

**MINUTES OF THE
CONROE CITY COUNCIL**

FEBRUARY 13 & 14, 2013

**CALL TO ORDER
CALL OF ROLL**

**PRESENT: Mayor Melder
Mayor Pro Tem Martin
Council Members, Gibson, Porter, Snider, and Gentry
City Administrator Paul Virgadamo
City Attorney Marcus L. Winberry
City Secretary Marla J. Porter**

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

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.


Webb K. Melder, Mayor

ATTEST:


Marla J. Porter, TRMC, City Secretary

OFFICIAL MINUTES OF THE CONROE CITY COUNCIL

DISCUSS NEEDS ASSESSMENT FOR POLICE BUILDING

Police Chief Philip Dupuis addressed Council and presented Jeffrey P. Gerber, President and CEO of PGAL, the firm selected by the review committee to provide the required needs assessment for a Police Department Building. Chief Dupuis presented PGAL fee proposal for their services in the amount of \$20,000 (Attached as Exhibit "A").

MOBILE DATA COMPUTER SERVICE AGREEMENT – MONTG. COUNTY HOSPITAL DISTRICT

Fire Chief Ken Kreger informed Council that this agreement would allow the Fire Department to utilize a mobile data computer system (MDC) which would provide dispatch functions, GIS mapping information and automotive vehicle location services (AVL). Chief Kreger advised there would be a cost of \$31,150.00 for the first year, which was already budgeted, and a recurring annual expense of \$19,570.00. Staff recommended approval.

DEVELOPMENT AGREEMENT WITH CLARENCE AND MARSHA MUSE – DEFER ANNEXATION

Assistant Community Development/Public Works Director Nancy Mikeska addressed Council and asked them to consider a Development Agreement between the City and Clarence Hairstone Muse, Jr. and Marsha Lou Muse, to defer the annexation of their 85.360 and 46.390 acre tracts of land (currently under timber exemption).

THOMPSON STREET PAVER REPAIRS

City Engineer Erwin Burden informed Council that pavers on Thompson Street, between Davis Street and Simonton Street, have degraded due to settling. Mr. Burden pointed out that it would cost approximately \$80,000 to repair if we do the work now or it would cost \$15,000 if decided to overlay the street.

After a brief discussion, it was Council's consensus for Mr. Burden to bring back to Council with a firm quote for repair.

BNSF – NEXUS TNC WATER LINE/SEWER BORE AGREEMENTS

City Engineer Erwin Burden informed Council that the proposed agreement would permit the City to install a bore for the water line and sewer line crossing for the Nexus-TNC improvements on West FM 2854. Mr. Burden pointed the developer would be responsible for a \$4,150.00 fee for the water line as well as for the sewer line.

ORDINANCE RESTRICTING TRAVEL OF OVERSIZED VEHICLES

City Engineer Erwin Burden asked Council to consider the proposed Ordinance restricting the movement of oversized loads on public streets between the hours of 6 a.m. to 9 a.m. or 3 p.m. to 7 p.m. Monday through Friday as recommended by TxDOT.

PARKING LEASE AGREEMENT - UNION PACIFIC RAIL ROAD

City Engineer Erwin Burden informed Council that the proposed lease agreement would allow for the expansion of parking on Pacific Street. Mr. Burden advised effective March 15, 2013 the City will pay \$6,000 annually with a rent increase of 3% annually cumulative and compounded.

SPEED LIMIT - PINECREST SUBDIVISION

City Engineer Erwin Burden informed Council that a speed study was conducted, as requested by the residents of the subdivision, by the Engineering Division that shows a speed limit of 25 mph was warranted for the entire Pinecrest Subdivision, located off of FM 1314.

COOPERATIVE PURCHASING AGREEMENT - LAKE CONROE FIRE DEPARTMENT

Fire Chief Ken Kreger informed Council that the proposed agreement would allow the City of Conroe and the Emergency Service District #3 (Lake Conroe Fire Department) to purchase goods and services upon the terms and conditions of a contract that has been competitively bid or otherwise awarded by the other party in conformity with a procurement process authorized by law.

3-YEAR ANNEXATION PLAN FOR MUD 3 AND 4 – STRATEGIC PARTNERSHIP AGREEMENT

City Attorney Marc Winberry advised that since the last meeting the MUDs have held Public Hearings for adoption of the proposed Strategic Partnership Agreement. Mr. Winberry pointed out that documents were on the City's website for public information. He also pointed out that in addition to the already scheduled Wednesday and Thursday Special Meetings (February 20 and 21) the City was also scheduling a Special Meeting for Friday, February 22nd be able to take action on the items.

LEGISLATION FOR CREATION OF MUD 132

City Attorney Marc Winberry informed Council that the owner of approximately 60 acres located in the City on FM 3083 between SH 105 and Longmire Road has proposed the creation of an in-City MUD for a residential development. Mr. Winberry presented a proposed Resolution supporting passage of legislation to enable the creation of the District allowing the City to withhold its final consent for creation if the City and developer were unable to reach agreement on the terms for development of the in-City MUD. Mr. Winberry pointed out that City was to provide water and sewer and the developer to provide other services.

Tim Early, Land Acquisition Director, addressed Council and informed that there will be approximately 200 home sites ranging from 1,800 sq-feet to 3,400 sq-feet in the base price range of \$170,000 to \$240,000 with options for upgrades.

COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FY 9-30-2012

Finance Director Steve Williams introduced Tommy Sellars with Hereford, Lynch, Sellars & Kirkham who addressed Council and presented the Comprehensive Annual Financial Report (CAFR) for their review and information.

FINANCIAL MANAGEMENT POLICY REVIEW

Finance Director Steve Williams presented the Financial Management Policy for annual review, which included the Purchasing Policy (Appendix A), Revenue Handling Policy and Procedures Manual (Appendix B), Investment Policy (Appendix C), Arbitrage Policy (Appendix D) and Post-issuance Debt Policy (Appendix E) to Mayor and Council for their review and consideration.

COUNCIL BRIEFING

None

There being no further business to be brought before the Council the Open Meeting was recessed until tomorrow at 6:00 p.m.

RECONVENE

THURSDAY, FEBRUARY 14, 2013 – 6:00 P.M.

OFFICIAL ACTION OF THE CONROE CITY COUNCIL

CALL TO ORDER
CALL OF ROLL

PRESENT: Mayor Melder
Mayor Pro Tem Martin
Council Members Gibson, Porter, Snider and Gentry
City Administrator Paul Virgadamo
City Attorney Marcus L. Winberry
City Secretary Marla J. Porter
Assistant City Secretary Soco M. Gorjon

INVOCATION/PLEDGE: Pastor Jerry Frank, Cornerstone Church

CITIZEN INQUIRY

Debra Waters addressed Council regarding the proposed bus stops at Avenue G and South First Street. Ms. Waters asked Council to reconsider the location of these stops due to all of the criminal activities that go on in that area. She believed having a bus stop would encourage even more of these activities to take place. She was advised to visit with City Administrator Paul Virgadamo regarding her issues.

MOBILE DATA COMPUTER SERVICE AGREEMENT – MONTG. COUNTY HOSPITAL DISTRICT

A motion was made by Mayor Pro Tem Martin, seconded by Councilwoman Porter, to approve the proposed Mobile Data Computer Service Agreement with Montgomery County Hospital District as discussed. The motion carried unanimously.

CLARENCE & MARSHA MUSE DEVELOPMENT AGREEMENT – DEFER ANNEXATION

Councilman Gibson made a motion to approve the proposed Development Agreement between the City and Clarence and Marsha Muse to defer annexation of 85.360 and 46.390 acre tracts in the James Smith Survey, Tract 38, A-37 and other related matters as discussed. The motion was seconded by Councilman Gentry. Motion carried unanimously

BNSF – NEXUS TNC WATER LINE BORE AGREEMENT

A motion was made by Councilman Gibson, seconded by Councilman Gentry, to approve the proposed BNSF – Nexus TNC Water Line Bore Agreement as discussed. Motion carried unanimously.

BNSF – NEXUS TNC SANITARY SEWER BORE AGREEMENT

Councilman Snider made a motion to approve the proposed BNSF – Nexus TNC Sanitary Sewer Bore Agreement as discussed. The motion was seconded by Mayor Pro Tem Martin. Motion carried unanimously.

ORDINANCE RESTRICTING TRAVEL OF OVERSIZED VEHICLES WITHIN THE CITY

Councilwoman Porter made a motion to approve the proposed Ordinance restricting travel of oversized vehicles within the City limits of Conroe as discussed. The motion was seconded by Councilman Gentry. Motion carried unanimously.

UNION PACIFIC RAIL ROAD PARKING LEASE AGREEMENT

Councilman Gentry made a motion to approve the proposed Parking Lease Agreement between Union Pacific Rail Road and the City of Conroe as discussed. The motion was seconded by Councilman Gibson. Motion carried unanimously.

SPEED LIMIT ORDINANCE – PINECREST SUBDIVISION

Councilwoman Porter made a motion to approve the proposed 25 mph speed limit in the Pinecrest Subdivision as requested. The motion was seconded by Mayor Pro Tem Martin. Motion carried unanimously

COOPERATIVE PURCHASING AGREEMENT – LAKE CONROE FIRE DEPARTMENT

A motion was made by Councilman Snider, seconded by Councilman Gibson, to approve the proposed Cooperative Purchasing Agreement with Lake Conroe Fire Department as discussed. Motion carried unanimously.

3-YEAR ANNEXATION PLAN – STRATEGIC PARTNERSHIP AGREEMENT – MUDS 3 AND 4

A motion was made by Councilwoman Porter, seconded by Councilman Gibson, to set a Special Council Meeting for Friday 22nd at 10:00 am for final action on proposed 3-Year Annexation Plan and Strategic Partnership Agreement for Montgomery County Utility District Nos. 3 and 4 as discussed. Motion carried unanimously.

RESOLUTION OF SUPPORT – SPECIAL LEGISLATION – CREATION OF MUD 132

A motion was made by Councilman Snider, seconded by Councilman Gentry, to approve a proposed Resolution supporting special legislation for the creation of Montgomery County Municipal Utility District No. 132 as discussed. Motion carried unanimously.

PAPER SHREDDING/ELECTRONICS RECYCLING EVENT

This item was deferred.

FINANCIAL MANAGEMENT POLICY REVIEW

Councilman Gibson made a motion to approve the Financial Management Policy review including Purchasing Policy, Revenue Handling Manual, Investment Policy, Arbitrage Policy and Post-Issuance Debt Policy as presented. Mayor Pro Tem Martin seconded, and the motion carried unanimously.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FYE 9-30-2012

Councilman Gentry made a motion to approve the Comprehensive Annual Financial Report for FYE 9-30-2012 as presented. Councilman Snider seconded, and the motion carried unanimously.

RESOLUTION SUPPORTING THE CRADLE OF TEXAS ROAD

Councilwoman Porter made a motion to approve the proposed Resolution supporting the proposal to designate portions of Highway 90, Highway 105 and Highway 75 as the “Cradle of Texas Road” as discussed. Councilman Gentry seconded, and the motion carried unanimously.

NEEDS ASSESSMENT FOR POLICE BUILDING

A motion was made by Councilman Gentry, seconded by Councilman Gibson, to approve the needs assessment for the police building as discussed. Motion carried unanimously.

At 6:21 p.m. Mayor Melder, along with Council, City Administrator Paul Virgadamo, City Attorney Marc Winberry, and City Secretary Marla J. Porter recessed into a closed meeting for the following purpose:

- Acquisition of property
- Acquisition of Anderson Road Crossing right-of-way – Councilwoman recused herself from discussion on this item.

The Open Meeting reconvened at 7:18 p.m.

CONSENT AGENDA

A motion was made by Councilman Gibson, seconded by Mayor Pro Tem Martin, to approve the Consent Agenda Items 17 thru 19 as presented. The motion carried unanimously.

- Board and Commission Member absences.
 - January 3, 2013 Meeting – Leo Hewett, Foster Madeley, and Mike Stoecker
 - January 17, 2013 Meeting – Leo Hewett and Mike Stoecker
- Approval of Minutes of City Council Meeting held January 23 & 24, 2013 and January 31, 2013.

Payment of Statements:

• Deutsche Bank National Trust Company	Siemens Energy Management System	\$642,913.87
• Montgomery Building Services	Pay No. 2 – Municipal Court Remodel	\$ 51,635.38
• San Jacinto River Authority/GRP Division	Surface Water Fee	\$284,733.67
• HI-WAY Equipment Co.	Gradall Telescoping Excavator	\$302,275.00

There being no further business to consider, Councilwoman Porter made a motion, seconded by Councilman Snider, to adjourn. The motion carried unanimously.



31 January 2013

Mr. Philip Dupuis
Chief of Police
City of Conroe Police Department
700 Old Montgomery Road
Conroe, Texas 77301

Re: Fee Proposal for A/E Services
Needs Assessment & Design Services
Conroe Police Building Facility
Conroe, Texas

Dear Chief:

After careful review of your project criteria, PGAL is pleased to submit this Fee Proposal to provide Needs Assessment, Architectural and Engineering Design services for new Police Services Facility and related site work in Conroe, Texas.

PROJECT UNDERSTANDING

The City of Conroe is planning on constructing a new replacement Police Services Facility on a site to be determined under this contract. PGAL will assist the City in master planning the proposed site for the new facility. The new facility will be located on property that is located within the City limits of Conroe, Texas.

The proposed new Police Services Facility is expected to accommodate the entire City of Conroe Police Department and Municipal Court. The final size of the project will be determined in the Needs Assessment Phase of the project. During the programming phase, we will investigate whether a single building or a multiple building campus will be provided and whether the building(s) will be one story or multiple stories.

Site work is expected to include the construction of new surface parking and other related site improvements as required for the new building. The utilities and road construction to access the site is under construction now and should be complete in time for this project. We are not expecting that other off-site improvements will be required. We understand that detention for the selected site will not be required as the required detention will be provided by a regional detention system that will be provided by others.

The new building may be designed to achieve LEED certification in compliance with USGBC requirements. If desired, the project will be designed to achieve the minimum points required for a basic certified level of LEED as recognized by the USGBC. We have assumed that we will be instructed to utilize a practical approach to LEED design and attempt to achieve the LEED points that use conventional and proven technologies for this climate and application.

EXHIBIT "A"
(1 of 6)

The City will determine the construction delivery method during the programming phase of the project. It is our understanding the City will consider Design-Bid-Build, Competitive Sealed Proposals or Construction Management At Risk delivery methods for the project. We will assist the City in determining the most appropriate delivery method for the project.

The total project budget for this project has not yet been determined. We will develop a budget for the project based on the program developed and approved.

We have assumed the basis of the contract will be the standard City of Conroe Professional Services contract with the terms based upon the AIA B-103 Standard Agreement Between the Owner and Architect.

DESIGN SERVICES

Design services will include needs assessment, programming, site evaluation, conceptual design, budget development, schedule development, schematic design, design development, construction documents, bidding and construction administration. During the planning and programming phase we will develop the concept design for the project that will be presented for approved by the City. We expect to present the project to the City staff and to the City Council in a workshop(s) for approval.

PGAL will provide 3D sketch-up models of the building to present design ideas and get feedback from the City. We will provide an exterior rendering of the final design concept.

Upon approval of the design, PGAL will prepare construction documents required for permitting and construction. The project is assumed to be designed as a single project to be built in a single phase. The completed construction documents will be submitted to governmental agencies for purposes of obtaining a building permit. We will assist the City in obtaining bids for the project.

Construction administration services include attendance at weekly progress meetings, answering RFI's, review of shop drawings, preparation of change orders, review of contractor's pay application and preparation of a punch list.

CHARACTER AND EXTENT OF SERVICES

Basic Services will include the following:

A. Data Collection Phase:

1. Assemble statistics and preliminary planning facts by interviewing key City staff. Interviewing sessions will be conducted in both individual and group sessions. Data collected by interview will be summarized and presented in the final report.
2. Gather existing documentation of existing facilities from City documents.
3. Identify use of each existing building by interviewing key City staff.
4. Meetings with the City staff and tours of existing facilities.

5. Site visits to similar police facilities.

B. Standards Development Phase:

1. Inventory existing office and work station sizes.
2. Gather space standards from similar municipal entities for comparison purposes.
3. Recommend planning standards for City of Conroe offices and work stations.

C. Programming/Needs Assessment Phase:

1. Identify projected departmental space needs for 5, 10 and 20 years in the future by interviewing key City staff.
2. Benchmark planned spaces against other municipal facilities.
3. Provide stacking and blocking studies.

D. Concept Development Phase:

1. Gather existing concepts and ideas by interviewing the key City staff.
2. Master plan the proposed site.
3. Develop concept design of building and site improvements.
4. Conduct review meetings with City.
5. Make recommendation for construction delivery method.

E. Preliminary Design Phase:

1. Develop alternate floor plans, elevations and site design for approval.
2. Evaluate design options with operational requirements.
3. Develop room data sheets.
4. Develop preliminary project schedule.
5. Develop preliminary project budgets.
6. Conduct Council Workshops to review design.

F. Final Design Phase:

1. Develop final design documents.
2. Prepare bid documents.
3. Submit for permit to governmental agencies.
4. Review bids and assist in preparation of construction contract.

G. Construction Services Phase:

1. Attend weekly construction meetings.
2. Prepare construction correspondence.
3. Review shop drawings.
4. Issue construction clarifications and requested changes.

5. Review pay applications.
6. Prepare punch list.

H. Commissioning Phase:

1. Facilitate Owner and User training of building systems.
2. Review O & M manuals for completeness.
3. Commission building systems.

COMPENSATION

Basic Services: We propose to perform the Basic Services for Steps A-E outlined above for a Lump Sum of \$20,000.00. The fee for Steps A-E includes programming and architectural services only. We proposed to perform the Basic Services for Steps F-H for a Lump Sum based upon a fee of 6.0% of the approved project budget. Steps F-H will include architectural, interiors, structural engineering, MEP engineering, civil, landscaping and irrigation design.

Reimbursable Costs: We would expect to be reimbursed for any out-of-pocket expenses we incur on behalf of the project such as cost of reproduction, plotting, special handling or delivery, permit fees and travel. Reimbursable expenses will be billed at our cost, plus a 10% service charge. We would recommend a reimbursable expenses budget of \$2,000.00 be established for Steps A-E and a reimbursable expenses budget of \$25,000.00 be established for Steps F-H of the project.

Alternative Additional Services: If services other than those described as Basic Services are requested by the City, they will be billed in addition to the above Basic Services compensation in accordance a negotiated amount based on the Not to Exceed Amounts listed below of in compliance with the attached rate schedule. The City may choose to authorize any of the Alternative Additional Service tasks listed below throughout the course of the contract. No Alternative Additional Service task will be performed without specific written authorization from the City. The following constitutes Alternative Additional Services should they be requested by the City:

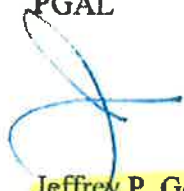
Alta Survey	Not to Exceed Amount of \$6,000
Geotechnical Survey	Not to Exceed Amount of \$5,000
Environmental Phase I	Not to Exceed Amount of \$3,500
LEED Consulting	Not to Exceed Amount of \$18,000
LEED Commissioning	Not to Exceed Amount of \$16,000
Energy Modeling	Not to Exceed Amount of \$19,000
FFE Design	Not to Exceed Amount of \$25,000
Audio-visual (Courtroom)	Not to Exceed Amount of \$3,000
Security Design (Jail)	Not to Exceed Amount of \$10,000
Technology Design	Not to Exceed Amount of \$7,500
Specialty consultants not listed above	
Revisions to approved work or previous direction	

PROJECT SCHEDULE

We are prepared to deliver this project in accordance with your requirements.

Thank you for the continued opportunity to serve the City of Conroe. We have personnel available to begin this project immediately. Please don't hesitate to call should you have any questions regarding this proposal.

Sincerely,
PGAL



Jeffrey P. Gerber, AIA
President and CEO

**PIERCE GOODWIN ALEXANDER & LINVILLE
HOURLY SCHEDULE
EXHIBIT A**

DISCIPLINE	RATE
DIRECTOR	\$195.00
PRINCIPAL	185.00
PROJECT MANAGER	180.00
SENIOR PROJECT ARCHITECT, DESIGNER, ENGINEER	167.00
PROJECT ARCHITECT, DESIGNER, ENGINEER	145.00
ARCHITECT, DESIGNER, ENGINEER	140.00
ASSISTANT ARCHITECT, DESIGNER, ENGINEER	110.00
SPACE PLANNER	100.00
ASSISTANT SPACE PLANNER	85.00
SENIOR ENGINEER	185.00
PROJECT ENGINEER	180.00
CONSTRUCTION ADMINISTRATOR	155.00
CONSTRUCTION INSPECTOR	120.00
ADMINISTRATION	85.00

RATES INCLUDE ALL MARKUPS FOR OVERHEAD, BURDEN, FEES, ETC., AND WILL REMAIN IN EFFECT UNTIL DECEMBER 2013.