extended, or expanded without a new PID being formed by City Council.

Carol Langley moved to approve the zoning variance requests for Porter Farms; the lot width, the side yard, and the lot size as presented. Julie Davis seconded the motion, the motion carried unanimously. (4-0)

15. Consideration and possible action regarding authorization of City Council to participate in the cost of upsizing approximately 870 linear feet of a planned 8-inch waterline to a 12-inch waterline in Town Creek Crossing Section One in accordance with Section 90-106(7) of the City Code of Ordinances.

Mr. Roznovsky said as part of the Capital Improvement Plan there is a closing of a waterline loop from Buffalo Springs to FM 149 for an additional waterline within the City. Mr. Roznovsky said they are recommending these water and sewer lines be upsized with the cost of the upsizing being paid by the City. Mr. Roznovsky said they are recommending approval of refunding the developer \$14,160 for the difference in cost between 870 linear feet of originally proposed 8" waterline and the newly-constructed 12" waterline along Town Creek Crossing Boulevard.

Julie Davis moved to approve item #15 as presented. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

16. Consideration and possible action regarding final acceptance and completion of the one-year warranty period for public infrastructure included in Hills of Town Creek Section Three (Dev. No. 1019).

Mr. Roznovsky said this originally began in January 2020, and during that time when the one-year warranty inspection was done the original contractor had gone out of business. Mr. Roznovsky said they requested at the time to postpone addressing the punch list items. Mr. Roznovsky said it was agreed upon to wait and postpone the work. Mr. Roznovsky said once the contractor completed the first initial round of repairs there was additional flooding of the streets and has been an ongoing process since then. Mr. Roznovsky said since the original contractor went out of business this was not under warranty.

Mr. Roznovsky said as recently as December 1<sup>st</sup> reponding was done to the streets as the issue has been flooding in the streets and standing water. Mr. Roznovsky said with the work that was done to help reduce the ponding in the streets the main question is how do they want to proceed. Mr. Roznovsky said the streets do function. Mr. Roznovsky said the request is to accept the streets and accept the infrastructure officially in the one-year warranty period as the action item.

Mayor Countryman asked if we accept these things then are we responsible for future improvements and needs. Mr. Roznovsky said that is correct any future work needed would be the City's responsibility.

Julie Davis asked why are we not addressing the horrible patch job that was done on Scenic Drive and just addressing the ponding issues. Mr. Roznovsky said the contractor has agreed to resmooth the surface because it is not a smooth patch.

Mr. Jonathan White, L Squared Engineering said on Friday they used a sander on the patch to grind it out because the past job tied into the existing concrete and it looked like there was a tire track that ran through it, which was new from the original patch. Mr. White said this has been ongoing and believes the contractor has been out there six separate times repatching the original patch. Mr. White said aesthetically there will be two different concrete colors for a while but over time that will begin to blend back together. Mr. White said the patch did look much better when he was out there today.

Mayor Countryman asked if we are accepting something that is already broken. Mr. Roznovsky said he cannot say that it is broken but there is an esthetic component to it that it is not a completely dry street and does have esthetic issues as seen in the report.

Mr. White said they have three different Geo Tech consultants on this project. Mr. White said each one has had the same recommendation of stabilization underneath the roadway. Mr. White said they have done safety testing but there is still a problem. Mr. White said within Hills of Town Creek Section 4 they did the six-inch of stabilization recommendation. Mr. White said he asked the lab to increase it to eight inches.

Byron Sanford said while speaking with Mr. Roznovsky he made the statement can we live with it. Byron Sanford said his side of the neighborhood is fine because most of it is water he uses for his yard. Byron Sanford said he notices ponding to the left and right of him and the esthetic issue is a big deal in his opinion. Byron Sanford said a lot of the neighbors were asking if they should have to live with this. Byron Sanford asked if there are other problems like this in the City or if it is just Phase 2 and 3 of this subdivision. Mr. Roznovsky said most issues and repairs with bird bathing in the City have been there. Mr. Roznovsky said Town Creek Crossing is being addressed because before they did the flooding test before the initial acceptance there were a couple of areas of concern, which are currently being addressed. Mr. Roznovsky said yes there are streets like this throughout the County with this same esthetic problem. Mr. Roznovsky said for Hills of Town Creek it is a low spot in the concrete in that particular area.

Mayor Countryman said water over time can cause break down wherever it is sitting. Mayor Countryman asked what is the lifespan of the road. Mr. Roznovsky said the fix for this issue is replacing a quarter section of the cul-de-sac to remove the low spot. Mr. Roznovsky said as far as a continual issue it is water on top of pavement which people are having to drive through, it is holding and there is always a chance of something going wrong with the street.

Mr. Steve Grove with Style Craft said he has been trying to find a resolution for this issue for quite some time. Mr. Grove said their contractor went bankrupt and they stepped in and spent \$100,000 more fixing these issues. Mr. Grove said he would ask that we address what the City asked them to address several times throughout this process. Mr. Grove said they sat down with City staff this summer and asked if these are the last two items. Mr. Grove said they addressed those items and in that agreement, they were told nothing else would be added, however, they are back six months later with items being added. Mr. Grove said their concern is as this continues to happen will this continue to be an ongoing punch list. Mr. Grove said they received a memo from the City stating no more items would be added. Mr. Grove said they have been working to find a resolution because they want their buyers and communities to be happy. Mayor Countryman said you have done a great job in this community. Byron Sanford said they do build a great home. Byron Sanford said, however, the water is still sitting there and is always sitting there and so is the drain. Byron Sanford said there is never a time when he walks by that the water is not there.

Mr. White said the drain is there and, specific to that repair, they did grind out a decent area and improved that situation. Mr. White said they also do not want to sacrifice and reduce the concrete too much. Mr. White said he knows in his subdivision there is water 24/7 draining downhill and their gutters are black and the subdivision is five years old. Mr. White said he does find that it is common that you may see water going down the gutter line in that situation but you do not want ponding in the cul-de-sac.

Mayor Countryman said she thinks it was unfortunate you were told there were two things left, got it in writing, and then the City is asking more from you and it is problematic for sure. Mayor Countryman said at the same time she does not think it is right for the City and the taxpayers to take on something that is broken and an issue with the City knowing they are taking on something that is an issue.

Julie Davis said water along the curb is not the big issue but feels water in the middle of the cul-de-sac is the biggest issue.

Carol Langley said she purchased a home on Scenic Hills Court and said they have improved it a whole lot from the first day she walked in. Carol Langley said the water is standing in some areas but not like it was.

Mr. White said they have done their best to satisfy the City.

Mr. Roznovsky said the two issues that were reported were ponding at Scenic Hills cul-de-sac and Brock's Lane turn. Mr. Roznovsky said the work done at Brock's lane turn was the grinding to reduce the ponding. Mr. Roznovsky said the panel that was replaced was the area that was the worst and when it was replaced the other area became the worst.

Mr. Roznovsky said they are at a point where the streets function but have esthetic issues. Mr. Roznovsky said the developer has made a lot of effort to make them right and a lot of dollars spent. Mr. Roznovsky said if the original contractor was still in business it would not be the same issue that they have today.



Mr. Roznovsky asked if City Council is okay with what they have, do they want additional work to be done, and how do they want to accomplish addressing the ponding in the cul-de-sac to be acceptable.

Mr. Roznovsky said two options to consider are injecting from underneath the street to raise it, but the problem with that is they cannot only do the one panel, but they would also need to do the whole cul-de-sac and the quote for that is \$90,000. Mr. Roznovsky said the second option is replacing that panel and trying to slope everything out, but if it was just a low spot and was able to be ground in to reduce the ponding in the area that is a potential.

Julie Davis said if you ground it in, over time with people driving on it that is even a higher chance of it cracking. Mr. Roznovsky said he completely agrees. Julie Davis said she feels even if they replaced the panel it would be like duck, duck, goose, and then before they know it the next low spot is going to be the southwest side.

Mr. White said if you take out one panel it would still be tying into both sides. Mr. White said they are trying to look at all options.

Mayor Countryman said it is hard to swallow and say we know there is an issue but we are going to take it because we know it is just going to be a money pit. Mayor Countryman said Style Craft has gone above and beyond honorable.

Byron Sanford asked if they could ask for legal advice and hear from City staff.

Caleb Villarreal, City Attorney said City Council does not need to accept the job right now. Mr. Villarreal said it sounds like Mr. Roznovsky has proposed a possible fix whether that be \$80,000 more. Mr. Villarreal said it is just a question if City Council wants to go through with that fix and who is going to pay for it or accept it. Mr. Villarreal said those are the two options.

Mr. Roznovsky said the other option is if the City is comfortable with Brock's Lane curve and not the cul-de-sac, they can get quotes and ask what is it going to cost to make this right, what is the scope, and who is going to be responsible for that cost.

Julie Davis said what they are asking is for there not to be any more ponding on Brock's Lane or Scenic because those are the two things the City is asking and whatever that comes out to, they are asking to that extent it is fixed and repaired with no more ponding. Julie Davis said to place semantics on they were only asked to do two things, it did not solve the problem at hand and that is why we are still here. Julie Davis said if it solved the problem they would not be here.

Mr. White said in the packet on the memo it lists these two areas specifically and square footage of the repair, not the whole cul-de-sac.

Mayor Countryman asked Mr. Roznovsky if he made that recommendation. Mr. Roznovsky said he did not. Mayor Countryman asked who made that recommendation. Mr. Roznovsky said that was made by L Squared on June 10, 2021. Mr. Roznovsky said the recommendation was these are the two major areas they see. Mr. Roznovsky said their thought and the same reason they are not recommending the acceptance is the same thing you just said. Mr. Roznovsky said yes they addressed the major issues but there are still other issues which is why he does not feel 100 percent comfortable they should accept the roads as they are because of the aesthetic nature of this.

Mr. Roznovsky said the developer has put in a significant contribution to try and make this right and get it fixed. Mr. Roznovsky said this is an unfortunate situation.

Mr. White said the first repair was a patch and replacement for 300 feet which was the first \$80,000 and then the other two areas popped up. Mr. White said at the time they replaced the panel and then the streets flooded in two other areas. Mr. White said they wanted to be specific on the 1,000 square feet area and the corner at Brock's Lane and then another problem area popped up on the cul-de-sac.

Mr. Roznovsky said the written punch list was to clean the streets and test the birdbath. Mr. Roznovsky said it was not for a specific area.

Mr. Roznovsky asked how does City Council feel about moving forward with the steps to proceed and knowing ultimately there is an end goal in mind of getting the streets accepted, getting this closed out, and being comfortable with the outcome.

Byron Sanford said although he is not pleased with it, Style Craft has done its part. Byron Sanford said he would be in favor of moving forward with estimates as it is a contractor issue.

Julie Davis asked Byron Sanford if he was comfortable with releasing Style Craft from their warranty period. Byron Sanford asked what are their options. Byron Sanford said they are in a bad place either way. Byron Sanford said these things happen where you have the developer and the contractor and something falls through in between the written agreement which is what happened here and caused a bad situation.

Mr. White said the developer will not be putting up a maintenance bond for the City anymore as it will be on the contractor. Mr. White said if this type of situation happens again they can pull the bond on the contractor. Mr. White said they have learned their lesson. Mr. White said the options are to accept it as it is and asked if it is alright to be aesthetically displeasing at certain times or do they want to or need to fix it and what are some options and costs and how can they work together.

Mr. Tramm said if this is something City Council is not comfortable accepting now, they can table and come back to and obtain cost estimates on what it would take to rectify this situation.

Julie Davis asked what their legal recourse is regarding if they do not release the developer from the warranty then what is the next step moving forward.

Mr. Villarreal said his recommendation is not to accept the project tonight but to obtain estimates from experts. Mr. Villarreal said he recommends holding off on the acceptance, getting cost estimates and seeing what those figures are, and then approaching who is going to pay for that cost.

Julie Davis moved to table item #16 until the January 11, 2022 meeting with the understanding that the City and Style Craft Homes will get together with estimates on what it would cost to

amend or fix the ponding on both Scenic and Brock's Lane. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

17. Consideration and possible action regarding approval of a proposal for additional environmental and survey work for the Anders Branch Drainage Improvements Project.

Mr. Roznovsky said the project was originally scoped in 2017-2018 when the grant was applied for and the intent was there was no work to be performed in the floodway. Mr. Roznovsky said after the Drainage Study was completed in January 2021 they were informed work could be done in the floodway. Mr. Roznovsky said the scope of the study of the project has changed so to complete the work there are a couple of options they have. Mr. Roznovsky said one is to expand the creek that is out of jurisdictional waters of the U.S. and potential wetlands so you have to apply for a Nationwide Permit, which is their first choice and is a shorter process of two to three months which is limited to a couple of hundred feet of channel. Mr. Roznovsky said with an individual permit they can do a much larger project, but that is a 12-24 month process to obtain the permit and it cost \$7,500. Mr. Roznovsky said the last option is to look at the scope of the project above the ordinary high level of the stream. Mr. Roznovsky said it is non-jurisdictional so there is no lead time and there is no permit. Mr. Roznovsky said this analysis is a proposal from Jones & Carter who is the engineer on the GLO Project.

Mr. Roznovsky said two pieces are recommended to be included. Mr. Roznovsky said 1A and 2A are recommended. Mr. Roznovsky said items 2B, C, D, and E they do not recommend approving. Mr. Roznovsky said item 1A is survey work that has been revised which they had as an hourly not to exceed so it is the actual cost of the work to be completed by the survey crew to pick up all the stakes. Mr. Roznovsky said the environmental engineer will go out and flag the boundaries that already have a watermark between FM 149 and MLK Drive. Mr. Roznovsky said the survey crew comes back out and surveys it and ties it down so the plans can be revised to reflect that. Mr. Roznovsky said there is \$7,800 for the survey work and \$9,850 for the environmental consultant by Jones & Carter. Mr. Roznovsky said this is to proceed with the grant and it is a \$2.3 million grant with no City match.

Mayor Countryman said this has turned into a much bigger project than when it initially began. Mr. Roznovsky said it was turned into what the scope was and how it was put together and how the tables were done three years ago without a study and it was done and put in and it morphed and changed over time. Mayor Countryman asked why is it changing. Mr. Roznovsky said with the GLO and with any grant project there is a lot of red tape.

Mr. McCorquodale said in the memo the Grant Administrator at Grantworks took a look and they do want to circle back. Mr. McCorquodale said the takeaway from what Mr. Roznovsky said earlier is this drainage portion of this project has felt like it has turned into rabbit trails littered with engineering invoices. Mr. McCorquodale said it is not specifically Jones & Carter it is what it takes to unwrap the layer of working on a grant-funded project along a waterway. Mr. McCorquodale said Mr. Roznovsky, his team, and the Grant Administrator feel like the deeper they get into the project the scope of the work keeps getting smaller and the hoops we have to jump through keep getting higher. Mr. McCorquodale said in the context of approving this he and Mr. Tramm will be having a conversation along with Mr. Roznovsky and the Grant Administrator later this week. Mr. McCorquodale said what they are asking to do is they have to be totally complete with this project one year from this month which is a very tight timeline.

Julie Davis said that is not even possible if they go with the original permitting. Mr. McCorquodale said it is going to take a lot of luck just to meet the timelines. Julie Davis asked if the City has already been awarded this grant so now it is just jumping through the hoops to implement it. Mr. Roznovsky said two of the three projects are ready to go but all environmental clearance must be had for all the projects at the same time to proceed because it is one grant.

Mayor Countryman asked if the City does not meet the timeline what happens. Mr. Roznovsky said it will affect scoring on future grant projects. Mr. Tramm said that is one of the reasons they are trying hard to make this work one way or another not just for this project but for future considerations.

Julie Davis moved to approve item #17, with 1A and 2A both as needed. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

18. Consideration and possible action on construction of Clepper Drive Sidewalk Improvements.

Mr. Tramm said the City was not awarded the Texas Transportation Alternatives grant for the sidewalks. Mr. Tramm said however, those sidewalks are fully budgeted so the City is prepared to begin moving them forward. Mr. Tramm said their recommendation is to begin with the design work on the Clepper Drive sidewalks as part of the Downtown Master Plan. Mr. Tramm said the MEDC budgeted funds for sidewalk projects and has an interest in contributing funds towards this project.

Mr. Tramm said the proposed portion on the map would connect the northeast portion of the downtown area with Buffalo Springs, Fernland Park, City property, the County Library, and several areas used for event parking to the area. Mr. Tramm said the proposed sidewalk will be ADA compliant, and the proposed work also includes possible associated drainage work which is estimated at a conservative cost level.

Mr. Tramm said the intent of this agenda item is to allow the City Engineer to begin the project design work and determine more specific projects costs and allow the City Administrator to work with MEDC to determine the cost level at which MEDC would participate in the actual project.

Mr. Tramm said City staff will also be working to prepare the FM 149/MLK sidewalk for another grant program which opens for applications in spring 2022. Mr. Tramm said we will be able to begin the design process on the FM 149/MLK sidewalk while the grant application is in process, they just will not be able to begin construction.

Mayor Countryman asked what the reason was that the City did not receive the grant. Mr. Tramm said the grant they were up for was considered very competitive. Mr. Tramm said it is their hope from the following discussions they had that they will be better able to learn what they are looking for and he believes it might not be as much as the subject of the work but how they put the application package together.

Julie Davis asked if Clepper was the issue with MEDC regarding the turtle back down the middle of the street and are they talking about repairing that. Julie Davis said she seems to

remember a conversation with Mrs. Rebecca Huss saying that when they did sidewalks on this street there needed to be a discussion about ripping out the road to make it more even. Julie Davis said she does not want to put sidewalks in and then MEDC decides they want to rip out the street.

Mr. Roznovsky said yes that is not included but they are considering setting the sidewalk further off with curbs. Mr. Roznovsky said also included is the cost for required easements if they need to go further outside the road to give them that space.

Mr. Tramm said one of the side effects of trying to do both at the same time is going to force them both to take longer. Mr. Tramm said they are trying to not be in that position. Mr. Tramm said doing the road will be separate.

Julie Davis asked if they have an estimate of how far out the road redo is planned. Mr. Roznovsky said he does not. Mr. Tramm said what they were hoping for was to start moving forward with the sidewalk and then start talking about the road. Mr. Tramm said they do have money this year in the budget for roads and they can use the money later in the year for this.

Julie Davis said she does not want to put in a sidewalk they are going to rip out whether it is in five years or three months, even a square inch of it.

Mr. Tramm said that is why they want to move the sidewalk further out so they can accommodate the drainage and the road.

Mr. Roznovsky said a full survey of it and finding where that storm sewer is and the storm sewer that is along Clepper there is not good record drawings of it so they can long- term plan for what is that road going to look like to the sidewalk.

Julie Davis said they can all see a need for this area just from the Christmas parade or any other parade with that parking lot being utilized and then if you are putting a building at the City property on the road then even more so.

Byron Sanford moved to approve item #18.

Carol Langley asked what are they getting in this. Carol Langley asked if they approve this then the construction is going to begin or you will be coming back with quotes.

Mr. Roznovsky said the first half is getting the surveyors out and they will give them the notice to proceed in January. Mr. Roznovsky said then they will produce the plans and final cost estimate and then proceed to bid on the project and go through the construction contracts. Mr. Roznovsky said for the next meeting he will put together a schedule and is looking at bidding on this project in March, doing the contracts in April, and then construction will begin in May.

Julie Davis asked if MEDC is covering any of the cost of this. Mr. Tramm said presuming City Council says yes in moving forward then he will go back to MEDC in January and get their vote for funds toward the project. Mr. Tramm said there is money allocated for sidewalk projects in the budget. Mr. Tramm said if it is more than \$10,000 City Council will need to approve that. Mr. Tramm said MEDC does have an interest in getting the sidewalks done as well.

Julie Davis asked if that discussion will be left open to interpretation that MEDC will throw any number at it that they can and or want or could we suggest a percentage of it such as 25, 75, or a 50/50 split. Mr. Tramm said MEDC has put in \$40,000 in their annual budget for sidewalks.

Julie Davis seconded the motion, the motion carried unanimously. (4-0)

19. Consideration and possible action regarding adoption of the following Ordinance: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS, ESTABLISHING A MAXIMUM PRIMA FACIE SPEED LIMIT ALONG FM 1097 (ALL LANES) FROM THE EASTERN RIGHT-OF-WAY OF FM 149 TO THE NORTHEAST CITY LIMIT OF THE CITY; AT 45 MILES PER HOUR; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1.00) OR MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.



Mr. Roznovsky said this item is from the Speed Study that was performed and approved by City Council. Mr. Roznovsky said TxDOT has agreed and sent an order to move this forward and have it become active.

Julie Davis moved to accept item #19 as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

20. Consideration and possible action regarding adoption of the following Resolution: RESOLUTION CASTING VOTE(S) FOR CANDIDATE(S) FOR THE ELECTION OF THE MONTGOMERY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

Mr. Tramm said a couple of months ago City Council nominated Adam Simmons for this position. Mr. Tramm said Adam Simmons has previously been on the MISD Board. Mr. Tramm said there is biographical information attached for those that provided it to MCAD by the time this was distributed.

Byron Sanford moved to approve all five (5) votes for Adam Simmons. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

21. Consideration and possible action regarding the proposed code enforcement officer position.

Mr. McCorquodale said they have received a dozen applications and of those only two had prior code enforcement experience. Mr. McCorquodale said one applicant was only looking for a full-time position and the other applicant did not return their call.

Mr. McCorquodale said the position has been posted on the City's website, TML's online job board, and Indeed.com since October. Mr. McCorquodale said right now it is a job seeker's market and despite a salary that was several dollars an hour higher than what a typical code enforcement officer would make, they are having a hard time attracting anyone to a part-time position. Mr. McCorquodale said their initial thinking behind that salary was to look for an off-duty police officer from another entity who might be interested in a part-time job if the pay was right. Mr. McCorquodale said he is coming to City Council to inquire if they want to

keep looking for a candidate to fill the position. Mr. McCorquodale said they feel the job description is good and have a good application process. Mr. McCorquodale said the only thing they can point to is that it is a part-time position that is very difficult to fill right now.

Byron Sanford said this is a huge need for the City and he is all for full-time. Byron Sanford said if this person is full-time they can help with the tremendous number of City inspections by way of the engineer which helps to defray the costs with assisting.

Mr. McCorquodale said it will still fall under the specialties of the engineer but the things that they look at like silt fencing and things like that ultimately do lower the invoices on a small fraction for the engineers.

Byron Sanford asked if they are not necessarily approving \$62,000 but it would be to continue in this direction and negotiate.

Mr. McCorquodale said they are asking for City Council to give them direction. Mr. McCorquodale said there is money in this budget item and they do not need to do a budget amendment.

Mayor Countryman asked who this person would report to.

Mr. McCorquodale said right now it would be him. Mr. McCorquodale said it can be done through the police department as code enforcement is the marriage of police work and zoning. Byron Sanford asked if it would be Mr. McCorquodale and the Police Chief who the person would report to. Mr. McCorquodale said yes. Mayor Countryman asked if the person would report to two people then. Mr. McCorquodale said no the person would have one supervisor and it would most likely be him. Mr. Tramm said the person would have to work closely together with both. Mr. McCorquodale said they would need to be talking with the court and would overlap a lot with the police. Mr. McCorquodale said they are looking for a non-uniform officer.

Mr. Tramm said from his observation he has seen Mr. McCorquodale and the Chief both work on the development of this position, requirements, and the process and they are certainly well

equipped to work together with the person without there being any friction between the two departments.

Mayor Countryman said she thinks there should be one person and it is her understanding that a lot of cities go through the police department. Mayor Countryman said code enforcement has been a black eye on this City and feels the Chief should have it. Chief Solomon said whatever comes up and whatever the circumstances are they can work together and make sure things are done right.

Julie Davis asked budget-wise, did they put the \$30,000 under the police department's budget. Mr. Tramm said no it was the administration department.

Chief Solomon said they put together criteria for the code enforcement officer and have a program in place.

Julie Davis asked if they are going to repost the position. Chief Solomon said yes they will repost it for full-time. Chief Solomon said code enforcement takes a lot of time so if they can find someone who already has a lot of experience it will be better for the City. Chief Solomon said Officer Bauer did attend a couple of code enforcement classes.

Byron Sanford moved to approve staff to pursue a full-time code enforcement officer as soon as possible. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

22. Consideration adoption of a resolution in support of a matching funds grant for the Montgomery Police Department.

Chief Solomon said he is asking City Council to authorize a resolution regarding a matching funds grant they are asking the State for their server. Chief Solomon said their body cam server is not enough capacity and they are having to purge them. Chief Solomon said the body cams are supposed to be on from the beginning to the end of the incident and there is not enough capacity to do that.

Chief Solomon said the City's match for the grant is \$2,309. Chief Solomon said it is very much needed so they have the capability the State requires them to have.

Byron Sanford asked if \$2,300 is 25 percent of the matching price. Chief Solomon said yes.

Mayor Countryman asked how big the server is. Chief Solomon said he is not sure how much bigger the new server is. Chief Solomon said when he came to the City two and a half years ago they had body cams that the City purchased that had never been used and were still in the box. Chief Solomon said those body cams were obsolete so they made a deal with the company to get new body cams. Chief Solomon said with the new body cams they started putting in more officers and put a policy together for how those body cams are supposed to work. Chief Solomon said body cams for any incident are supposed to be on from the time the incident starts to the time it ends which starts to take up more and more room. Chief Solomon said once you put a policy together and add officers the server would never have been big enough but they had no idea until they started using them.

Mayor Countryman asked if there is a time limit you have to keep body cams. Chief Solomon said 90 days and some of the videos will go past 90 days.

Byron Sanford moved to adopt the resolution for item #22. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

### **DEPARTMENTAL REPORTS:**

23. City Administrator's Report – Mr. Tramm said the Light Up the Park event on December 4, 2021, had the largest gathering he remembers seeing at that event. Mr. Tramm said a half hour before the event there were already a couple of hundred people there. Mr. Tramm said there were several people there he spoke with that this was their first Christmas in Montgomery and they loved the small-town feel of all the things that were happening.

Mr. Tramm said many of you may know Mr. Kevin Smith who DJ's for Montgomery's City events. Mr. Tramm said he first met him at National Night Out in 2019 when he was coming to his first event to meet people. Mr. Tramm said he enjoys walking around and talking with

people at these events where he can find out what they like about Montgomery and what brought them here.

Mr. Tramm said this past weekend with the Christmas Parade, Snow Party, the Cookie Walk, the Candlelight Historic Home Tours, and the marketplace events were all combined into one full day in Montgomery. Mr. Tramm said the parade had over 1,900 people in the parade and the official population of the City is around 2,000 people.

Mr. Tramm said one of the things he was able to do afterward was driving around with Mr. Mike Muckleroy, Public Works Director picking up the signs and watching the traffic patterns going out. Mr. Tramm said there were a lot of people who came in and left the City after the event, coming to Montgomery specifically for the parade, but also as he came back in there were still a lot of people that remained in the City. Mr. Tramm said they are a destination to quite a few people out there and thinks that is important to call out.

Mayor Countryman asked to clarify, the City does run the parade, the Cookie Walk, and the Historical Home Tours is run by the Historical Society. Mr. Tramm said that was correct. Mr. Tramm said the City also does the Snow Party with MEDC which was attended by 300 children which was a very popular event and also a first-time event.

24. Sales Tax Report – Mr. Derek Michael, Sales Revenue, Inc. (SRI) said there were 5,821 active taxpayers on the confidentiality report. Mr. Michael said so far in December it reflected 2,098 taxpayers was the new average of 2,074 and a 5.5 percent increase over December's 2020 taxpayers.

Mr. Michael said in the sales tax calendar year 2021 the City received \$4,071,078.89. Mr. Michael said with February still being the highest tax-paying month, the list on page 2 shows the top 25 sales tax filers for the entire year. Mr. Michael said the confidential report on the other column will show the actual amount of allocations and the breakdowns for it.

Mr. Michael said the following page will show the funds for December and Panda Express is now on the top 25. Mr. Michael said that is the second month it has remitted its allocations which had a huge jump from November to December.

Mr. Michael said for November there were 2,207 taxpayers, an average of 2,073 and a 6.3 percent increase over November 2020.

Mr. Michael said the top 25 for November allocation was \$3,782,121.14 and the next month listed is Panda Express. Mr. Michael said following that will be the November and October comparison list. Mr. Michael said following that is the Nexus twelve-month totals. Mr. Michael said an audit is being done for submittal to the State Comptroller so these figures will change.

Mayor Countryman asked if it is possible to understand what is food versus what is retail versus what is IT versus what is bed and breakfast. Mr. Michael said the NCIS number will be the designation of that. Mr. Michael said he can add it to another report for the breakdown of the pie chart and show within the sales tax contributors which one is a full-service restaurant. Mayor Countryman said she would like that report for the next meeting.

Mr. Michael said in the summary of allocations so far the City has received \$37,054,156.99 and for November 2021 it was \$540,960.11 which is 30 percent over November 2020 of \$415,557.44. Mr. Michael said the tax fiscal year for 2022 is \$815,722.75 and from the \$2.2 million budget, the City is at 37 percent.

Mr. Michael said the total allocations from 2012 to the present are \$22,581,265.05. Mr. Michael said below that are the calendar year means and averages. Mr. Michael said for \$3,782,121.14 the average is \$343,829.19 which is well over last year's average of \$231,029.67.

Mr. Michael said the breakdown of the monthly allocations goes back to 2015. Mr. Michael said for November it was \$540,000. Mr. Michael said the previous year's variance was a 30 percent increase from last year.

Mr. Michael said the confidentiality report includes Texas Twist and Shakes and the confidentiality report only reflects those taxpayers that paid \$5,000 or more annually. Mr. Michael said he can be remitting his sales tax but it will not show up on there. Mr. Michael

said after speaking with Mr. Tramm he submitted it to the Comptroller to make sure it is slated for the City.

25. Public Works Departmental Report – Mr. Muckleroy, Director of Public Works said over the last couple of weeks in preparing for the holiday events there was a lot of work that goes into those events. Mr. Muckleroy said he would like to thank the police department and Chief Solomon for doing the majority of planning and all the work his crew does, as well.

Mr. Muckleroy said they filled the administrative assistant position and her name is Nicole Minter. Mr. Muckleroy said she is working out very well.

Mayor Countryman said every time she sees the public works crew they are always kind and smiling and willing to talk with anyone. Mayor Countryman said Mr. Muckleroy has done a good job in building a solid team.

26. Police Report – Chief Solomon said there is a lot of work involved in planning events for the City. Chief Solomon said he has developed a guy who does all the work and does a very good job of it. Chief Solomon said Officer Lozano does this and will be sending him to more and more training. Chief Solomon said he has people that do a very good job and are very talented at what they do.

Mayor Countryman asked if there were any arrests from Trick or Treat, Light Up the Park, or the Parade. Chief Solomon said no.

27. Court Report – Mrs. Kimberly Duckett, Court Administrator said there were 103 collections for citations for the October report. Mrs. Duckett said the collections were \$29,668.47. Mrs. Duckett said for November there were \$23,458.35 collections for the court.

Mrs. Duckett said they hired a part-time court clerk whose name is Connie King and she is working out fabulous.

Carol Langley asked if she was already a clerk hired from somewhere else. Mrs. Duckett said no they started from scratch. Carol Langley asked if she will be doing court training. Mrs.

Duckett said yes she will. Carol Langley asked when that will be. Mrs. Duckett said she will need to check with TMCCP and see when their next class will be held.

28. Utility Report – Mr. Tramm said the Police Department had \$800 in donations from National Night out and over \$42,600 applied to permits. Mr. Tramm said part of those permits apply to Hills of Town Creek but mostly they are the early permits for Town Creek Crossing.

29. Water Report – Mr. Freeman, Operations Manager of H2O Innovation presented the report in the absence of Mr. Mike Williams. Mr. Freeman said an operator was called out to the Lift Station 5 facility due to a generator running alarm, however, the facility was running at normal levels, the generator was off, and no issues were found.

Mr. Freeman said flow for September through October was 5,647,000 gallons, daily peak flow September 29, 2021, was 325,000 gallons, and average daily flow was 188,200 gallons.

Mr. Freeman said there were no excursions for October.

Mr. Freeman said total water sourced was 13,802,000 gallons, water flushing was 157,000 gallons, sold 12,760,000 gallons, and had a 94 percent accountability.

Mr. Freeman said the school had 12 connections, commercial inside 169, commercial outside 1, residential inside 793, residential outside 29, churches 14, the City 15, hydrant 7, and multifamily 14, with a total of 1,057 connections.

30. Finance and Quarterly Investment Report – Mr. Anthony Lasky, Senior Accounting Clerk, said he will present the October information, and on January 11, 2022, he will present the November and December information.

Mr. Lasky said on the first page he added both the infrastructure and mobility investment Texpool accounts below the construction fund which will continue to be added.

Mr. Lasky said there is currently four months reserve for the operating fund including the Kroger payment that was made in October. Mr. Lasky said the check has cleared and will show in next month's report. Mr. Lasky said the payments were made which shows on page seven of the cash flow report.



Mr. Lasky said there is a little over two years reserve for MEDC and in the utility fund there is a little under 11 months.

Mr. Lasky said on page 11 they were mostly even on both expenditures and revenues, showing slightly more on the expenditures side which was \$1,300 over. Mr. Lasky said most of the upcoming revenues they will start to see will be the ad valorem taxes which will begin to come in around January. Mr. Lasky said by the time the February 22, 2022 meeting takes place a bulk of those will begin to come in.

Mr. Lasky said sales tax for November received was \$540,960.11 which is the highest he has seen. Mr. Lasky said sales tax for December was \$288,957.75.

Mr. Lasky said he also included the quarterly investment report to show all the money markets, CDs, and pledged securities.

Julie Davis asked if Mr. Lasky said December was already at \$288,000. Mr. Lasky said \$288,000. Julie Davis said we are not even halfway through the month. Mr. Lasky said he received the number on December 8, 2021. Mr. Lasky said usually the second Wednesday of the month is when they receive those numbers depending on how the calendar falls.

Mr. Tramm said it is a lagging report because when a company does business in one month they file it the following month and the Comptroller pays it the next month.

31. City Engineer Report – Mr. Chris Roznovsky, City Engineer said regarding the Downtown Waterline Replacement, the contractor has addressed all the punch list items, and Jones | Carter is preparing the final closeout documents for the project. Mr. Roznovsky said they received Pay Estimate No. 9 for \$13,680 from Jones | Carter. Mr. Roznovsky said they also received Pay Estimate No. 10 but they had some comments added to it so it is being revised.

Mr. Roznovsky said Water Plant No. 3 Improvements hydropneumatic tank was installed and the old ground storage tank was demolished. Mr. Roznovsky said the scheduled completion date is May 2022 with the tanks being online in April 2022.

Mr. Roznovsky said they have listed and discussed the GLO Projects and the Speed Study. Mr. Roznovsky said all the traffic signal warrant analyses' have been submitted to TxDOT and the Sanitary Sewer Cleaning and Televising Phase I Project will have bids at the January 25, 2022, City Council meeting.

Mr. Roznovsky said there were two plan reviews. Mr. Roznovsky said for Shipley's they received construction plans for the development on November 23, 2021, and plan to return comments this week. Mr. Roznovsky said for Town Creek Crossing Section 2 they received the drainage impact analysis report and model on November 17, 2021, and plan to return comments this week.

Mr. Roznovsky said they did receive the final hard copy of the Hills of Town Creek Section 4 amending plat on December 7, 2021, and returned the signed plat to City Hall on December 8, 2021.

Mr. Roznovsky said for Town Creek Crossing Section 1 they are still addressing punch list items and expect it to be complete this month.

Mr. Roznovsky said for one-year warranty inspections they discussed Hills of Town Creek Section 2 and Hills of Town Creek Section 4 warranty period will end on March 24, 2022.

Mr. Roznovsky said the turn lane and FM 149 and SH 105 have been delayed and put it as a March or April 2022 completion date which is all the information they have received at this point.

Mr. Roznovsky said the Access Management Project starting at FM 2854 is a TxDOT project that goes all the way into Conroe. Mr. Roznovsky said TxDOT does not have a final schedule.

Mr. Roznovsky said for the water well performance reports they received the results. Mr. Roznovsky said they had a typo from a carryover of an old report regarding the reduction efficiency. Mr. Roznovsky said the efficiency of the wells has been consistent for the past four years so there is not a change and all wells are operating as they should.

Mr. Roznovsky said in January they will be presenting the updated projections on water and sewer up through 2050 as well as a capital improvement plan to show milestones.

Byron Sanford said that will be very helpful for City Council and said he appreciated Mr. Roznovsky doing that. Mr. Roznovsky said it is helpful and is a great tool.

Mayor Countryman asked if Mr. Roznovsky had an update on Buffalo Springs/Lone Star roundabout. Mr. Roznovsky said he will get an update and report for the next meeting.

Mayor Countryman said she has heard there is going to be a median on SH 105 from Conroe to Montgomery and asked when TxDOT is going to begin that project. Mr. Roznovsky said that is a raised paved median and there is an option for the City to partner with them.

Julie Davis said the only part coming through the City is to the Lone Star Parkway to Stewart Creek and does not go through but stops at Lone Star Parkway. Mr. Roznovsky said that is correct.

Mr. Roznovsky said there is a second TxDOT project from Grimes County line back into the City that has a lot of the same components but he would need to look at the timeline on that. Mayor Countryman said it extends from Conroe this way too. Mr. Roznovsky said the Access Management project is from Conroe to Montgomery. Mr. Roznovsky said it is a large project.

Julie Davis said it also reduces the speed limit from Conroe to the City limits to I-45. Mr. Roznovsky said that was a temporary reduction speed. Mr. Roznovsky said the ordinance they passed a few months ago was a temporary reduction to be during construction. Mr. Roznovsky said after construction is complete it automatically reverts to the original speed.

Mayor Countryman asked what is happening next to Starbucks. Mr. Roznovsky said they are building out a pad. Mayor Countryman asked if that is for Discount Tire. Mr. Roznovsky said Discount Tire will be at the northeast corner of Buffalo Springs and SH-105.

Mr. Roznovsky said at the next City Council meeting they are going to have an estimate for Dutch Brothers Coffee which will be next to Bluewave Car Wash and will be drive-thru only.

Carol Langley moved to accept the Departmental Reports as presented. Byron Sanford seconded the motion. The motion carried unanimously. (4-0)

### **EXECUTIVE SESSION:**

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

32. Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, in accordance with the authority contained in the following: a) Section 551071 (consultation with attorney) and Section 551.072 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

Adjourned into Closed Executive Session at 8:48 p.m.

33. Reconvene into Open Session.

Reconvened into Open Session at 9:09 p.m.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

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

Carol Langley moved to give authorization to City staff to make a proposal to the property owner. Byron Sanford seconded the motion. The motion carried unanimously. (4-0)

**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.

Mr. Byron Sanford said it would be great as they proceed in the development of Clepper to get concrete. Byron Sanford said they already impose a lot on retail stores and already ask them to share. Byron Sanford said he spoke to a developer yesterday and was asked if they could do something about parking. Byron Sanford said the developer has been in two different capacities asking for people to use their parking spaces and said there is a liability there. Byron Sanford said his thought is if you build out Clepper with something retail that is not helping. Byron Sanford said he is not saying the property the City owns is the spot for City Hall, but it might make sense because some government agencies

have a school and a city lot. Byron Sanford said it would help if they had parking space with government entities that would not mind turning their parking space over. Byron Sanford said maybe there is a better route for the parade for the future knowing how big this is, but he does think there is a walking distance point that is close that can help with the overflow of parking for special events. Julie Davis said they use to have the fields to park in and now the fields are all houses.

Julie Davis said she noticed on the Lone Star Parkway going toward FM 149 going west on Lone Star Parkway by the Community Center there is a giant spool of cable on the side of the road and asked if it is the City's responsibility. Mr. Roznovsky said the City limits are right before the bridge which is the dividing line. Mr. McCorquodale said he will ask Public Works to check on it.

Julie Davis said there is some graffiti on the lift station on Old Plantersville Road on the south side of the wooden fence. Julie Davis said she does not think the wooden fence is the City's property. Julie Davis asked if there is a way they can get it on the schedule to be cleaned up. Mr. Tramm said he will get it cleaned up.

Julie Davis said she toured the water and sewer facilities with Mr. Muckleroy. Julie Davis said he and his crew were great and very welcoming. Julie Davis said it was nice to understand what the City has and does not have and what the City will need in the future. Mr. Tramm said he knows Mr. Muckleroy enjoyed taking you and if there is anyone else on City Council that would like to tour, please let them know and they will schedule it. Mr. Tramm said he does think there is a lot of value in being able to see some of the things up close that are discussed in City Council meetings. Julie Davis said the wastewater treatment plant does not smell as bad as she had imagined. Julie Davis said it was very informative and is sorry Mr. Muckleroy is not here to hear that. Mr. Tramm said he will be happy to pass it along and he will appreciate it anyway.

Mayor Countryman asked where the RFP's go that the State sends to the cities. Mayor Countryman said they use to go to Shannon Reid. Mr. McCorquodale said they have not seen those in a while. Mayor Countryman said maybe they are off the list because there have been quite a few. Mayor Countryman said she spoke with a couple of mayors the other day and they asked her if she has seen an uptick. Mayor Countryman said she has not seen any. Mayor Countryman said she called Shannon Reid and she told her she did not have any. Mayor Countryman said they need to have some business here that is more than hourly, such as salary and career type that is more than fast food and grocery


stores. Mayor Countryman said manufacturing would be great. Mayor Countryman said the RFP's are a great source finding those companies and if we do not respond they do not know we are here. Mayor Countryman said to make sure we get on the list because the City has plenty of land to accommodate. Mr. Tramm said he will make some calls. Mayor Countryman said the State of Texas Economic Development would be a good start. Mr. McCorquodale said he will search emails for a contact.

Mr. Roznovsky said one of their clients Ross is building a facility that is two million square feet and is a \$400 million facility. Mayor Countryman said hotels would transform the City as well.

Mr. Tramm said back in October the Strategic Plan was tabled until the end of January. Mr. Tramm asked if City Hall wanted to still pursue this or put it off until after the election. Mayor Countryman said nothing is being adhered to and followed so if they are not going to then why waste taxpayers' dollars and everyone's time. Mr. Tramm said he can schedule that into June following the next election if that is good with City Council.

**ADJOURNMENT**

Julie Davis moved to adjourn at 9:20 p.m. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

Submitted by:   
Susan Hensley, City Secretary

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

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

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: January 11, 2022</b>	<b>Budgeted Amount: \$14,500</b>
<b>Department: Administration</b>	<b>Prepared By: Susan Hensley</b>

**Subject**

Adoption of the Election Services Agreement with Montgomery County Elections to conduct the May 7, 2022 City General Election.

**Recommendation**

Adoption of the Election Services Agreement with Montgomery County Elections.

**Discussion**

This Agreement covers all the services for Early Voting and Election Day, including all the voting equipment, election officials and training of the election officers.

Due to the length of Exhibit B, only the portion that addresses the City's Election has been attached. If anyone is interested in seeing the entire exhibit, I will have it in my office.

If the Election is uncontested, the City would be able to cancel the Election and there would be no cost to the City.

**Approved By**

City Administrator Richard Tramm		Date: January 5, 2022
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ELECTION SERVICES AGREEMENT

STATE OF TEXAS ()
COUNTY OF MONTGOMERY ()

THIS CONTRACT is made this 31st day of December, 2021, by and between the Political Subdivision of City of Montgomery, hereinafter called "Political Subdivision," and Montgomery County, Texas, by its County Election Officer, Suzie Harvey, hereinafter called "Contracting Officer," pursuant to Texas Election Code Section 31.092. The parties agree to hold a May 7, 2022 Joint Election with all participating Political Subdivisions in accordance with Chapter 271 of the Texas Election Code and this Agreement. This Agreement is entered into in consideration of the mutual covenants and promises hereinafter set out:

- 1. RECITALS. Contracting Officer is the Elections Administrator of Montgomery County, Texas, and is the County Officer in charge of election duties. Political Subdivision is a political entity situated wholly or partially within Montgomery County, Texas. Political Subdivision and Contracting Officer have determined that it is in the public interest of Montgomery County voters that the following contract be made and entered into for the purpose of having Contracting Officer furnish to Political Subdivision certain election services and equipment needed by Political Subdivision in connection with holding its May 7, 2022 Election. Montgomery County's certified Hart InterCivic eSlate Voting System Version 6.2.1 electronic voting equipment is to be used in the May 7, 2022 Joint Election, hereinafter called "Joint Election."
2. DUTIES AND SERVICES OF CONTRACTING OFFICER. Contracting Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:
(a) Determine the number of election officials and voting equipment units needed for each polling location. Notify and coordinate presiding election judges, alternate judges, and all other election officials appointed by Montgomery County Commissioners' Court and the County Election Board or recommended by Contracting Officer, as applicable. Montgomery County or Contracting Officer, as applicable, will make emergency appointments of election officials if necessary.
(b) Conduct necessary training of election officials or arrange for training through a third party. Notify all early voting and Election Day officials of the date, time, and place thereof.
(c) Arrange for the use of early voting locations per the attached Exhibit A and Election Day polling locations per the attached Exhibit B. If the need arises for emergency replacement polling location(s), make necessary alternate arrangements and notify Political Subdivision as soon as possible.



- (d) Procure election kits and supplies and distribute to the election judges and early voting deputies. Assemble and edit lists of registered voters to be used in conducting the election in conformity with the boundaries of Political Subdivision and the election precincts established for the election. The Election Day list of registered voters shall be arranged in alphabetical order, as applicable to the election, in lieu of alphabetical order by political entity.
- (e) Prepare and test all electronic voting equipment, format ballot styles, record audio, oversee all equipment and voter registration database programming, assure compliance with equipment security requirements, and arrange for transport of equipment to and from polling locations.
- (f) Serve as Early Voting Clerk for the Joint Election. Process, print, mail, email, or deliver in person, as applicable, and tabulate ballots for any eligible voter who applies for a mail ballot including all eligible Federal Post Card Application voters. Supervise the conduct of early voting in person and appoint sufficient personnel to serve as deputy early voting clerks. Provide lists of early voters as provided by law through the Montgomery County Elections Public Information web access program.
- (g) Provide the publication in English and Spanish of one legal notice of the date, time, and place of the public logic and accuracy test and first test of automatic tabulating equipment in *The Conroe Courier*. Prepare test materials and conduct internal election testing and the required public logic and accuracy test and tests of tabulation equipment.  
Provide the publication in English and Spanish of a legal notice of joint election one time in Montgomery County newspaper(s).
- (h) Arrange for all personnel, equipment, and supplies needed for the early voting ballot board, signature verification committee if applicable, tabulation, and central counting station. Tabulate early voting and Election Day results, including paper ballots and provisional ballots. Tabulate unofficial returns and assist in preparing the tabulation for the official canvass. Provide Political Subdivision its voter history report following the election through the Montgomery County Elections Public Information web access program.
- (i) Serve as Custodian of Records for election records in Contracting Officer's custody and provide the required temporary storage and permanent storage of said election records as provided by law.
- (j) Provide information services for voters and election officers.
- (k) Maintain accurate records of all expenses incurred in connection with the responsibilities under this Agreement and provide Political Subdivision a final invoice after the conduct of the election. Provide any detailed backup to such invoice, if requested, reflecting the charges or components of the costs set forth on the invoice submitted to Political Subdivision.
- (l) Conduct a partial manual count as provided by Section 127.201 of the Texas Election Code if required for the County election or if Political Subdivision provides Contracting Officer precincts and races ordered by the Secretary of State to be manually counted. Contracting

Officer shall deliver a written report of the results of any such count to the Office of the Secretary of State in accordance with Section 127.201(e) of the Texas Election Code and, if requested, to Political Subdivision in a timely manner.

(m) Place the funds paid by Political Subdivision hereunder in a "contract fund" as prescribed by Section 31.100 of the Texas Election Code.

3. **DUTIES AND SERVICES OF POLITICAL SUBDIVISION.** Political Subdivision shall be responsible for performing the following duties:

- (a) Prepare all election orders, resolutions, notices, and other pertinent documents for adoption and execution by the appropriate Political Subdivision officer or body. Take all actions necessary for calling Political Subdivision's election which are required by the Texas Election Code and/or the Political Subdivision's governing body, charter, ordinances, or other applicable laws. Execute a Joint Election Agreement with all participating Political Subdivisions for the purpose of sharing election equipment, election officials, polling places, and costs. Serve as Custodian of Records for all election records in its possession as provided by law.
- (b) Political Subdivision shall be responsible for the legal sufficiency of any order calling its election. Political Subdivision shall be responsible for all substantive and procedural legal issues governing the conduct of its election. Political Subdivision understands and agrees that Contracting Officer provides no legal advice to Political Subdivision.
- (c) Adopt the County Election Precincts, consolidated County Election Precincts ordered by the Montgomery County Commissioners' Court, or precincts recommended by Contracting Officer, as applicable, for this election. Adopt all early voting dates, times, and locations on the attached Exhibit A. Adopt the election day polling locations on the attached Exhibit B at which Political Subdivision's election will be held.
- (d) If required, prepare any necessary preclearance submission on all voting changes made by Political Subdivision and timely submit to the U. S. Department of Justice under the Federal Voting Rights Act of 1965, as amended.
- (e) Prepare, post, and publish all required election notices for Political Subdivision with the exception of the joint election notice and the notice of the public test, which Contracting Officer shall publish. In addition, if polling locations for Joint Election are different than those for Political Subdivision's previous election, Political Subdivision shall post notice at the entrance to any previous polling places in its jurisdiction stating that the polling location has changed and shall provide the polling location and address for those voters for this election, pursuant to Texas Election Code Section 43.062, unless Contracting Officer has posted notice of the change at that location for Joint Election. Educate the voters in Political Subdivision as much as possible about early voting dates, times, and locations and election day polling locations.
- (f) Timely confirm with Contracting Officer Political Subdivision's boundaries, County Election Precincts, and street details within those boundaries. If boundaries are not defined properly within Montgomery County Elections voter registration database, maps and street

lists with block ranges and odd/even/both indicators must be provided to Contracting Officer. Proof and approve all programming work done for the jurisdiction according to the Exhibit C Timetable.

- (g) Deliver to Contracting Officer, according to the attached Exhibit C Timetable, an Entity Fact Sheet, Ballot Template with Spanish translations, candidate names or measures, copies of candidate applications, and the order in which all items are to be printed on the ballot with the exact form and spelling. Provide pronunciation for difficult names or words for use on the ballot audio recording. Review ballot proofs and approve by signature within deadlines provided.
- (h) Appoint Contracting Officer as Early Voting Clerk to receive applications for ballot by mail at

<u>Mail</u>	<u>Email*</u>	<u>Fax*</u>
Suzie Harvey Elections Administrator P. O. Box 2646 Conroe, TX 77305-2646	election.ballot@mctx.org	(936) 788-8340

\*If an Application for Ballot By Mail is submitted by email or fax or if a Federal Post Card Application is submitted by fax, to be effective, the original application must also be physically submitted and be received not later than the fourth business day after it is received by email or fax.

All requests for early voting ballots to be voted by mail that are received by Political Subdivision must be forwarded in person or by email or fax to Contracting Officer on the day of receipt. Original applications that are received by mail and forwarded by email or fax must also be mailed to Contracting Officer for all processing.

- (i) Appoint election officials as appointed by Montgomery County Commissioners' Court and the County Election Board or recommended by Contracting Officer, as applicable.
- (j) If requested, assist Contracting Officer with recruiting bilingual poll workers and provide documentation of Political Subdivision's efforts if requested by the U. S. Department of Justice.
- (k) If candidate information packet is provided to Political Subdivision by Contracting Officer, distribute to all candidates at time of candidate filing or in another appropriate manner.
- (l) Pay additional costs incurred by Contracting Officer for any ballot or election changes after deadlines, recount, election contest, newly ordered election, or a runoff election, if required, unless prohibited by law.
- (m) Immediately forward to Contracting Officer any information received from the Secretary of State regarding a manual count of precincts and races or a waiver of the manual count. Contracting Officer must receive this information on the same day received by Political Subdivision because of the short deadline for Contracting Officer to begin the process.

- (n) Canvass the returns and declare the election results for Political Subdivision. Political Subdivision is responsible for filing any precinct reports with the Secretary of State if required, unless both parties agree that Contracting Officer will submit precinct reports.
- (o) Pay a deposit of 60% of its estimated cost per the Exhibit D Cost Estimate within thirty days from the date of Exhibit D Cost Estimate, if required. Pay the balance for conducting said election within thirty days from the date of final invoice. All payments shall be made from current revenues available to Political Subdivision. If the amount owed for conducting the election is less than the deposit paid by Political Subdivision, Contracting Officer shall refund the overpayment in a prompt manner.

Checks shall be made payable to:

Montgomery County Elections Administrator  
P O Box 2646, Conroe, Texas 77305-2646.

- 4. **COST OF SERVICES.** Political Subdivision shall share some expenses for the above services, supplies, and equipment in accordance with the Exhibit D Cost Estimate. This cost estimate may be amended, if necessary, after filing deadlines and election cancellations. Additional elections may reduce costs for each entity, and election cancellations may increase costs for each remaining entity. It is understood that other political entities may wish to participate in the use of the County's electronic voting equipment and polling locations, and it is agreed that Contracting Officer may enter into other contracts with entities for those purposes on terms and conditions generally similar to those set forth in this Agreement. Only the actual expenses directly attributable to this Agreement and any prorated shared expenses plus a 10% administrative fee may be charged to Political Subdivision.

#### 5. **GENERAL CONDITIONS.**

- (a) The parties agree that the timing is critical for all duties in this Agreement. Failure to adhere to any deadline in the Exhibit C Timetable without prior agreement of Contracting Officer may result in cancellation of Contracting Officer's duties and obligations to conduct Political Subdivision's election under this Agreement or, at the discretion of Contracting Officer, a late penalty surcharge in an amount not to exceed 10% of the final election cost. Adherence to the Timetable is critical because of Montgomery County's obligation to complete all programming and testing, process, print, and mail or email, as applicable, any military and overseas ballots by state and federal deadlines, and conduct federal, state, county, and/or other contracted elections, as applicable.
- (b) In accordance with Section 31.098 of the Texas Election Code, Contracting Officer is authorized to contract with third persons for election services and supplies and hire necessary temporary personnel to perform contracted duties. Part-time and seasonal personnel will be compensated at the hourly rate set by Montgomery County.
- (c) Pursuant to Section 31.100(d) of the Texas Election Code, Contracting Officer may not be personally compensated for election services performed under this Agreement. In accordance with Section 31.100(e) of the Texas Election Code, only costs for contractual duties performed outside of normal business hours by personnel regularly employed by Contracting Officer will be allocated to Political Subdivision under this Agreement.

- (d) Political Subdivision acknowledges that electronic voting equipment is highly technical and it is conceivable that, despite the best effort of the parties and technical assistance, it might fail during the election. Contracting Officer will take every possible action to remedy the situation, but Political Subdivision agrees that should such equipment fail, it will not make any claim for damages of any kind.
- (e) The county early voting sites as per the attached Exhibit A will be used for the Joint Election. Any eligible Montgomery County voter in the Joint Election may vote early by personal appearance at any one of the joint early voting locations in Exhibit A.
- (f) Montgomery County Elections Department is contracting with numerous political entities for the Joint Election, and the parties agree that all ballot styles will be programmed into one electronic voting system. Each voter will receive one ballot that contains all races and measures in the Joint Election for which the voter is eligible at the address and in the precinct of the voter's current registration in Montgomery County. One joint voter sign-in process consisting of a common list of Montgomery County registered voters and common signature rosters shall be used.
- (g) In accordance with Section 31.099 of the Texas Election Code, Contracting Officer shall file copies of this Agreement with the Auditor and Treasurer of Montgomery County not later than the 10th day from receipt of the fully executed Agreement by Contracting Officer.
- (h) Montgomery County is self-insured for personal liability issues. Should Political Subdivision desire insurance for injuries during this election or other liabilities, it shall make such arrangements separate from this Agreement.
- (i) In the event that the performance by Contracting Officer of any of its obligations hereunder shall be interrupted or delayed by any occurrence not occasioned by its own conduct, whether such occurrence be an act of God or the result of war, riot, civil commotion, sovereign conduct, or the act or condition of any persons not a party thereof, then it shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.
- (j) The parties to this Agreement agree that Political Subdivision may cancel this Agreement in the event that it has no need to participate in Joint Election. If Political Subdivision cancels its participation after the deadline in Exhibit C Timetable, a \$1,000 contract preparation and processing fee will be assessed to Political Subdivision in addition to any costs incurred by Contracting Officer on behalf of Political Subdivision prior to said cancellation. A 10% administrative fee will be added to all charges for services provided under this agreement, including services related to a canceled election or canceled participation for which notification is provided to Contracting Officer after the deadline in Exhibit C Timetable.
- (k) Political Subdivision has the option of extending the applicable terms of this Agreement through its runoff election, if required. Political Subdivision shall be responsible for locating acceptable runoff polling locations, although Contracting Officer may assist. Political Subdivision may reduce the number of early voting locations and/or election day


polling locations in a runoff election. If Political Subdivision elects to have Contracting Officer conduct a runoff election, the date must be acceptable to Contracting Officer and shall be coordinated with other participating entities. Costs will be allocated to the participating entities, plus a 10% administrative fee shall be charged. Political Subdivision shall be responsible for all orders, notices, and notice of election postings and publications required for its runoff, except the publication of the notice of public logic and accuracy test which Contracting Officer will publish.

The foregoing Election Services Agreement is made in Montgomery County, Texas, and is signed on the dates below.

**[Remainder of this page intentionally left blank; signature page to follow.]**

MONTGOMERY COUNTY, TEXAS

December 31, 2021  
Date Signed

By:   
Suzie Harvey, Elections Administrator  
"Contracting Officer"  
9159 Airport Road  
Conroe, Texas 77303  
Phone: (936) 539-7843 Fax: (936) 788-8340  
Email: [suzie.harvey@mctx.org](mailto:suzie.harvey@mctx.org)

City of Montgomery  
"Political Subdivision"

01/11/2022  
Date Signed

By: \_\_\_\_\_  
Name: Sara Countryman  
Title: Mayor  
Address: 101 Old Plantersville Road  
City, State, Zip: Montgomery, Texas 77316  
Phone: (936) 597-3288 Fax: (936) 597-6437  
Email: [scountryman@ci.montgomery.tx.us](mailto:scountryman@ci.montgomery.tx.us)

**EXHIBIT A**  
**Montgomery County**  
**May 7, 2022 Joint Election**  
**Early Voting Polling Locations and Times**

April 25 – 30	Monday	–	Saturday	8:00 am	–	5:00 pm
May 2 – 3	Monday	–	Tuesday	7:00 am	–	7:00 pm

Polling Location <i>Sitio de Votación</i>	Address <i>Dirección</i>	Room <i>Sala</i>
<b>Central Library</b> (Main Early Voting Polling Place) ( <i>Sitio Principal Electoral de Votación Adelantada</i> )	104 I-45 North Conroe 77301	Large Meeting Room <i>Sala grande de juntas</i>
<b>West Montgomery County Community Development Center</b>	31355 Friendship Drive Magnolia 77355	Green Room <i>Sala verde</i>
<b>Magnolia Event Center</b>	11659 FM 1488 Magnolia 77354	LGI 1 <i>LGI 1</i>
<b>South County Community Center</b>	2235 Lake Robbins Drive The Woodlands 77380	Dining Room <i>Sala de comedor</i>
<b>Spring Creek Greenway Nature Center</b>	1300 Riley Fuzzel Road Spring 77386	Lecture Hall <i>Sala de lectura</i>
<b>North Montgomery County Community Center</b>	600 Gerald Street Willis 77378	Meador Room <i>Sala Meador</i>
<b>East Montgomery County Fair Association Building</b>	21675A McCleskey Road New Caney 77357	Main Room <i>Sala principal</i>
<b>Lone Star Community Center</b>	2500 Lone Star Parkway Montgomery 77356	Cissy Boulware Room <i>Sala Cissy Boulware</i>
(Special Forms of Early Voting and Ballot by Mail only:) ( <i>Formas Especiales de Votación Adelantada, y Boleta por Correo solamente:</i> ) <b>Election Central</b>	9159 Airport Road Conroe 77303	Lobby <i>Vestíbulo</i>



## Montgomery County Elections

### Exhibit B - Polling Location Information May 7, 2022 Joint Election For Election Day

PCT	Name of Facility	Physical Address	City	Zip	Room Sala
01	Willis Community Building	109 West Mink Street	Willis	77378	Main Room <i>Sala Principal</i>
02	Conroe Seventh-Day Adventist Church	3601 South Loop 336 East	Conroe	77301	Gym <i>Gimnasio</i>
03	The Woodlands High School Ninth Grade Campus	10010 Branch Crossing Drive	The Woodlands	77382	Gym A <i>Gimnasio A</i>
04	McCullough Junior High School	3800 S. Panther Creek Dr.	The Woodlands	77381	Gym B <i>Gimnasio B</i>
05	Long Street Community Center	20240 Bays Chapel Road	Richards	77873	Main Room <i>Sala Principal</i>
06	Deretchin Elementary School	11000 Merit Oaks Drive	The Woodlands	77382	OT/PT Room <i>Sala OT/PT</i>
07	New Caney Elementary School	20501 FM 1485	New Caney	77357	Gym <i>Gimnasio</i>
08	Browder Community Center	14865 County Line Road	Willis	77378	Main Room <i>Sala Principal</i>
09	Dobbin - Dacus Community Center	695 South FM 1486	Montgomery	77316	Main Room <i>Sala Principal</i>
10	Booker T. Washington High School	507 Dr. Martin L. King, Jr. Place North	Conroe	77301	Girls' Gym <i>Gimnasio de Niñas</i>
11	Lake Conroe Forest Community Building	610 Navajo Drive	Montgomery	77316	Main Room <i>Sala Principal</i>
12	Security Community Center	18760 Highway 105 East	Cleveland	77328	Main Room <i>Sala Principal</i>
13	Decker Prairie Community Center	32434 Decker Prairie Road	Magnolia	77355	Main Room <i>Sala Principal</i>
14	Robert L. Crippen Elementary School	18690 Cumberland Boulevard	Porter	77365	Gym <i>Gimnasio</i>
15	Cornerstone Church	100 Mosswood Drive	Conroe	77302	Sanctuary <i>Santuario</i>
16	Splendora ISD Instructional Services	26175 FM 2090	Splendora	77372	Room 102 <i>Sala 102</i>
17	First Baptist Church Groceville	19256 FM 1484	Conroe	77303	Fellowship Hall <i>Salón de Compañerismo</i>
18	Magnolia Community Center	422 Melton Street	Magnolia	77354	Main Room <i>Sala Principal</i>
19	City of Montgomery City Hall	101 Old Plantersville Road	Montgomery	77316	City Council and Courtroom Chambers <i>Ayuntamiento y salas de audiencias</i>
20	Travis Intermediate School	1100 North Thompson Street	Conroe	77301	Auditorium <i>Auditorio</i>
21	Conroe High School	3200 West Davis Street	Conroe	77304	Home Field House <i>Caseta de la Escuela</i>

22	Lake Conroe Hills Community Building	13621 Lake Breeze Lane	Willis	77318	Main Room <i>Sala Principal</i>
23	North Montgomery County Community Center	600 Gerald Street	Willis	77378	Community Room 102/103 <i>Sala Comunitaria 102/103</i>
24	Oak Ridge High School	27330 Oak Ridge School Road	Oak Ridge North	77385	Library <i>Biblioteca</i>
25	Grangerland Community Center	15636 FM 3083	Grangerland	77302	Community Room <i>Sala Comunitaria</i>
26	East Montgomery County Fair Association Building	21675A McCleskey Road	New Caney	77357	Main Room <i>Sala Principal</i>
27	Rivershire Club House	206 Scarborough Drive	Conroe	77304	Large Banquet Room <i>Sala Grande de Banquetes</i>
28	Decker Prairie Elementary School	27427 Decker Prairie Rosehill Road	Magnolia	77355	Gym <i>Gimnasio</i>
29	West Montgomery County Community Development Center	31355 Friendship Drive	Magnolia	77355	Green Room <i>Sala Verde</i>
30	Magnolia High School	14350 FM 1488	Magnolia	77354	Library <i>Biblioteca</i>
31	Shenandoah Municipal Complex	29955 I-45 North	Shenandoah	77381	Council Chambers <i>Camara del Consejo</i>
32	W.D. Wilkerson Intermediate School	12312 Sawmill Road	The Woodlands	77386	Cafeteria <i>Cafetería</i>
33	South County Community Center	2235 Lake Robbins Drive	The Woodlands	77380	Dining Room <i>Sala de comedor</i>
34	Needham Fire Department Station 64	15341 Lake Lamond Road	Conroe	77384	Public Area Meeting Room <i>Sala de juntas del área pública</i>
35	Robinson Road Community Center	27434 Robinson Road	Oak Ridge North	77385	Main Room <i>Sala Principal</i>
36	Allendale Baptist Church	14535 Allendale Lane	Conroe	77302	Fellowship Hall <i>Salón de compañerismo</i>
37	Friendship United Methodist Church	22388 Ford Road	Porter	77365	Family Life Center <i>Centro Vida Familiar</i>
38	Montgomery County West Annex	19380 Highway 105 W., Suite 507	Montgomery	77356	Courtroom <i>Sala de Justicia</i>
39	Lake Creek High School	20639 FM 2854	Montgomery	77316	Athletic Foyer <i>Vestíbulo del Gimnasio</i>
40	Cryar Intermediate School	2375 Montgomery Park Boulevard	Conroe	77304	Gym <i>Gimnasio</i>
41	Splendora ISD Administration Building	23419 FM 2090	Splendora	77372	Board Room <i>Sala de Juntas</i>
42	Moorhead Junior High School	13475 FM 1485	Conroe	77306	Performance Gym <i>Gimnasion de rendimiento</i>
43	Panorama Village Fire Station	97 Hiwon Drive	Panorama Village	77304	Fire Barn <i>Granero</i>
44	The Lone Star Convention Center	9055 Airport Road	Conroe	77303	San Jacinto Room <i>Sala San Jacinto</i>
45	Timber Lakes/Timber Ridge Pavilion	25610 Timber Lakes Drive	Spring	77380	Meeting Room <i>Sala de Juntas</i>
46	Spring Creek Greenway Nature Center	1300 Riley Fuzzel Road	Spring	77386	Lecture Hall <i>Sala de lectura</i>
47	South Montgomery County Fire Station #4	28830 Birnham Woods Drive	Spring	77386	Bay <i>Bahía</i>

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: January 11, 2022</b>	<b>Budgeted Amount: \$14,500</b>
<b>Department: Administration</b>	<b>Prepared By: Susan Hensley</b>

**Recommendation**

Adoption of the Joint Election Agreement with Montgomery County Elections.

**Discussion**

This Agreement provides that all the entities that participate in the Joint Election desire to enter into a Joint Election Agreement for the purpose of sharing election equipment, election officials, precinct polling locations and electronic voting equipment.

The cost will be provided as soon as all the participating entities have provided their notice of participation. The cost is divided amount all the participating entities.

If there is an uncontested Election the City would be able to cancel their Election and there would be no cost to the City.

**Approved By**

City Administrator, Richard Tramm	Date: January 5, 2022
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# Joint Election Agreement

Political Subdivision of City of Montgomery

WHEREAS, the undersigned Political Subdivisions (collectively referred to hereinafter as "Participating Entities") will each hold an election on May 7, 2022; and

WHEREAS, Montgomery County Elections Administrator, Suzie Harvey, as Montgomery County's Election Officer, has entered into separate Election Services Agreements with each of the undersigned Participating Entities wherein the County's Election Officer will administer elections occurring on May 7, 2022, to be held in precincts in Montgomery County, as authorized under Subchapter D of Chapter 31 of the Texas Election Code ("Election Services Agreements"); and

WHEREAS, the Participating Entities desire to enter into a Joint Election Agreement, as authorized under Chapter 271 of the Texas Election Code, for the purpose of sharing election equipment, election officials, polling places, and costs where appropriate.

NOW, THEREFORE, Participating Entities enter this Joint Election Agreement under the terms that follow:

## **I. Scope of Joint Election Agreement**

The Participating Entities enter this Joint Election Agreement ("Agreement") for the purpose of jointly conducting elections to be held on May 7, 2022 ("Joint Election").

## **II. Appoint Election Officer**

The Participating Entities appoint Suzie Harvey, Montgomery County Elections Administrator ("Contracting Officer"), to serve as the Election Officer to perform the duties and responsibilities of Election Officer itemized in the Election Services Agreements for the Joint Election.

## **III. Early Voting and Election Day**

Early voting and election day voting shall be held in common precincts where appropriate, at the dates, times, and locations adopted by Montgomery County Commissioners' Court and/or authorized and ordered by the governing body of each Participating Entity.

## **IV. Joint Election Costs; Adjustment of Costs in the Event of Cancellation of Election; Payment**

The estimated election expenses for each Participating Entity, including administrative costs and expenses for facilities, personnel, supplies, equipment, and training, are reflected in the Exhibit D - Cost Estimate incorporated into each Election Services Agreement. The Participating Entities agree that they will be responsible for and will pay from budgeted funds their share of the actual election expenses attributable to each entity according to the table incorporated into the Election Services Agreements as the Final Invoice.

## **V. Reasonable Cooperation**

The Participating Entities agree to reasonably cooperate with each other as is necessary to carry out the terms of this Agreement.

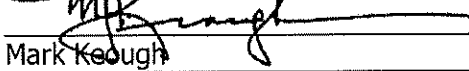
## **VI. Miscellaneous Provisions**

1. This Agreement becomes effective with respect to each Participating Entity upon execution by that Participating Entity. The obligations of this Agreement will continue as to each Participating Entity until each Participating Entity has made full payment of its share of election costs under this Agreement and its respective Election Services Agreement, which costs are related to the Joint Election.
2. If for any reason a Participating Entity does not participate in the Joint Election, this Joint Election Agreement shall remain in effect between all remaining Participating Entities.
3. Notices given under this Agreement must be in writing and may be effected by hand delivery, fax, email, or by certified mail to the Contracting Officer and/or the Participating Entities at the addresses listed on their respective signature blocks below.
4. This Agreement may not be amended or modified except in writing executed by the Contracting Officer and each respective Participating Entity with whom the amendment or modification has been mutually agreed.
5. The obligations under this Agreement are performable in Montgomery County, Texas.
6. Venue for any dispute arising under this Agreement shall be in Montgomery County, Texas. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and the United States of America.
7. If any provision of this Agreement is found to be invalid, illegal, or unenforceable by a court of competent jurisdiction, such invalidity, illegality, or unenforceability shall not affect the remaining provisions of this Agreement; and the Participating Entities shall perform their obligations under this Agreement as expressed in the terms and provisions of this Agreement.
8. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original for all purposes. Faxed signatures and/or electronic signatures shall have the same force and effect as an original signature.

IN TESTIMONY WHEREOF, this Agreement is executed by Montgomery County, Texas or the Contracting Officer, as applicable, and each Participating Entity on the dates indicated below.

*See attached signature page(s):*

December 14, 2021  
Date

Signature:   
 Printed name: Mark Keough  
 Title: County Judge  
 Political Subdivision: Montgomery County, Texas  
 All correspondence to be directed to:  
 Montgomery County Elections Office  
 P. O. Box 2646  
 Conroe, Texas 77305-2646  
 Telephone: (936) 539-7843  
 Fax: (936) 788-8340  
 Email: suzie.harvey@mctx.org

01/11/2022  
Date

Signature: \_\_\_\_\_  
 Printed name: Sara Countryman  
 Title: Mayor  
 Political Subdivision: City of Montgomery  
 Address: 101 Old Plantersville Road  
 City, State, Zip: Montgomery, Texas 77316  
 Telephone: (936 ) 597-3288  
 Fax: ( 936 ) 597-6437  
 Email: scountryman@ci.montgomery.tx.us

\_\_\_\_\_  
Date

Signature: \_\_\_\_\_  
 Printed name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Political Subdivision: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Telephone: ( ) \_\_\_\_\_  
 Fax: ( ) \_\_\_\_\_  
 Email: \_\_\_\_\_

\_\_\_\_\_  
Date

Signature: \_\_\_\_\_  
 Printed name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Political Subdivision: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Telephone: ( ) \_\_\_\_\_  
 Fax: ( ) \_\_\_\_\_  
 Email: \_\_\_\_\_

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> January 11, 2022	<b>Budgeted Amount:</b>
<b>Department:</b> Administrative	<b>Prepared By:</b> Susan Hensley, City Secretary and Director of Administrative Services.

**Subject**

Consideration and possible action regarding naming Diana Cooley to serve as Deputy City Secretary.

**Recommendation**

Approve the action to name Diana Cooley as Deputy City Secretary.

**Discussion**

Diana Cooley currently serves as the Records and Administrative Clerk and has worked closely with my office. Diana is currently enrolled in the Texas Municipal Clerks Certification Course and will be attending the TMCA Election Law Seminar in Denton on January 11, 2022.

This action will allow Diana Cooley to continue the duties of the office of the City Secretary during the hiring process of a new City Secretary.

**Approved By**

City Administrator	Richard Tramm	Date: January 5, 2022

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> January 11, 2022	<b>Budgeted Amount:</b> \$27,000.00
<b>Department:</b> Police Department	<b>Prepared By:</b> Anthony Solomon

**Subject**

Consideration and possible action regarding approval of purchase and use of License Plate Reader cameras.

**Recommendation**

Approve purchase and use of License Plate Reader cameras.

**Discussion**

Automated license plate readers (ALPRs) capture computer-readable images of license plates. These high-tech devices allow law enforcement agencies to compare plate numbers against those of stolen cars or cars driven by people suspected of being involved in criminal or terrorist activities. ALPRs have been an effective tool for law enforcement agencies, cutting down on the time required for investigations and decreasing costs for agencies struggling with limited budgets. System cameras can scan thousands of plates in a very short time, allowing police to identify stolen vehicles and drivers who have outstanding traffic violations and expired registrations or plates.

**Approved By**

Police Chief	Anthony Solomon	Date: 1/4/2022
City Administrator	Richard Tramm	Date: 1/4/2022



**RESOLUTION NO. 2022-\_\_\_\_\_**

WHEREAS, the City of Montgomery, Texas City Council (the "City Council") has determined the addition of Automatic License Plate Recognition (ALPR) cameras will increase public safety and aid the police department in its crime prevention efforts and strategies; and

WHEREAS, the City Council desires to engage the services of Flock Safety, Inc. for acquisition, installation, maintenance, and monitoring of five (5) fixed, pole-mounted ALPR cameras; and

WHEREAS, funding for this project is available through the City's General Fund; and

WHEREAS, the City Council desires to authorize the City Manager to execute either a 12 month or 24 month contract (the "Agreement") attached hereto as EXHIBIT "A" and EXHIBIT "B" respectively, with Flock Safety, Inc.;

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

Section 1. Recitals Incorporated

The recitals set forth above are incorporated herein for all purposes as if set forth in full.

Section 2. Approval of Agreement

The City Council hereby authorizes the expenditure and approves the Agreement for the acquisition, installation, maintenance, and monitoring of five (5) ALPR cameras from Flock Safety, Inc. The City Council further authorizes the City Manager to execute any associated documents necessary to consummate the business relationship.

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF MONTGOMERY, TEXAS

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

ATTEST:

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

**FLOCK GROUP INC.  
SERVICES AGREEMENT  
ORDER FORM**

This Order Form together with the Terms (as defined herein) describe the relationship between Flock Group Inc. ("Flock") and the customer identified below ("Agency") (each of Flock and Customer, a "Party"). This order form ("Order Form") hereby incorporates and includes the "GOVERNMENT AGENCY AGREEMENT" attached (the "Terms") which describe and set forth the general legal terms governing the relationship (collectively, the "Agreement"). The Terms contain, among other things, warranty disclaimers, liability limitations and use limitations.

The Agreement will become effective when this Order Form is executed by both Parties (the "Effective Date").

<b>Agency:</b> TX- Montgomery Police Department  <b>Legal Entity Name:</b>	<b>Contact Name:</b> Joe Belmares
<b>Address:</b> 101 Old Plantersville Rd Montgomery, Texas 77356	<b>Phone:</b> 936-597-3604 <b>E-Mail:</b> jbelmares@ci.montgomery.tx.us
<b>Expected Payment Method:</b>	<b>Billing Contact:</b> (if different than above)
<b>Initial Term:</b> 24 months <b>Renewal Term:</b> 24 months	<b>Billing Term:</b> Annual payment due Net 30 per terms and conditions

<b>Name</b>	<b>Price</b>	<b>QTY</b>	<b>Subtotal</b>
Flock Falcon Camera	\$2,500.00	10.00	\$25,000.00
Implementation Fee (Public)	\$250.00	10.00	\$2,500.00

**(Includes one-time fees)**

Year 1 Total \$27,500.00

Recurring Total: \$25,000.00

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> January 11, 2022	<b>Budgeted Amount:</b>
<b>Department:</b> Police Department	<b>Prepared By:</b> Anthony Solomon

**Subject**

Consideration and possible action regarding adoption of the Volunteers in Police Service (VIPS) program.

**Recommendation**

Adopt the Volunteers in Police Service Program

**Discussion**

The VIPS Program provides support and resources for agencies interested in developing or enhancing a volunteer program and for citizens who wish to volunteer their time and skills with a community law enforcement agency. The program's ultimate goal is to enhance the capacity of state, local, campus, tribal, and territorial law enforcement to utilize volunteers.

**Approved By**

Police Chief	Anthony Solomon	Date: 1/4/2022
City Administrator	Richard Tramm	Date: 1/4/2022

# Montgomery Police Department Volunteers In Police Service Policy Manual



## **Purpose**

This manual describes the Montgomery Police Department's position on the organization and operation of its volunteer program and provides information about its management, administration and policy.

## **Policy**

Volunteers are an important part of our organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase police responsiveness and service delivery, as well as providing useful information and new program opportunities. In addition, volunteers bring new skills and expertise to the department and promote enthusiasm within the agency.

The Volunteers in Police Service Program also assist the Montgomery Police Department in increasing transparency to the public. VIPS serve as positive police ambassadors within the community. It is the policy of the Montgomery Police Department to use qualified volunteers for specified tasks and duties that can create efficiencies for the department and improve services to the community.

Volunteers are intended to supplement and support, rather than take the place of sworn officers and career service employees.

## **Definition**

Volunteer: Any person who performs a service for the Montgomery Police Department without promise, expectation, or receipt of compensation for services rendered. This includes volunteers working in COP Shop assignments, Police Chaplains, and PAVE Participants.

## **Administration**

1. The Montgomery Police Department has established the Volunteers in Police Service (VIPS) Program and has tasked the City Event Security Coordinator with the administration of all volunteers except: Police Reserve Officers and the Explorer Post program. These programs may be assigned to the VIPS Program in the future at the discretion of the Chief of Police.

The VIPS Program Administrator reports to the Lieutenant who reports to the Chief of Police.

2. The VIPS Program Administrator is responsible for the following:
  - a. Recruit potential volunteers through avenues such as volunteer fairs, community events, targeted recruitment, citizens police academy, and Social Media.
  - b. Oversee the application process, including background checks, reference checks, and conducting interviews.
  - c. Execute orientation for all new volunteers, providing oral and visual explanation to ensure understanding of organizational goals and volunteer responsibilities.
  - d. Actively match the most suitable volunteers with open opportunities, ensuring job satisfaction from both requesting MPD Officers and volunteers.

- e. Manage and maintain volunteer records, including contact information, security information, skills, and expiration dates.
  - f. Maintain the volunteer policy manual, which outlines expectations, policies, and responsibilities for all volunteers.
  - g. Complete and disseminate, as appropriate, all necessary paperwork and information.
  - h. Plan and implement recognition events.
  - i. Administration of rule compliance.
  - j. Transfer volunteers between assignments, end volunteer assignments, and remove volunteers from the VIPS Program.
  - k. Maintain the Internship Program and ensure all interns are following protocol put in place by the Montgomery police department and its City Council.
  - l. Maintain and oversee the Police Chaplains.
3. The VIPS Program Administrator is the final authority, as delegated by the Chief of Police, and has the final responsibility for all volunteers. A volunteer's assignment supervisor is responsible for day-to-day direction and assigned work; all policy questions and volunteer issues, however, shall be directed through the VIP administrator, regardless of the volunteer's assignment.
  4. Should a volunteer have complaints about the VIPS Program Administrator, they should be directed to the Lieutenant. Should a volunteer have complaints about the Lieutenant, they should direct them to the Chief of Police.

### **Recruitment**

1. Volunteers shall be recruited on a continuous and ongoing basis consistent with the Montgomery Police Department's policy on equal opportunity and nondiscrimination, even though volunteers are not employees. Areas of recruitment may include but are not limited to, the Internet, volunteer fairs, schools, and community groups. The two main qualifications in the application process are interest in and the ability to assist the Montgomery Police Department and serve the public.
2. Although recruitment is a responsibility of the VIPS Program, areas of the department with specific requirements are encouraged to attempt to locate qualified volunteers to meet those needs, and to forward those applicants to the VIPS office for screening, selection, and basic training.

All volunteers must successfully complete the VIPS application process prior to working in any division of MPD.

### **Screening**

1. All volunteers must complete the VIPS Application Form, Authorization For Release of Information (for a background check), Clearance Check and ID Request form, and must submit a copy of a current government issued ID. Applications will not be processed until all required documents have been delivered in a completed form.
2. A documented background investigation shall be completed on each volunteer applicant and shall include, but not be limited to the following:
  - a. Traffic and criminal records

- b. Personal references - minimum of 3; may not duplicate any employment references
  - c. Employment history to include 7 years prior to the application date
  - d. Social Media check
3. At the completion of the different stages, each application is evaluated for disqualifiers. While there are firm disqualifiers, applicants are reviewed on a case-by-case basis and the decision to accept them into the program is based off of findings from all stages. There is no appeal for disqualification from the VIP program.

Automatic disqualifiers include:

- a. Conviction of a felony or any offense that would qualify as a felony under Texas Statutes
- b. Sale of any illegal drug or substance, or prescription medication illegally
- c. Illegal use of narcotics
- d. Arrests for any crime or charges with a major traffic offense (DUI, DWAI, Suspension of License, or Driving without Insurance) during the past five years.
- e. Omitted or falsified information during any part of the application process

Applicants may also be disqualified, after review, at the discretion of the VIPS Program Administrator, for the following reasons:

- a. A physical or mental inability to perform the required duties of a volunteer
  - b. Excessive traffic violations
  - c. Drug or alcohol misuse or abuse
  - d. Unlawful sexual conduct
  - e. Any discharge from the US Military that is other than honorable
  - f. Any conduct that would jeopardize public opinion of the VIPS program or embarrass the Police Department
4. At least one VIPS Staff member and a designee shall conduct a face-to-face interview with all applicants who have passed the background investigation. Police personnel from the anticipated assignment are welcome to attend the interview.

The result of this interview shall be Pass or Fail based on answers to questions, the applicant's behavior during the interview, personality fit for the program, tardiness, and other similar items.

After each interview, the interviewers will discuss the applicant and as a group, make a final decision, taking into account the entire application process.

Applicants will be notified if they fail any aspect of the application process.

### **Orientation Process and Placement**

1. Once notified of acceptance into the VIPS Program, the volunteer will be scheduled for orientation, fingerprinting, and the issuance of the official MPD VIPS Identification Card.

Only VIPS Identification Cards issued through the VIPS office are acceptable forms of identification for volunteers. ID cards must be worn at all times while volunteering. No other forms of ID may be worn as a substitute. Additional MPD issued cards may be worn depending on the assignment and must be requested and approved in writing by the VIPS Office.



If a volunteer is not wearing the official MPD issued ID card on duty and is wearing another form of ID, they may be escorted out of the location they are volunteering and could be dismissed from the program.

Every two years, a new background check will be completed with volunteer approval. If anything of concern is found (i.e. unreported tickets, DUI's, felony convictions) the Program Administrator will make a determination of fitness for duty based on the VIPs Program disqualifiers found on page 4.

If an ID card is lost or stolen, the volunteer must file a police report with the Montgomery Police Department within 3 days if stolen and 5 days if lost. The volunteer must also inform the VIPs Program Administrator immediately and provide him/her with a copy of the report when available. If a card is lost or stolen and these steps are not taken, the volunteer may be dismissed from the program.

2. All volunteers are required to attend a VIPs orientation at which they receive a copy of the Volunteer Policy Manual. The VIPs Program Administrator, or a designee will also go over a PowerPoint presentation to ensure understanding of organizational goals and volunteer responsibilities.
3. All volunteers are required to complete CJIS Security Awareness Training within 30 days of orientation. This is an online training course with a 25 question test at the end. Volunteers will be emailed instructions for completion by the CCIC Coordinator. The training can be completed on the volunteers' personal computer or in the VIPs Office. Time spent in training does count as volunteer hours.
4. Once all application procedures are complete, volunteers will be able to start volunteering. Volunteers cannot begin before completion of the entire application process. Those who begin volunteering before finishing the application process may be removed from the program.
5. Volunteer opportunities open to all VIPs will be advertised via email, on all social media outlets, and on the volunteer impact page. Some assignments require specific training, background, or personality at which time the VIPs Program Administrator might conduct targeted recruitment.
6. Volunteers shall be placed only in assignments or programs that are consistent with knowledge, skills, abilities, and the needs of the department. MPD supervisors requesting volunteers are encouraged to interview volunteers prior to offering the volunteer position to ensure the right fit for the position, as well as to communicate expectations of volunteers. Some assignments may require additional screening to ensure the best fit for the position.
8. All scheduling and notification of an inability to meet volunteer obligations will be communicated directly with the MPD requesting supervisors, including the Program Administrator whenever possible.
9. Volunteers must meet the requirements and expectations of the volunteer assignment where they are placed and can be removed at the request of the supervisor.

## **Training**

1. Volunteers shall be provided with an orientation to acquaint them with the department, personnel, policies and procedures that are relevant to them as a volunteer. This orientation is required prior to beginning volunteering.
2. Volunteers shall receive position-specific training by the assignment supervisor, or designee, to ensure they have adequate knowledge and skills to complete the tasks required in the position. Some additional training or screening may be required for certain positions.
3. Volunteers shall receive periodic ongoing training as required or as deemed necessary by the supervisor or the VIPS Program Administrator. All training will be arranged and tracked by the VIP Program Administrator.
4. Volunteers are encouraged to take part in additional trainings that increase volunteer knowledge and improves their ability to serve MPD. Examples include Citizen's Police Academy and CERT Training. These trainings can be counted as volunteer hours, with the approval of the Program Administrator.

## **Fitness for Duty**

1. No volunteer shall report to work or be on duty when his or her judgment or physical condition has been impaired by alcohol, drugs (including marijuana and medical marijuana), medication, other substances, illness, or injury. Doing so will result in immediate dismissal from the VIPS Program.
2. When signing up for a volunteer assignment, volunteers are committing to timely participation; they must notify the VIP Program Administrator if they are not able to make it to the assignment 24 hours prior to the assignment start wherever possible. Volunteer requesters depend on volunteers and a "no-call-no-show" is grounds for dismissal.
3. Out of concern for others in the workplace, we ask all volunteers who are sick to stay home. If a volunteer stays home, he/she should inform the assignment supervisor directly, and let the Program Administrator know whenever possible.
4. Volunteers shall report to the VIPS Program Administrator any changes in status that may affect ability to fulfill duties. This includes, but is not limited to, the following: arrests, criminal investigations, and medical conditions directly affecting duties.
5. Volunteers must notify the VIPS Program Administrator in writing of any contact with law enforcement outside of their volunteer duties. This would not include a warning or parking ticket, but would include a driving citation. The notification of such action may result in the volunteer's dismissal from the VIPS Program, dependent on the enforcement action. Any determination of fitness for duty resulting from enforcement action shall be made at the discretion of the VIPS Program Administrator based on the disqualifiers. Failure to disclose enforcement action within 30 days of the incident will result in removal from the program.

## **Dress Code**

1. Upon completion of orientation, volunteers will be provided one MPD Volunteer Polo Shirt. Additional shirts can be purchased at certain times during the year. Volunteers are encouraged to wear uniforms whenever on-duty and interacting with the public. This includes working at Community Outreach Events and running errands. If a volunteer has

a regular volunteer assignment at Headquarters or are participating in training scenarios, casual or business casual attire is acceptable.

2. When working in an office setting such as MPD Headquarters, volunteers should wear business casual attire. This may include: a dress shirt, blouse, collared style shirt, normal business-type trousers, skirts or dresses and polished business or dress type shoes.
3. Volunteers shall maintain a neat appearance as volunteers represent the Montgomery Police Department to the public. All attire should be clean, wrinkle free, in good repair and appropriate for the activities performed. Clothing should fit properly and not appear too tight or too loose. Best judgment should be used at all times; when unsure if attire is acceptable, check with the VIPS Office.

Hair should be neatly kept and well-groomed with a professional appearance. Facial hair should be neatly maintained, trimmed or clean shaven for professional appearance.

Dress and skirt hems shall not be shorter than fingertip length. Spaghetti strap, halter style or backless shirts are not permitted. No underwear should be visible.

Gauging of ears is not permitted. Tattoos that are racist, sexist, offensive, obscene or excessive in coverage are prohibited.

4. When volunteering in an environment requiring high visibility for safety or functionality volunteers must wear the assigned safety vest given to them. Examples of this include but are not limited to: flyer distributions, neighborhood outreach, and traffic control. Requirement of the vest will be communicated when specific assignment instructions are given.
5. Any clothing, uniform, or identification of any nature shall be readily distinguishable from that worn by sworn officers. Volunteers are prohibited from wearing the Montgomery Police Badge (regardless of accompanying text around the badge). The only approved insignia shall be determined by the Montgomery Police Volunteers in Police Service Program Administrator with approval from the Chief of Police. All other specialized identification requests shall be forwarded to the VIPS Program Administrator for approval.
6. Volunteers may wear any MPD issued lapel pins or other lapel pins received at a MPD function on vests and/or lanyards.

### **Confidentiality**

1. Each volunteer shall sign a Confidentiality Agreement. Subsequent disclosure of any confidential information, during a volunteer's service or thereafter, verbally, in writing, or by any other means, will be grounds for immediate dismissal from the VIPS Program and may be subject to criminal prosecution.
2. Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the agency, or maintain that they represent the agency in such matters without permission from the Chief of Police through established procedure. For permission, please contact the VIPS Office.
3. Some assignments may require additional security measures to be taken due to the nature of the assignment.

## **Property and Equipment**

1. All volunteers shall be issued an official volunteer identification card and a vest. All volunteers are required to wear their MPD Volunteers In Police Service ID Badge on assignment. This badge is to be worn in a visible manner at all times while at a police function or any time in a police facility.  
The Volunteer ID badge will allow entry into MPD Station without an escort and without going through the security detectors.  
If necessary for the volunteer appointment, ID badges will be chipped and activated for different locations specific to the assignment.  
All ID badges are property of MPD and must be returned upon separation from the VIPS Program.
2. Any fixed and portable equipment issued by the agency shall be for official and authorized use only. Failure to use departmental property in the manner specified will be grounds for immediate dismissal from the VIPS Program and could result in the filing of criminal charges.
3. Any property or equipment, including the official identification card, shall remain the property of the agency and shall be returned at the termination of service. Failure to return departmental property may result in the filing of criminal charges.
4. Volunteers shall be allowed access to departmental computers and the computer network if necessary, in connection with the performance of assignments. All volunteers who have access to a computer must have signed and agreed to the Computer Use Agreement as provided by the Technology Services partners. The computer and the Internet are to be used for work purposes only. All Internet use is governed by the Computer Use Agreement. If a supervisor needs a volunteer to have a city issued email address, please make a request directly from the VIPS Office.

## **Ride-Alongs**

1. Volunteers earn one ride-along every three months through the VIPS Office. Ride-along request forms need to be turned in to the administrator. Volunteers will be contacted directly by the division to finalize details. All rules and regulations are stated on the ride-along request form. Ride-alongs do not count as volunteer time unless required for the volunteer assignment.

## **Volunteer Behavior**

1. While colorful language might be heard in working areas, profanity by volunteers is frowned upon.
2. Volunteers are expected to keep their public and private lives unsullied. This means not engaging in any activity that would cause embarrassment to the Police Department.
3. All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the department. Should department issued rules be violated, volunteers may be placed on probation or dismissed.
4. Smoking is not permitted in any police facility, including police vehicles. Volunteers may only smoke in designated areas. These areas will vary depending on assignment locations, please direct any questions to the assignment supervisor.
5. While each volunteer assignment is exciting, volunteers are not permitted to bring family and friends with them. This is a liability issue and will not be tolerated.

## **Media Requests**

1. All press inquiries will be directed to the Public Information Officer on duty. It is a violation of Police Policy and your confidentiality to speak with the Press about anything regarding work at the police department.

## **Social Media**

1. Volunteers are free to express themselves as private citizens on social media sites to the degree that their speech and expression does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair harmony among fellow volunteers or MPD Personnel, adversely impact the disciplinary process, or negatively affect the public perception of the department, or any other city agency.
2. As public representatives, volunteers are cautioned that speech, on- or off-duty, made pursuant to their official duties is not protected speech under the First Amendment and may form the basis for discipline, if deemed detrimental to the department. Volunteers should assume that their speech and expression, and related activity on social media sites will reflect upon their official capacity and this department.

Cautionary Note: For safety and security reasons, volunteers are advised to use caution when disclosing their connection to this department. As such, volunteers should use caution when:

- a. Displaying department logos, uniforms, or similar identifying items on personal web pages.
- b. Posting personal photographs or providing similar means of personal recognition that may cause them to be identified as a Police Department Volunteer.

## **Volunteer Authority**

1. Volunteers may not represent themselves as, or by omission imply that they are sworn officers or other employees of the department.
2. Volunteers can never use his/her position to influence or gain anything. There will be no tolerance for a violation of this rule.

## **Volunteer Safety**

1. Volunteer safety is very important, and we do not want volunteers to be uncomfortable with any aspect of the job. However, police work does have dangers associated with it. There should be no anticipation of any real danger, but there is no way to avoid all dangers in the workplace. It is the primary responsibility of every volunteer to be aware and mitigate any perceived dangers. Some volunteer assignments do require worn safety equipment, and that will be communicated prior to arrival at the assignment.
2. If there is an emergency, individuals listed on the Emergency Contact form will be contacted.
3. Volunteers are not covered by Worker's Compensation but are covered by Liability Insurance should something happen.

4. Volunteers are not allowed to have or carry any type of weapon while on MPD property. Weapons include, but are not limited to mace, guns, knives (of any sort), bats, and stun guns. This applies even if the volunteers have a concealed carry permit.

### **Logging Hours**

1. All volunteers must log volunteer time. They are responsible to see that their time is being logged.

### **Volunteer Appreciation**

1. The Montgomery Police Department values the contributions of volunteers very highly and actively seeks ways to show volunteers this appreciation. Some of these opportunities include accolades in the form of volunteer spotlights, shout outs, and thank you on our Facebook page often and on other Social Media outlets.
2. The Department has the below awards and recognitions, which are presented at the Annual Appreciation Event:
  - a. Volunteer of the Quarter - In recognition of outstanding contributions to the Montgomery Police Department and for continued commitment, dedication, leadership, and exceptional volunteer service.
  - b. Rookie of the Year - In recognition of exceptional work ethic and contribution to the team in the first year of service.
  - c. Volunteer of the Year - Presented to the volunteer with a distinguished commitment to excellence, in support of the values of the Montgomery Police Department.
  - d. Di Holmes Honorary Award - In recognition of wholehearted dedication to your community, selfless acts of service for others & faithful contributions to the ideals and purposes of the Montgomery Police Department.

### **Termination of Volunteer Involvement**

1. A volunteer may be dismissed from the Montgomery Police VIPS Program at the discretion of the Chief of Police at any time. Volunteers do not have a legal right to participate in volunteer activities, and thus there is no recourse or appeal process. The VIPS Program Administrator is not required to justify the reasoning of the dismissal. Volunteers dismissed from the program are not allowed to reapply to be a volunteer.
2. All rule violations shall be reported to the VIPS Program Administrator for review and will be handled at the Program Administrator's discretion.
3. Volunteers shall be required to return any issued equipment and identification badge within 30 days of the termination of service. Failure to return all items may result in criminal prosecution. Lapel pins and the VIPS Lanyard are the only items volunteers may keep following termination.

### **Evaluation**

1. An overall evaluation of the volunteer program shall be conducted on an annual basis in the form of an annual report. This evaluation will look at total hours logged, amount of new trainings given, how many new volunteers were added, volunteer turnover and a variety of other items.

2. The VIPS Program staff shall audit each volunteer to ensure that he/she meets the minimum requirements, who at least 40 hours a year and has completed all required training, and is still actively volunteering. If the audit reveals an issue with a volunteer file, the issue will be evaluated and an action will be taken. This action can range from obtaining updated information from the volunteer to dismissal. Each case will be reviewed and evaluated individually.

### **Rule Changes**

1. This policy is not intended to be all-inclusive. Rules pertaining to volunteers may be changed at any time and will be implemented immediately. Any and all changes to the VIPS policy have been considered and approved by the VIPS Program Administrator, with authority delegated by the Chief of Police.
2. All updated policies will be emailed out to all volunteers and hard copies are available for mailing if requested. Should there be any questions about the VIPS policy, please contact the VIPS Office directly.



# City of Montgomery Police Department

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



Item 8.

Chief: Anthony Solomon

## Release and Waiver of Liability for Volunteers Montgomery Police Department

The purpose of this waiver is to establish an understanding between Montgomery Police Volunteers and the Montgomery Police Department regarding liability issues.

I want to volunteer my services to the City and County of Montgomery, Montgomery Police Department. I certify that I am in good mental and physical condition, and I understand the inherent risks associated with acting as a volunteer including the risk of physical injury or death. I understand that these risks may include, but are not limited to, slips and falls, physical activity and exertion, muscle and ligament strains, pulls and tears, abnormalities of blood pressure or cardiac arrest, assault and battery, cuts and punctures from debris, glass, nails, hypodermic needles, wire, rocks, concrete, cans, and other sharp objects. I further understand that I risk aggravating any preexisting physical condition I may have in the performance of these services.

I understand that while my volunteer services will be at the direction of the City and County of Montgomery, its police officers and police employees, I am nevertheless not an employee of the City and County of Montgomery within the meaning of the Colorado Workers' Compensation Act at the time of my performance of these volunteer services. I further understand that I am a volunteer and that no employee/employer or master/servant relationship is created between myself and the City and County of Montgomery or the Montgomery Police Department and that I will receive no compensation of any kind for my participation as a volunteer and that there is no promise of paid employment or future paid employment. There is no employment contract or other contract of hire between me and the City and County of Montgomery, Montgomery Police Department. I acknowledge that the volunteering of time and/or services does not constitute employment for purposes of the Workers' Compensation Act of Colorado and further acknowledge that I am not entitled to benefits of said Act.

In consideration of the City and County of Montgomery allowing me to participate as a volunteer, I agree not to sue and forever release, waive and discharge the City and County of Montgomery from any and all liability to me or my personal representatives, assigns, heirs, children, dependents, spouse and relatives from any and all claims, causes of action, losses, judgments, liens, costs, demands or damages that are caused by or arise from any injury (including death) to me or my property. I assume all risks associated with my participation as a volunteer. I understand that the performance of these volunteer services may be hazardous, and I specifically waive any liability for injuries that may result from the



negligence or carelessness of fellow volunteers, Montgomery Police officers, police employees, or the public.

I understand that the City of Montgomery shall not be responsible for loss or theft of personal property, or damage to personal property caused by the City and County of Montgomery, its employees and officers, other volunteers or the public.

I understand that my participation as a volunteer in this activity is purely and solely voluntary and that I am not an employee, contractor, or representative of the City of Montgomery. I further acknowledge that I am not, and will not function as a Peace Officer or Reserve peace Officer, of any level, or a firefighter, emergency medical technician or civil defense worker. By virtue of my volunteer status, I shall have no powers or abilities greater than as a private citizen to enforce the laws of the State of Colorado.

I hereby acknowledge that I have carefully read this Release and Waiver of Liability for Volunteers, that I fully understand its contents, that I am over the age of 18, and that I am signing this Release and Waiver of Liability for Volunteers voluntarily and intend for it to be legally binding.

Printed Name \_\_\_\_\_

Address/City/State/Zip \_\_\_\_\_

Telephone Number \_\_\_\_\_ Email \_\_\_\_\_

Signature of Volunteer \_\_\_\_\_

Date \_\_\_\_\_, 20\_\_\_\_

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: January 11, 2022</b>	<b>Budgeted Amount: \$14,500</b>
<b>Department: Administration</b>	<b>Prepared By: Susan Hensley</b>

**Subject**

Adoption of an Ordinance calling the May 7, 2022, City General Election for the positions of Mayor and City Council Places 2 and 4.

**Recommendation**

Adoption of the Ordinance calling the May 7, 2022, City General Election.

**Discussion**

The City Council Places that will be up for Election are currently held by:

**Mayor – Sara Countryman**  
**City Council Place 2 – Kevin Lacy**  
**City Council Place 4 – Julie Davis**

The Ordinance has been reviewed by the City Attorney.

**Approved By**

<b>City Administrator Richard Tramm</b>	<b>Date: January 5, 2022</b>
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**ORDINANCE NO. 2022-01**

**AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) CITY COUNCIL MEMBERS, PLACES 2 AND 4; APPROVING ELECTION SERVICE AGREEMENTS WITH MONTGOMERY COUNTY, TEXAS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.**

**WHEREAS**, the City Council for the City of Montgomery desires to call an election for May 7, 2022 in accordance with the election laws of the State of Texas; and

**WHEREAS**, the City Council desires to engage the services of the County Election Officer of Montgomery County to conduct the election pursuant to a *Joint Elections Agreement* and an *Election Services Agreement* with Montgomery County, Texas;

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

**Section 1.** In accordance with the Texas Constitution and general laws of the State of Texas, a General City Election is hereby called and ordered for the first Saturday in May, 2022, that being May 7, 2022, at which Election all qualified voters of the City may vote for the purpose of electing a Mayor and two (2) City Council Members, Places 2 and 4, for full terms.

**Section 2.** The City Council hereby approves the *Joint Elections Agreement* and *Election Services Agreement* with Montgomery County, Texas, which authorizes the County Election Officer to conduct the General City Election on May 7, 2022 and early voting.

**Section 3.** No person's name shall be placed upon the official ballot as a candidate for any of the above mentioned positions unless such person has filed his or her sworn application, as provided by Section 141.031, Section 143.004, and Section 143.007 of the Texas Election Code, with the City Secretary at the City Hall, located at 101 Old Plantersville Road, Montgomery, Texas, 77316, adjusted for weekends and holidays no earlier than January 19, 2022 or later than five o'clock (5:00) p.m. on February 18, 2022. The City Secretary shall note on the face of each such application, the date and time of its filing. A declaration of write-in candidacy must be filed with the City Secretary, as provided by Section 146.054 of the Texas Election Code. The last day for a write-in candidate to declare candidacy with the City Secretary is Tuesday, February 22, 2022 by five o'clock (5:00) p.m. In addition, the last day for a candidate to withdraw must be received by the City Secretary by February 25, 2022 by five o'clock (5:00) p.m., unless the candidate

submits the withdrawal before the ballots are prepared and if the public notice of the logic and accuracy test has not been published.

**Section 4.** The polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling places, to be conducted by the officers appointed by the Contracting Officer as provided in the *Election Services Agreement* between the City of Montgomery, Texas and the County Election Officer of Montgomery, Texas, as follows:

**For persons located in Voting Precinct 9:**

Polling Place: Dobbin-Dacus Community Center

Address: 695 South FM 1486, Montgomery, TX 77316

**For persons located in Voting Precinct 19:**

Polling Place: Montgomery City Hall

Address: 101 Old Plantersville Road, Montgomery, TX 77316

**For persons located in Voting Precinct 38:**

Polling Place: Montgomery County West Annex

Address: 19380 Highway 105 W., Suite 507, Montgomery, TX 77356

**For persons located in Voting Precinct 39:**

Polling Place: Lake Creek High School

Address: 20639 FM 2854, Montgomery, TX 77316

Said election officers shall also serve as the early voting ballot board for such election; the Presiding Judge of such election shall also serve as the presiding officer of the early voting ballot board.

The County Election Officer for Montgomery County is authorized to change the above polling locations should there be a need to consolidate them for both early voting and for Election Day.

**Section 5.** In accordance with the Texas Election Code and the *Election Services Agreement*, the Contracting Officer shall serve as the regular early voting clerk to receive ballot

applications by mail. All ballots by mail applications received by the City Secretary must be hand delivered or faxed to the Contracting Officer as provided in the *Election Services Agreement* on the day of receipt and the original application mailed or delivered to the Contracting Officer. Further those persons voting early can vote in any of the designated early voting locations and at the times set out in Exhibit "A" as made a part hereof for all purposes. The early voting locations will be open from Monday, April 25, 2022 through Saturday, April 30, 2022, 8:00 a.m. to 5:00 p.m., and Monday, May 2, 2022 and Tuesday, May 3, 2022, 7:00 a.m. to 7:00 p.m. Ballots voted by mail shall be sent to:

**Suzie Harvey**  
**Elections Administrator**  
**P.O. Box 2646**  
**Conroe, Texas 77305-2646**

**\*Email: [election.ballot@mctx.org](mailto:election.ballot@mctx.org)**

**\*Fax: (936) 788-8340**

**\*If an application for Ballot By Mail is submitted by email or fax or if a Federal Post Card Application is submitted by fax, to be effective, the application must also be submitted by mail and received not later than the fourth business day after it is received by email or fax.**

**Section 6.** Voting shall be conducted by the Contracting Officer utilizing the voting machines and equipment supplied by the Contracting Officer. All expenditures necessary for conducting the election, the purchase of materials, and the employment of all election officials is hereby authorized in accordance with the Texas Election Code and in accordance with the provisions of the *Election Services Agreement* and the *Joint Services Agreement*.

**Section 7.** The City Secretary is hereby authorized and directed (i) to furnish all necessary election supplies to conduct such election, (ii) to post notice of the election, and (iii) to publish notice of the election, as provided by Chapter 4 and Chapter 51 of the Texas Election Code except as may be provided in the *Election Services Agreement* referred to above.

**Section 8:** The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary, as provided by Section 52.094 of the Texas

Election Code. The City Secretary shall post a notice at City Hall at least seventy-two (72) hours prior to the date on which the drawing is to be held with the time and place of the drawing, and shall also give personal notice to any candidate who makes written request for such notice and furnishes the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing or representative designated by him/her, shall have a right to be present and observe the drawing.

**Section 9.** The candidates for a Mayor and two (2) City Council Members, Places 2 and 4, receiving the highest number of votes in each of the positions to be filled shall be declared elected to such positions.

**Section 10.** Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

**Section 11.** Said election shall be held in accordance with the Texas Election Code, as amended, except as modified by the Federal Voting Rights Act of 1965, as amended.

**Section 12.** The Council finds that notice of the date, place, and subject of this meeting was posted in accordance with the terms and provisions of the Texas Open Meetings Act at least 72 hours proceeding the scheduled time of this meeting.

**Section 13.** This Ordinance is effective immediately upon its passage.

PASSED AND APPROVED THIS 11<sup>th</sup> DAY OF JANUARY, 2022.

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

ATTEST:

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

APPROVED AS TO FORM:

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

**EXHIBIT A**  
**Montgomery County**  
**May 7, 2022 Joint Election**  
**Early Voting Polling Locations and Times**

April 25 – 30	Monday	–	Saturday	8:00 am	–	5:00 pm
May 2 – 3	Monday	–	Tuesday	7:00 am	–	7:00 pm

Polling Location <i>Sitio de Votación</i>	Address <i>Dirección</i>	Room <i>Sala</i>
<b>Central Library</b> (Main Early Voting Polling Place) ( <i>Sitio Principal Electoral de Votación Adelantada</i> )	104 I-45 North Conroe 77301	Large Meeting Room <i>Sala grande de juntas</i>
<b>West Montgomery County Community Development Center</b>	31355 Friendship Drive Magnolia 77355	Green Room <i>Sala verde</i>
<b>Magnolia Event Center</b>	11659 FM 1488 Magnolia 77354	LGI 1 <i>LGI 1</i>
<b>South County Community Center</b>	2235 Lake Robbins Drive The Woodlands 77380	Dining Room <i>Sala de comedor</i>
<b>Spring Creek Greenway Nature Center</b>	1300 Riley Fuzzel Road Spring 77386	Lecture Hall <i>Sala de lectura</i>
<b>North Montgomery County Community Center</b>	600 Gerald Street Willis 77378	Meador Room <i>Sala Meador</i>
<b>East Montgomery County Fair Association Building</b>	21675A McCleskey Road New Caney 77357	Main Room <i>Sala principal</i>
<b>Lone Star Community Center</b>	2500 Lone Star Parkway Montgomery 77356	Cissy Boulware Room <i>Sala Cissy Boulware</i>
(Special Forms of Early Voting and Ballot by Mail only:) ( <i>Formas Especiales de Votación Adelantada, y Boleta por Correo solamente:</i> ) <b>Election Central</b>	9159 Airport Road Conroe 77303	Lobby <i>Vestíbulo</i>

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> January 11, 2022	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action regarding the following Ordinance: AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT TO MEAGHAN BIRD FOR USE OF THE PROPERTY LOCATED AT 20165 EVA STREET SUITE “C”, MONTGOMERY, TEXAS 77356, FOR A MICROBLADING BUSINESS; ESTABLISHING CERTAIN TERMS, CONDITIONS AND LIMITATIONS; PROVIDING FOR PENALTY, SEVERABILITY, AND EFFECTIVE DATE.

**Recommendation**

Consider the request and any comments received during the Public Hearing. Determine whether to add, remove, or edit any of the requirements included in the attached draft ordinance.

**Discussion**

Special Use Permits authorize a specific activity in a specific location and include stipulations and requirement that are inherent to the circumstances of the applicant. Microblading studios are licensed by the state under the same regulations as tattoo artists. Accordingly, a microblading studio requires the same zoning process to practice as a tattoo parlor. Tattoo parlors require City Council approval via a Special Use Permit. The Planning & Zoning Commission reviewed the matter at their January 4<sup>th</sup> meeting and recommended approval of the permit.

One important point that came from the P&Z discussion is that persons licensed by the state for microblading cannot transition their work to typical tattoos. Additionally, the Special Use Permit will specifically allow microblading, not regular tattooing. In other words, the business cannot become a common tattoo parlor instead of a microblading business and still be compliant with their state license and the Special Use Permit granted by the City.

The City has granted several microblading studio SUP’s in the past and two currently operate in the City.

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 01/05/2022
City Administrator	Richard Tramm	Date: 01/05/2022



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT TO MEAGHAN BIRD FOR USE OF THE PROPERTY LOCATED AT 20165 EVA STREET SUITE “C”, MONTGOMERY, TEXAS 77356, FOR A MICROBLADING BUSINESS; ESTABLISHING CERTAIN TERMS, CONDITIONS AND LIMITATIONS; PROVIDING FOR PENALTY, SEVERABILITY, AND EFFECTIVE DATE.**

**WHEREAS**, the City of Montgomery has received a request from Meaghan Bird for a special use permit pursuant to Section 98-27 of the Code of Ordinances of the City of Montgomery, Texas, authorizing the use of the herein below referenced real property as a microblading business; and

**WHEREAS**, the matter was referred to the City of Montgomery Planning and Zoning Commission for consideration and recommendation, and the Planning and Zoning Commission, after due notice, did consider and make a report on the request for the special use permit, as provided by Section 98-27(a) of the Code of Ordinances; and

**WHEREAS**, the City Secretary caused to be issued and published the notice of public hearing required by the City of Montgomery Zoning Ordinance and laws of the State of Texas applicable thereto; and

**WHEREAS**, the City Council, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the proposed special use permit, on the 11<sup>th</sup> day of January, 2021; and

**WHEREAS**, the City Council, after determining that all legal requirements of notice and hearing have been met, is of the opinion and finds that the requested special use of the property described herein is authorized by Section 98-27 of the Code of Ordinances; and

**WHEREAS**, the City Council further finds that the granting of a special use permit to Meaghan Bird will not have an adverse effect on the City’s comprehensive zoning plan or on the character and development of the neighborhood in which the property is situated, so long as the City imposes appropriate conditions and safeguards;

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

**SECTION 1. Grant of Permit.** A special use permit is hereby granted to Meaghan Bird to use that portion of the property located at 20165 Eva Street Suite “C”, Montgomery, Texas 77356 (the “Premises”), for microblading business, as an accessory use of an otherwise approved and permitted use. The special use permit is granted upon and subject to the terms, provisions and limitations specified in Section 2.

**SECTION 2. Terms, Provisions and Limitations.** The special use permit herein granted is expressly subject to the following terms, provisions, and limitations, each of which is hereby deemed to be a condition precedent to the grant and continued effectiveness of the permit:

- (a) All the services shall be conducted on the Premises.
- (b) Microblading business on the Premises shall only be conducted during the term of the permit.
- (c) The Premises shall be kept clean and attractive and shall not create a nuisance in any regard.
- (d) The permit is limited to only eyebrows, eye shade, and lip blushing microblading tattoo business, commonly known as permanent cosmetics.
- (e) Meaghan Bird shall maintain general liability insurance in an amount of \$1,000,000 during the entire term of the permit. A certificate of such insurance shall be provided to the City.
- (f) The City shall have the authority to inspect the Property from time to time to confirm Meaghan Bird's compliance with the terms and conditions of this special use permit.
- (g) This special use permit does not waive, amend, abrogate or affect any law, rule or regulation, including any ordinance of the City of Montgomery. Meaghan Bird shall comply with all ordinances of the City of Montgomery.
- (h) This permit shall expire five (5) years from the date of its issuance, subject to the City Council's right to renew the permit upon request by Meaghan Bird. In the event of a violation by Meaghan Bird of the terms and provisions of this special use permit, and the continuation of such violation after ten (10) days written notice from the City to Meaghan Bird, at the option of City Council, this permit shall be revoked and shall be of no further force or effect. Such revocation will be effective and final, immediately upon action by City Council.
- (i) This permit is issued only to Meaghan Bird and is not assignable without City Council permission.

**SECTION 3.** Any person, firm, or corporation violating a provision of this Ordinance, upon conviction, is guilty of an offense punishable as provided in the Montgomery Code of Ordinances, as amended, by a fine not to exceed two thousand dollars (\$2,000.00); and each day or portion thereof during which the violation is committed, continued or permitted shall be a separate offense.

**SECTION 4.** It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION 5.** This Ordinance shall become effective immediately upon its passage.

**PASSED AND APPROVED this 11<sup>th</sup> day of January, 2021.**

**CITY OF MONTGOMERY, TEXAS**

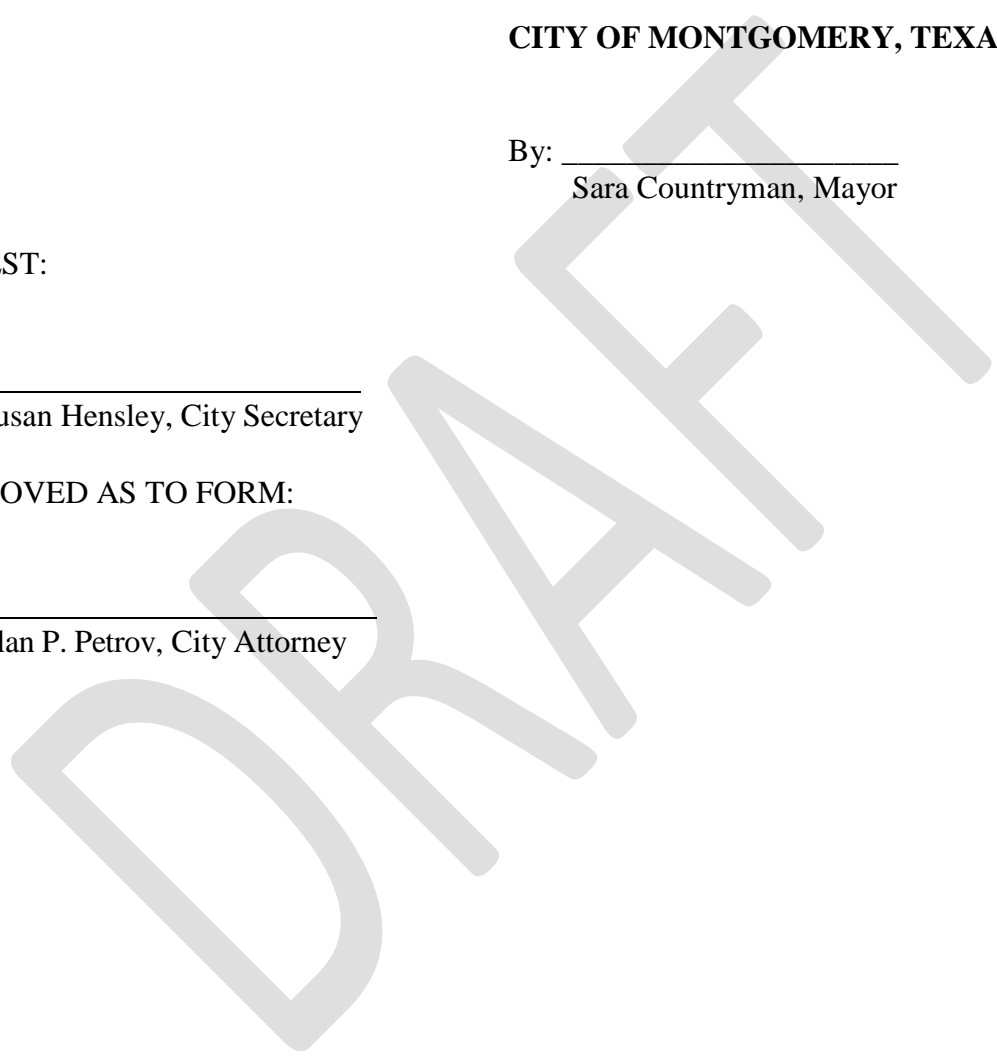
By: \_\_\_\_\_  
Sara Countryman, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> January 11, 2022	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action regarding final acceptance and completion of the one-year warranty period for public infrastructure included in Hills of Town Creek Section Three (Dev. No. 1019).

**Recommendation**

Consider the updated information and details provided and act as you see fit.

**Discussion**

After the December City Council meeting, the developer received updated pricing for the repair work to the cul-de-sac of Scenic Hills Court and the curve on Brock's Lane. The engineer's memo is attached and includes the updated pricing from the developer's contractor. The city engineer can provide an explanation to City Council on how this plan would address the issues at these areas.

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 01/07/2022
City Administrator	Richard Tramm	Date: 01/07/2022



January 7, 2022

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

Re: Warranty Release  
The Hills of Town Creek Sec. 3 (Dev. No. 1019)  
City of Montgomery

Dear Mayor and City Council:

As you are aware, at the December 14th, 2022 meeting of the City Council, we discussed the Hills of Town Creek Section 3 development issues regarding ponding in Scenic Hills Court and Brock's Lane. What was discussed at that time was for the Developer and City to obtain additional proposals to address the remaining ponding issues in both locations.

The Developer has obtained a proposal for URETEK USA, enclosed, to inject material under the pavement to adjust the slope to reduce the ponding in the streets. We would recommend the developer assign the warranty provided by URETEK to the City so the City can request any warranty repairs within the 2 year warranty period.

Enclosed are photos of the areas of concern to be addressed by the above proposal. It is important to note that on Brock's Lane, the goal is to eliminate the water in the street and not in the gutter line.

After the work is complete we recommend re-flooding the streets to take the same photos over 48 hours to evaluate the effectiveness of the repairs. It is important to note that while the City aims to experience ideal conditions during the 48-hour observation period, external factors such as residential irrigation, traffic, and elevated humidity levels may impact the runoff and evaporation rates.

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

Sincerely,

A handwritten signature in blue ink that reads "Chris Roznovsky". The signature is fluid and cursive.

Chris Roznovsky, PE  
Engineer for the City

Warranty Release – Hills of Town Creek Section 3  
The Honorable Mayor and City Council  
City of Montgomery  
Page 2 of 6  
January 7, 2022

CVR/

Z:\00574 (City of Montgomery)\\_900 General Consultation\Correspondence\Letters\2022.1.079 MEMO to Council RE Hills of Town Creek Sec. 3 Warranty Release.docx

Enclosures: Flooded Street Interval Photos  
URETEK USA Repair Proposal

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

Warranty Release – Hills of Town Creek Section 3  
The Honorable Mayor and City Council  
City of Montgomery  
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January 7, 2022

Scenic Hills  
Court

December  
2021



2 hours post-flooding



24 hours post-flooding



Area of Concern

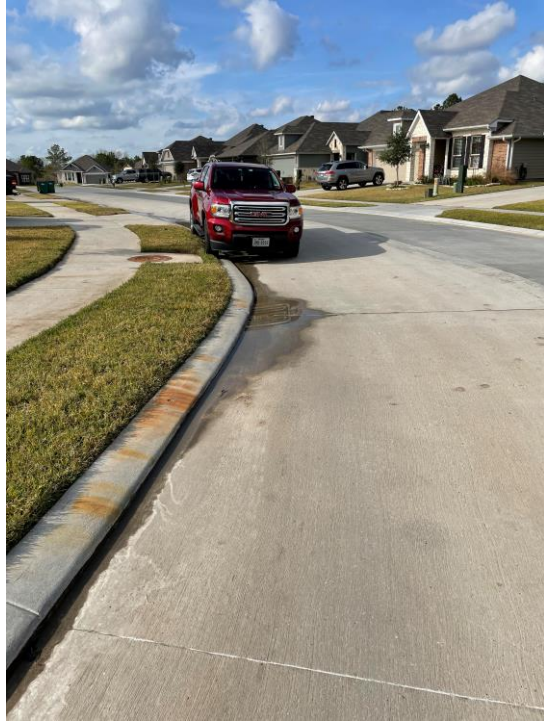
48 hours post-flooding

Warranty Release – Hills of Town Creek Section 3  
The Honorable Mayor and City Council  
City of Montgomery  
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January 7, 2022

Brock's Lane (December 2021)



2 hours post-flooding



24 hours post-flooding



Area of Concern

48 hours post-flooding



Warranty Release – Hills of Town Creek Section 3  
The Honorable Mayor and City Council  
City of Montgomery  
Page 5 of 6  
January 7, 2022

Scenic Hills Court (January 7, 2022)



Warranty Release – Hills of Town Creek Section 3  
The Honorable Mayor and City Council  
City of Montgomery  
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January 7, 2022

Scenic Hills Court (January 7, 2022)



# PROPOSAL FOR SERVICES

**Prepared for:**

Jonathan White

L Squared Engineering

City of Montgomery - Hills of Town Creek - Birdbaths

**Prepared by:**

Chad Hardin

Project Manager

**URETEK USA, Inc.**

(832) 349-2274

[chardin@uretekusa.com](mailto:chardin@uretekusa.com)

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

**Proposal date:**

Jan 4, 2022



Jonathan,

URETEK USA, Inc. is pleased to present this proposal for our safe, non-intrusive, and long-lasting polymer repair solutions. URETEK pioneered and refined the polymer ground injection technology in use today. We have 30 years in the business and over 100,000 (and counting) successful projects to date.

## **Scope of Work:**

On Brock's Ln past Scenic Hills there is a large section of concrete that has settled and caused a drainage issue. The cul de sac at the end of Scenic Hills has had some repairs done to it but the crown of the cul de sac is still too low to push the water to the curb line. URETEK USA will use our Deep Injection process to stabilize the soils under the roadway and create lift. This will achieve the proper grade needed to get the water to the drain. Each location scope is detailed in the pricing section.

URETEK USA hereby proposes to furnish all equipment, labor, materials and supervision, unless noted otherwise, to complete the scope of work described below. Changes to the Scope of Work such as an extension of the repair area and/or unforeseen conditions will be performed via Change Order.

URETEK USA will notify you immediately upon discovery of any unforeseen conditions as URETEK USA will not proceed with any additional work without your prior written approval.

## **Construction Details:**

URETEK will perform the following operations:

- If required, Dynamic Cone Penetrometer (DCP) tests at locations chosen by the URETEK Supervisor will be executed. DCP tests will be used to confirm existing subgrade and/or foundation soil conditions, to locate voids, and to assist in determining or confirming injection depth(s). This plan will include depths, spacing, and pattern for all injections. If testing shows additional injection levels are needed, the URETEK Project Manager will get approval from the client prior to proceeding.
- Pavement Profile will be taken every 10 ft. in a longitudinal direction on edges and center of work area. Profile spots will be taken before and after injections and documented for review. During the procedure for void fill and/or pavement lifting, injections will be monitored by laser level, dial indicator, and/or string line.
- For UDI, holes will be vertically drilled to a depth sufficient to penetrate below the pavement and into the subgrade. Injection tubes will be inserted to the required depth(s) determined by the DCP test results. The holes shall be sufficiently spaced to fill voids and realign the pavement.
- Production units will have mounted proportion pumps capable of maintaining proper polyurethane component material temperature, material pressure and proper mixing of component materials.
- Certified and calibrated Flow Meters will read injected material amounts of components ("A" + "B").

**Proposed Cost:**

Location #1: Scenic Hills Court Cul de Sac  
30.392886, -95.724804  
60' x 32' - 1" max lift

Estimated Pounds: 4,000  
Estimated Cost: \$24,000.00

Location #2: Brocks Ln at Curve  
30.393275, -95.723044  
100' x 12' - 2" max lift

Estimated Pounds: 3,000  
Estimated Cost: \$18,000.00

This number was from the original quote and not revised. After further conversations with the contractor he estimates approximately 50% of the amount of material to be required leading to an estimated cost of approximately \$9,000.00.

**Total Estimate: \$42,000.00**

**\$33,000.00**

**Changes to Scope of Work:**

All change orders must be approved in writing and signed on behalf of URETEK and the project site representative.

**Items not Included in Quote:**

Traffic Control, Bonding/Bond Participation, Saw Cutting, Sales Tax, Joint/Crack Sealing, Milling of Existing Asphalt Wedges (if required)

**Payment Terms:**

If agreement is by the pound, client will only pay for product installed. Payment terms are net 30 unless the contract states differently.

**Warranty:**

URETEK will provide a two-year unconditional warranty against settlement of more than 1/2" of the injected areas. In the unlikely event that movement of more than 1/2" in the injected areas occurs, URETEK will return to inject the affected area to lift to proper grade at no charge to the owner. If traffic control is not included in this proposal, URETEK would require that any traffic control required to perform the warranty work be provided by the owner.

Any bonded project shall only provide a one-year warranty from date of substantial completion. This shall not impact the URETEK two-year unconditional warranty described above.

**This warranty shall be null if:**

The only exception to the warranty is if the DCP tests reveal problems deeper than the approved injection plan and the client chooses not to address those problems at the time of this project.

**Indemnification & Hold Harmless:**

To the fullest extent permitted by law, the Subcontractor shall indemnify and hold harmless the Contractor, the Contractor's other subcontractors, the Architect, the Owner and their agents, consultants and employees (the Indemnities) from all claims for bodily injury and property damage other than to the Work itself that may arise from the performance of the Subcontract Work, including reasonable attorneys' fees, costs and expenses, that arise from the performance of the Work, but only to the extent caused by the negligent acts or omissions of the Subcontractor, the Subcontractor's Sub Subcontractors or anyone employed directly or indirectly by any of them or by anyone for whose acts any of them may be liable. This indemnity includes if the Subcontractor or any of its agents, employees, suppliers, or lower-tier Subcontractors utilize any machinery, equipment, tools, scaffolding, hoists, lifts or similar items owned, leased, or under the control of the Contractor. The Subcontractor shall be entitled to reimbursement of any defense cost paid above Subcontractor's percentage of liability for the underlying claim to the extent attributable to the negligent acts or omissions of the Indemnities.

**Schedule:**

Schedule will be discussed between URETEK and client after all paperwork has been approved by both sides. Operations can accommodate day or night/weekday and/or weekend work depending on the client's schedule. Traffic can be returned to the project area 15 minutes after our last injection.

**Merit Shop Contractor:**

URETEK USA, Inc. is a merit shop contractor and all services provided by this proposal will be on a merit shop basis. All reference to labor agreement of any kind, or alluded to, in a contract in principle or a sub-contract, are set aside and not part of this proposal.

**Operating Classification:**

URETEK USA, Inc. is a self-performing, SBA designated, Small Business Entity.

Primary NAICS:  
237310 - Highway, Street, and Bridge Construction

Secondary NAICS:

237110 - Water and Sewer Line and Related Structures Construction

237990 - Railroad Construction & Other Heavy and Civil Engineering Construction

236118 - Remodeling Construction

236210 - Industrial Building Construction

236220 - Construction (including new work, additions, alterations, maintenance, and repairs) of  
Commercial and Institutional Buildings and Related Structures

238190 - Other Foundation, Structure, and Building Exterior Contractors

238990 - Specialized Trade and Site Preparation

DUNS #: 556910990

CAGE code: 1T9Y9

URETEK USA, Inc. is an Equal Opportunity Employer hiring minority, disadvantaged, disabled, and veteran personnel.

Montgomery City Council  
AGENDA REPORT

<b>Meeting Date:</b> January 11, 2022	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> Richard Tramm

**Subject**

Discussion and consideration on relocating a historic home to City of Montgomery property.

**Recommendation**

Consider the item presented.

**Discussion**

This item was discussed last month to be brought back this month for consideration with staff gathering some updated pricing to better frame the decision. The primary consideration was for the City to accept the donation of the Womack home by the Palmer family and then the City would cover the costs to move, set up, and renovate the house as a City Hall annex building on the property at 777 Clepper. A secondary consideration would be to accept the house for inclusion at Fernland Park.

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

City staff is still in the process of gathering pricing and we will bring that information to City Council for the meeting on January 11<sup>th</sup>. (The estimated costs we do have are included.) Based on the information we have to date, I do think pricing will be higher than previously expected due to current economic conditions.

**Approved By**

City Administrator	Richard Tramm	Date: January 7, 2022





101 Old Plantersville Rd.

Montgomery, TX 77316

Main: 936-597-6434 Fax: 936-597-6437

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## Womack House Moving Costs

Current Location: 11199 F.M. 149, Montgomery, TX 77316

Proposed Location: 777 Clepper St., Montgomery, TX 77356

- Relocating the house - Cherry House Moving - \$87,000
- Repairs and reassembly - \$50,000
- Utilities to site:
  1. Water - \$5,000
  2. Sewer - \$15,000
  3. Electric - \$10,000
- Parking Lot - \$65,000
- Lighting - \$30,000
- Signage - \$10,000
- Landscaping - \$15,000
- ADA accessibility retrofits – Estimate to come later
- Remodeling for office use: - Estimate to come later