

**MINUTES OF THE  
CONROE CITY COUNCIL**

**MARCH 7 & 8, 2018**

**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.

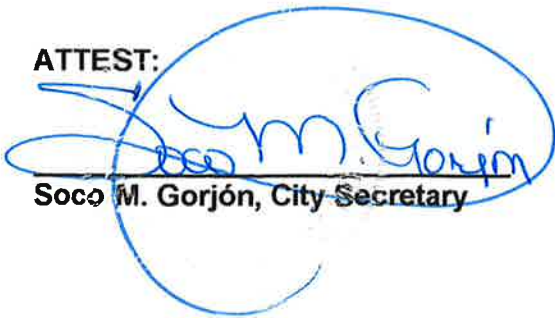
Agenda folders containing data relating to agenda items had been furnished to Council Members prior to the meeting of the Council.

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

## OFFICIAL MINUTES OF THE CONROE CITY COUNCIL

Mayor Powell recognized Police Officer Brandon Hughes for his 3½ years of service.

### SAFETY RADIO INNER-CONNECT

Fire Chief Ken Kreger asked Council to consider a Public Safety Radio Inner-Connect between City's/MCHD Harris Radio System and Montgomery County Motorola Radio System. Chief Kreger reminded Council that this was previously approved in April of 2016 but due to delays was never paid. Chief Kreger advised that this was crucial in order to tie the two public safety radio systems together.

### CIP UPDATE

Director of Capital Projects/Transportation Tommy Woolley presented Council the CIP update for their review and information (Attached as Exhibit "A").

### RENAMING PORTION OF LITTLE EGYPT ROAD

Director of Capital Projects/Transportation Tommy Woolley presented Council a proposed Ordinance renaming a portion of Little Egypt Road to M.P. Clark Road for their review and consideration. Mr. Woolley informed that this would allow M.P. Clark Road to be a continuous road with the same name.

### PUBLIC HEARING - PROPOSED ORDINANCE RENAMING PORTION OF LITTLE EGYPT ROAD

At 2:20 p.m., Mayor Powell recessed the Open Meeting in order to conduct a Public Hearing on a proposed Ordinance renaming a portion of Little Egypt Road to M.P. Clark Road.

After receiving no comments, Mayor Powell closed the Public Hearing at 2:21 p.m.

### WATER AND SEWER SERVICE - CARWASH LOCATED AT 3422 FM 1488

Director of Capital Projects/Transportation Tommy Woolley presented Council for their review and consideration a request from Quick Development, LLC for City water and sewer service for the proposed 0.99-acre carwash located at 3422 FM 1488, west of SH 242, and outside the City limits. Mr. Woolley pointed out that the developer would bear all costs of the water and sewer connections with no contribution from the City, and water and sewer service would be billed at the rate for out of City customers, which was double the rate for in-City customers.

### COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND SINGLE AUDIT FOR FYE 9-30-2017

Assistant City Administrator/CFO Steve Williams presented to Council for their review and consideration the Comprehensive Annual Financial Report (CAFR) and Single Audit (Compliance Report) for FYE 9-30-2017.

### AMEND CODE OF ORDINANCE S SEC. 2-31(D) – CITY COUNCIL MEETINGS

City Administrator Paul Virgadamo presented to Council a proposed Ordinance amending Code of Ordinances Sec. 2-31(d) allowing City Council Members to be paid for certain meetings missed due to illness or injury. Mr. Virgadamo pointed out that the amendment did not increase the number of permitted absences, which were four meetings a year. He advised that this Ordinance would be retroactive back to January 2018. Councilman Martin recused himself from the vote.

### FEASIBILITY STUDY FOR CONROE PERFORMING ARTS CENTER – GARFIELD PUBLIC/PRIVATE LLC

City Administrator Paul Virgadamo asked Council to consider moving forward with a feasibility study for the Conroe Performing Arts Center to be conducted by Garfield Public/Private LLC. Mr. Virgadamo pointed out that the feasibility study would focus on three main questions; is a performing arts center needed, how large of a facility would be needed, and where should the facility be located, and in addition the would also address funding, design and operations

Liaison for the Arts, Marsha Porter and Annette Spikes addressed Council and gave a detailed summary of the current status of facilities used by and for Conroe's Performing Arts and reiterated the need for creating, expanding and updating the venues available in Conroe.

### **380 ECONOMIC DEVELOPMENT AGREEMENT – AMERICAN FURNITURE WAREHOUSE**

City Attorney Marcus Winberry presented Council for their review and consideration a proposed Chapter 380 Economic Development Agreement with American Furniture Warehouse Co. to provide an incentive for establishing a new retail commercial enterprise in the City of Conroe. Mr. Winberry pointed out that the proposed agreement applied to the 1.5% general fund sales tax(all of the 4B tax reserved to CIDC) and would allow AFW to earn up to \$6,00,000 over a 16-year period. He also advised that under the agreement Conroe would retain the first \$29,167 of sales tax collected each month and AFW would receive a rebate of 36% of the remaining monthly collections. Staff recommended approval.

### **RESOLUTION APPROVING DEVELOPER REIMBURSEMENT PAYMENTS– WEST FORK**

City Attorney Marcus Winberry presented Council a proposed Resolution approving developer reimbursement payments from West Fork Tax Increment Reinvestment Fund. Mr. Winberry informed Council this was designed to reimburse a portion of the development infrastructure costs from the increase in property tax collections resulting from the development. He furthermore stated that the zone expired at the end of 2017 and the final payment was now due.

**At 3:34 p.m., Mayor Powell along with Council, City Administrator Paul Virgadamo, City Attorney Marcus Winberry, and City Secretary Soco M. Gorrjón, recessed into a Closed Executive Session Chapter 551.071 for the following purpose:**

- **SJRA GRP Contract Litigation**
- **Litigation with Lone Star Groundwater Conservation on District Rules**
- **TCEQ Dockets 2018-0204-DIS & 2018-0205-DIS related to proposed MUDs 100 & 101**

**The Closed Executive Session was recessed at 4:16 pm.**

### **BRIEFING**

None

### **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, MARCH 8, 2018 – 6:00 P.M.

OFFICIAL ACTION OF THE CONROE CITY COUNCIL

CALL TO ORDER

CALL OF ROLL

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

**ABSENT:** Mayor Pro Tem Coon

**INVOCATION/PLEDGE:** Pastor William Denman - Temple of Faith Baptist Church

Mayor Powell recognized Police Officer N. Baker for his 3 years of service to the Department.

**CITIZEN INQUIRY**

Mark Frank addressed Council regarding personal property rights. He asked Council to suspend the Ordinance Department until the City Attorney has reviewed all them.

John Nicks, resident of The Abbey Apartments, expressed concern to Council regarding the apartment complex. Mr. Nicks stated his First Amendment rights were being violated, and encouraged Council to create regulations that would protect First Amendment Rights for apartment residents in Conroe.

**ORDINANCE RENAMING A PORTION OF LITTLE EGYPT ROAD**

Councilman Ham made a motion to approve the proposed Ordinance renaming a portion of Little Egypt Road to M.P. Clark as discussed and presented. Councilman Snider seconded the motion. Motion passed unanimously.

**REQUEST FOR CITY WATER AND SEWER SERVICE FOR PROPOSED CAR WASH**

Councilman Ham made a motion to approve the request for City water and sewer service for the proposed car wash located at 3422 FM 1488 as presented. Councilman Gibson seconded the motion. Motion passed unanimously.

**AMEND CODE OF ORDINANCES SEC. 2-31(d) - CITY COUNCIL MEMBERS**

Councilman Gibson made a motion to amend Code of Ordinances Sec. 2-31(d) to allow City Council members to be paid for certain meetings missed due to illness or injury. This motion would be retroactive back to January 2018. Councilman Ham seconded the motion. Councilman Martin recused himself. Motion carried.

**FEASIBILITY STUDY CONROE PERFORMING ARTS CENTER - GARFIELD PUBLIC/PRIVATE LLC**

Councilman Snider made a motion to the approve the recommendation to proceed Garfield Public/Private LLC to conduct feasibility study for the Conroe Performing Arts Center as presented. Councilman Gibson seconded the motion. Motion carried unanimously.

**380 ECONOMIC DEVELOPMENT AGREEMENT - AMERICAN FURNITURE WAREHOUSE CO.**

Councilman Ham made a motion to the approve the proposed Chapter 380 Economic Development Agreement with American Furniture Warehouse Co. to provide an incentive for establishing new retail commercial enterprise in City of Conroe as presented. Councilman Gibson seconded the motion. Motion carried unanimously.

Mayor Powell recognized representatives from American Furniture Warehouse, Kevin Mihalek and Nolan Morrison.

**CONSENT AGENDA**

**A motion was made by Councilman Gibson, seconded by Councilman Snider to approve the Consent Agenda, Items 6-10 as presented. The motion carried unanimously.**

- Approve Public Safety Radio Inner-Connect between City's/ MCHD Harris Radio System and Montgomery County Motorola Radio System.
- Approve Consider Comprehensive Annual Financial Report (CAFR) and Single Audit (Compliance Report) for FYE 9-30-2017.
- Approve Resolution approving developer reimbursement payments from West Fork Tax Increment Reinvestment Fund.
- Approve Commission and Board Meeting absences.
  - February 1, 2018: Chris Baughman
  - February 15, 2018: Steve Hailey
- Payment of Statements:
  - Wharton Smith, Inc.                      Inv. No. 3 –Southwest WWTP Plant Flood Restoration and Repairs                      \$431,343.83
  - SJRA/GRP Division                      Inv. No. Feb. 2018 Consumption – Surface water fee payment,                      \$534,731.70

**There being no further business to consider, a motion was made by Councilman Martin seconded by Councilman Ham to adjourn the meeting.**