

Montgomery City Council  
**AGENDA REPORT**

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

**Subject**

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

**Recommendation**

Consider the request and act as you deem appropriate.

**Discussion**

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

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

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

Council may exercise the following options:

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

**Approved By**

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