

MINUTES OF THE
CONROE CITY COUNCIL

JULY 12 &13, 2017

CALL TO ORDER
CALL OF ROLL

PRESENT: Mayor Powell
Mayor Pro Tem Coon
Council Members Gibson, Martin, Ham, and Snider
City Administrator Paul Virgadamo
City Attorney Marcus Winberry
City Secretary Soco M. Gorjón


After a roll call by the City Secretary establishing a quorum was present, the workshop meeting was called to order at 2:00 p.m. by Mayor Powell.

The meeting agenda, which was posted in accordance with the Texas Government Code, Chapter 551, was presented.

Agenda folders containing data relating to agenda items had been furnished to Council Members prior to the meeting of the Council.

Agenda items were considered by the Council. The action taken concerning such item is shown on the official Council Action Sheet attached hereto and made a part of these Minutes.

After all business properly brought before the Council had been considered, City Council adjourned.



Toby Powell, Mayor

ATTEST:



Soco M. Gorjón, City Secretary

[Faint handwritten text]



OFFICIAL MINUTES OF THE CONROE CITY COUNCIL

Mayor Powell recognized Police Officer Brandon Hughes for his 3 years of service.

ANNUAL LANDSCAPING SERVICES CONTRACT

Parks and Recreation Director Mike Riggins asked Council to consider DeAngelo Brothers, LLC for the annual landscaping services contract. Mr. Riggins pointed out that DeAngelo Brothers was not the lowest bidder, but staff felt the company could offer better service to the City than the lowest bidder.

GIBSON PARK – 514 LILLY BLVD. - PLAYGROUND EQUIPMENT

Parks and Recreation Director Mike Riggins informed Council that the playground equipment at Gibson Park was approximately 20 years old and provided a minimal amount of play opportunity. Mr. Riggins asked Council to consider purchasing new playground equipment for the Gibson Park located at 514 Lilly Blvd. from Gametime/Total Recreation Products in the amount of \$58,978.57, which included an approximate discount of \$20,000.00. Mr. Riggins advised funds were budgeted in Fiscal Year 2016-2017.

AMEND CHAPTER 14 – REGULATING THE USE OF STORAGE CONTAINERS

Community Development Director Nancy Mikeska asked Council to consider an Ordinance amending Chapter 14, of the Code of Ordinances, by the adoption of a new section, Section 14-42, Regulating the Use of Storage Containers on residential property and prohibiting the use of storage containers for residential dwellings.

After Ms. Mikeska's presentation, there was discussion on different options authorizing the use of containers on larger acreage property as long as they were placed on the back of the property and were not visible to the public. It was agreed that Ms. Mikeska would meet with City Attorney Marc Winberry to incorporate the revised updates to the proposed Ordinance before approval.

LAKE CONROE HILLS MUD – INCORPORATE 7.827 ACRES INTO THE DISTRICT

Community Development Director Nancy Mikeska presented Council a proposed Resolution consenting to the request of Lake Conroe Hills MUD, for municipal consent to incorporate 7.827 acres of land into the District, for their review and consideration. Mrs. Mikeska pointed out that they were 100% in Conroe's ETJ.

MUD NO. 1- INCORPORATE 5.9464 ACRES INTO THE DISTRICT

Community Development Director Nancy Mikeska presented Council a proposed Resolution consenting to the request of Municipal Utility District No. 1 to incorporate 5.9464 acres of land into the District. Attorney Greer Pagan, representing the developer, answered Council's concerns and asked for their support.

TAXI CAB ORDINANCE

Chief of Police Philip Dupuis discussed with Council the current Taxi Cab Ordinance and asked Council to repeal the Ordinance to conform the new State Law that deals with Uber and Lyft. Chief Dupuis pointed out that taxi cabs were required by our current Ordinance to obtain and pay for City permits, and neither Uber nor Lyft had any requirements. He stated due to the current situation, the City should lift all regulations.

Mayor Pro Tem Coon expressed his safety concerns, regarding background checks. After a lengthy discussion, it was agreed to review this issue further, so a solution could be accomplished.

Councilman Ham left the meeting at 3:18 pm.

BALLISTIC HELMETS AND VEST – POLICE OFFICERS AND POLICE VEHICLES

Police Chief Philip Dupuis asked Council to consider the purchase of Ballistic helmets and Ballistic vest for officers and vehicles. Chief Dupuis pointed out that the purchase of the new helmets and vests would give every officer protection for high-risk situations. He pointed out that seized assets would be used for the purchase, plus they would also try to obtain grant funds for additional vests.

BLEYL ENGINEERING – WINDSOR LAKES LIFT STATION – CONSTRUCTION MANAGEMENT PROPOSAL

Asst. Director Projects/Transportation Tommy Woolley asked Council to consider awarding the construction management proposal to Bleyl Engineering for the Windsor Lakes Lift Station Project in the amount of \$148,000.00. Mr. Woolley pointed out that the scope of services included field representation, coordination and management of design sub-consultants, reviewing shop drawings, addressing and responding to contractor's request for information, reviewing pay requests, and field verification, conducting project closeout, scheduling final review for verification of substantial completion, and preparation of record drawings.

EXCEPTION TO BUILDING SETBACK WIDTHS - GRAND CENTRAL PARK SECTION 9

Asst. Director Projects/Transportation Tommy Woolley introduced Virgil Yoakum, developer, who asked Council to consider an exception to building setback widths for Grand Central Park Section 9, a single-family residential subdivision. Mr. Yoakum informed Council that the subdivision had already received approval from the Planning Commission.

PLANNING COMMISSION BOARD MEMBERS APPOINTMENT

Mayor Powell asked Council to consider the appointment of Curt Maddux to the Planning Commission to fill the vacant position left by Mike Stoecker and to reappoint Jim Arnold and Fred Greer, with terms to expire May 31, 2019.

SUPPORT ENTERGY TEXAS TO AMEND ITS CERTIFICATE OF CONVENIENCE

Mayor Powell presented a proposed Resolution of the Conroe City Council, in support of a proposal by Entergy Texas, Inc. regarding the application of Entergy Texas, Inc. to amend its certificate of convenience and necessity to construct Montgomery County Power Station in Montgomery County in Public Utility Commission of Texas Docket No. 46416, for Council's review and consideration. City Attorney Marc Winberry informed that Entergy has indicated that they would not be proposing the Lake Conroe area route; however, all proposed routes must be shown on the map.

WASTE MANAGEMENT IMPLEMENTATION PROGRESS

Utility Billing Manager Karl Brosh and Terry Woodson with Waste Management addressed Council and gave an update of the services implementation progress. Mr. Brosh pointed out that Waste Management contract would be effective on October 1, 2017. Ms. Woodson pointed out that service days would stay the same but that bulk service would only be once a month.

At 3:52 p.m., Mayor Powell along with Council, except for Councilman Ham, City Administrator Paul Virgadamo, City Attorney Marcus Winberry and City Secretary Soco M. Gorjón recessed into a Closed Executive Session Chapter 551.071, 551.072 and 551.074 for the following purpose:

- Performance Evaluation of the Community Development Director
- Discuss purchase of right-of-way
- SJRA GRP Contract Litigation and Litigation with Lone Star Groundwater Conservation on District Rules and DFC process.
- Contemplated litigation related to Series 2017 Water and Sewer Revenue Bonds

The Closed Executive Session was recessed at 4:44 pm.

SCHEDULE OF EVENTS – NOTICE OF INTENTION TO ISSUE 2017A CERTIFICATES OF OBLIGATION

Assistant City Administrator/CFO Steve Williams and John Robuck of BOKFS, Inc. presented Council the review of Schedule of Events and the proposed Resolution authorizing Publication of Notice of Intention to Issue 2017A Certificates of Obligation. Mr. Robuck recommended the method of the bond sale (bid vs. negotiated) based on the nature of the current financial market.

SCHEDULE OF EVENTS – NOTICE OF INTENTION TO ISSUE 2017B CERTIFICATES OF OBLIGATION

Assistant City Administrator/CFO Steve Williams and John Robuck of BOKES, Inc. presented Council the review of Schedule of Events and the proposed Resolution authorizing Publication of Notice of Intention to Issue 2017B Certificates of Obligation. Mr. Robuck recommended the method of the bond sale (bid vs. negotiated) based on the nature of the current financial market.

SCHEDULE OF EVENTS – WATER AND SEWER REVENUE BONDS

This item was deferred.

OPPOSING THE 2018 RATE INCREASE LONE STAR GROUNDWATER CONSERVATION DISTRICT

City Attorney Marcus Winberry presented Council a proposed Resolution opposing the 2018 increase to the rates charged by the Lone Star Groundwater Conservation District for Council's review and consideration.

BRIEFING

Mayor Pro Tem Coon pointed out that the SJRA/GRP June surface water invoice was \$864,357.12.

COUNCIL MEMBERS INQUIRY TIME

None

There being no further business brought before the Council, the meeting was recessed until tomorrow at 6:00 p.m.

RECONVENE

THURSDAY, JULY 13, 2017 – 6:00 P.M.

OFFICIAL ACTION OF THE CONROE CITY COUNCIL

CALL TO ORDER
CALL OF ROLL

PRESENT: Mayor Powell
Mayor Pro Tem Coon
Council Members Gibson, Martin, Ham, and Snider
City Administrator Paul Virgadamo
City Attorney Marcus Winberry
City Secretary Soco M. Gorjón

INVOCATION/PLEDGE: Pastor Dave Stovall – Abundant Life Church

Mayor Powell recognized Police Officer S. Valles for her 14 years of service.

PROCLAMATION: Parks Department – July 2017

EMPLOYEE OF THE MONTH: Linda Newman - CIDC

SERVICE AWARD: 5-Years of Service – Tommy Woolley – Engineering Department

CITIZEN INQUIRY

Adam Johnson and Sue Reese addressed Council and stated that they were against the proposed detention center and pointed out that profit was the only motive.

AMEND CHAPTER 14 – REGULATE THE USE OF STORAGE CONTAINERS

City Attorney Marc Winberry presented a revised copy, as requested by Council, of the proposed Ordinance for Council's review and consideration.

A motion was made by Councilman Gibson to approve the proposed Ordinance amending Chapter 14, of the City of Conroe Code of Ordinances, regulating the use of Storage Containers on Residential property as discussed and presented. Councilman Martin seconded the motion. Councilman Ham opposed. Motion carried.

BUILDING SETBACK WIDTHS - GRAND CENTRAL PARK SECTION 9

A motion was made by Councilman Ham to approve an exception to building and setback widths for Grand Central Park Section 9 as presented. Councilman Martin seconded the motion. Motion carried unanimously.

APPOINTMENT OF CONROE MUNICIPAL COURT CLERK

Assistant City Administrator/CFO Steve Williams presented a Resolution appointing Christina Roley as the new City of Conroe Municipal Court Clerk (i.e., Municipal Court Administrator). Mr. Williams pointed out that Mrs. Roley was highly recommended by Judge Mike Davis and Ronda Scarborough, previous Municipal Court Administrator.

A motion was made by Councilman Snider to approve the proposed Resolution appointing the City of Conroe Municipal Court Clerk as presented. Councilman Ham seconded the motion. Motion carried unanimously.

SET PUBLIC HEARING FY 2017-2018 OPERATING BUDGET

A motion was made by Mayor Pro Tem Coon to set the proposed Public Hearing for FY 2017-2018 Operating Budget for August 10, 2017, in the Council Chambers as Conroe City Hall, 300 W. Davis, at 6:00 pm as requested. Councilman Gibson seconded the motion. Motion carried unanimously.

SCHEDULE OF EVENTS – PUBLICATION OF NOTICE OF INTENTION TO ISSUE 2017A CO

A motion was made by Councilman Martin to approve the proposed Schedule and consider approval of a Resolution authorizing publication of Notice of Intention to Issue 2017A Certificates of Obligation discussed and presented. Councilman Gibson seconded the motion. Motion carried unanimously.

SCHEDULE OF EVENTS – PUBLICATION OF NOTICE OF INTENTION TO ISSUED 2017B CO

A motion was made by Councilman Martin to approve the proposed Schedule and consider approval of a Resolution authorizing publication of Notice of Intention to Issue 2017B Certificates of Obligation discussed and presented. Councilman Gibson seconded the motion. Motion carried unanimously.

OPPOSE 2018 INCREASE OF RATE CHARGES - LONE STAR GROUNDWATER CONSERVATION

A motion was made by Councilman Ham to approve the proposed Resolution opposing the 2018 increase to the rates charged by the Lone Star Groundwater Conservation as presented. Councilman Gibson seconded the motion. Motion carried unanimously.

AGREEMENT ESCROW DEPOSIT – FUNDS REPRESENTING SJRA GRP

This item was deferred.

LITIGATION- WATER AND SEWER REVENUE BONDS SERIES 2017

This item was deferred.

CONSENT AGENDA

A motion was made by Councilman Gibson, seconded by Councilman Ham to approve Consent Agenda Items 10, 11, 12, 14, 16, 17, 18, 19 and 20 as presented and to pull Items 13 and 15. The motion carried unanimously.

- Approve contract for annual landscaping services to DeAngelo Brothers, LLC.
- Approve purchase of new playground equipment for Gibson Park (514 Lilly Blvd) – Gametime/Total Recreation Products.
- Approve Resolution consenting to the request of Lake Conroe Hills MUD, for municipal consent to incorporate 7.827 acres of land into the District.
- **This item was deferred** - Resolution consenting to the request of Municipal Utility District No. 1 for municipal consent to incorporate 5.9464 acres of land into the District.
- Approve purchase of Ballistic Helmets and Ballistic Vest for officers and vehicles.
- Approve appointment of Curt Maddux and reappointment Jim Arnold and Fred Greer to the Planning Commission.
- Approve Resolution in support of a proposal by Entergy Texas, Inc. regarding the application of Entergy Texas to amend its certificate of convenience and necessity to construct Montgomery County Power Station in Montgomery County in Public Utility Commission of Texas Docket No. 46416.
- Approve reappointment of Paul Virgadamo to the Montgomery County Emergency Communication District Board of Managers (9-1-1).
- Approve City Council Minutes held June 21 & 22, 2017.

CONSENT AGENDA - CONTINUATION

• **Payment of Statements :**

• Kraftsman, LP	Inv. No. 33731 – MLK Park Splashpad	\$ 162,695.40
• Third Coast Services, LLC	Inv. No. 3 – Traffic Signal – S. Loop 336 & I-45 S. Access Road	\$ 169,468.19
• CSB Contractors, Inc.	Inv. No. 2 – Public Works Building Renovation	\$ 242,337.40
• Triple B Services, LLP	Inv. No. 2 – MP Clark Roadway Construction	\$ 504,189.48
• Alsay Incorporated	Inv. No. 16 – Final – WW No. 23 / Construction	\$ 86,049.78
• Stealth Partner Group	Inv. No. 1- Jul – Stop Loss Coverage	\$ 71,557.44
• San Jacinto River Authority/GRP	Surface Water Fee per SJRA	\$ 804,254.04

CONSTRUCTION MANAGEMENT PROPOSAL – WINDSOR LAKES LIFT STATION PROJECT

Councilman Ham asked if Bleyl Engineering would be overseeing the project as part of this proposal. Assistant Director Projects/Transportation Tommy Woolley answered in the affirmative. Mayor Pro Tem Coon and Councilman Ham asked City Administrator Paul Virgadamo if the City had qualified personnel that could assist with the overseeing of the project. Mr. Virgadamo will investigate and will let Council know later and asked for the project to be deferred and brought back for recommendation.

It was Council’s consensus to defer this item.

There being no further business to consider, a motion was made by Mayor Pro Tem Coon, seconded by Councilman Snider to adjourn the meeting.