

**MINUTES OF THE  
CONROE CITY COUNCIL**

**MARCH 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

Jake and Gentry Matthews sang happy birthday to their grandfather, Councilman Jim Gentry.

### **CREATION OF MUD 132 & AUTHORIZING DISTRICT'S UTILITY FUNCTIONS AGREEMENT**

City Attorney Mark Winberry asked Council to consider approval of a proposed Ordinance consenting to the creation of Montgomery County Municipal Utility District No. 132 and authorizing a Utility Functions Agreement for the division of services between the District and the City. Mr. Winberry pointed out that the City would provide water and wastewater treatment capacity and would operate the utility system and receive all utility revenues and the District would construct the in-District infrastructure and would convey the facilities to the City.

At 2:10 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:

- Section 551.071 – Consultation with City Attorney concerning pending litigation with TPPProperty LLC vs. City of Conroe, et al (La Torreta lawsuit).
- Section 551.072 - Acquisition of right-of-way for Anderson Road Project – Councilwoman recused herself from discussion on this item.
- Section 551.074 – Director of Public Works Performance Evaluation.

The Open Meeting reconvened at 3:19 p.m.

### **WATER WELL 24 – CHANGE ORDER**

City Engineer Erwin Burden asked Council to consider approval of a Change Order in the amount of \$36,625 for Water Well No. 24 (Skytop) to aid in protecting downhole pump equipment and piping.

### **OVERSIZED VEHICLES IN CITY LIMITS**

City Engineer Erwin Burden asked Council to consider approval of a proposed Ordinance revising restriction of oversize vehicles traveling within the city limits. Mr. Burden pointed out that this Ordinance would define oversized loads to be greater than 14-feet wide, 14-feet in height or 110-ft long, and would also restrict their travel through the city limits during peak traffic hours.

### **DEVELOPER PARTICIPATION AGREEMENT – MAGELLAN DEVELOPMENT LIMITED**

City Engineer Erwin Burden asked Council to consider approval of a proposed Developer Participation Agreement with Magellan Development Limited to extend sanitary sewer service to the northwest corner of FM 1314 and Loop 336. Mr. Burden informed Council that the developer would be responsible for the cost of materials and the cost of obtaining any easements and the City would be responsible for the design and construction of the project.

### **SIDEWALK DESIGN CONTRACT – CHANGE ORDER**

Executive CIDC Director Larry Calhoun asked Council to consider a proposed Change Order in the amount of \$23,826 for additional signage. Mr. Calhoun informed that the original contract only included schematic design.

### **ADDITIONAL POSITION HIRE – POLICE ACADEMY**

Chief of Police Philip Dupuis asked Council to consider approval to hire 10 positions for the academy, which begins April 2013. Chief Dupuis pointed out that these positions are needed to cover the new district that would be created upon annexation. He stated that the officers would need training before the annexation takes place.

### **PAPER SHREDDING/ELECTRONICS RECYCLING EVENT**

Finance Director Steve Williams informed Council that the City would be collaborating with Republic Services to host the third annual paper shredding and electronic recycling event. Mr. Williams pointed out that the event would take place at the Dean Towery Service Center on Saturday, April 13, 2013. He stated that the City would only incur overtime and advertising cost estimated to be approximately \$2,800.00, which was already included in the budget.

### **CVB TOURIST COUNCIL APPOINTMENTS**

Conroe CVB Manager Harold Hutcheson asked Council to consider the appointments of Rachel Parsons (Gullo Ford) to fill the retiring chair position of Marilyn Kasmiersky, Marty Craig (Conroe Arts Representative) to fill the retiring chair position of Nancy Renfroe, Danielle Scheiner (Deputy Director of CIDC) to replace Larry Calhoun in his position, and John Warner (Texas Forest Service) to serve another term. Mr. Hutcheson pointed out that all of the proposed terms were to expire December 31, 2015.

### **MUD 99 – CONSENT TO INCORPORATE**

Assistant Community Development/Public Works Director Nancy Mikeska addressed Council and asked them to consider approval of a proposed Resolution consenting to incorporate 20.78 acres of land into the MUD 99 as requested.

### **PARTICIPATION IN COALITION – ENTERGY REGULATORY MATTERS**

City Attorney Marc Winberry presented Council an Ordinance authorizing Conroe's participation in the coalition of cities cooperating in regulatory matters concerning Entergy Texas, Inc. for 2013 and allowing a steering committee of representatives of the cities to retain consultants and direct their work. Mr. Winberry advised Entergy would be filing a rate request shortly and this would allow participation in the matter.

### **COUNCIL BRIEFING**

None

### **COUNCIL INQUIRY**

Mayor Pro Tem Martin expressed concern over the clear cutting bill (HB 1337) which would remove the city's authority on tree preservation. He suggested everyone contact State Representative Brandon Creighton and Senator Tommy Williams.

**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, MARCH 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 Secretary Marla J. Porter

**ABSENT:** City Attorney Marcus L. Winberry

**INVOCATION/PLEDGE:** City Administrator Paul Virgadamo

**RECOGNITIONS:** Finance Department – Distinguished Budget Award

**CITIZEN INQUIRY**  
None

**MUD 132 – CONSENT TO CREATE**

A motion was made by Councilman Gibson, seconded by Councilman Snider, to approve the proposed Ordinance consenting to the creation of Montgomery County Municipal Utility District No. 132 and authorizing a Utility Functions Agreement with the District as discussed. Motion carried unanimously.

**WATER WELL NO. 24 (SKYTOP) – CHANGE ORDER**

A motion was made by Mayor Pro Tem Martin, seconded by Councilman Gibson, to approve Water Well No. 24 Change Order in the amount of \$36,625 as requested. The motion carried unanimously.

**OVERSIZED VEHICLES – INSIDE CITY LIMIT**

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

**DEVELOPER PARTICIPATION – MAGELLAN DEVELOPMENT LIMITED**

A motion was made by Councilman Gibson, seconded by Mayor Pro Tem Martin, to approve the proposed Developer Participation Agreement with Magellan Development Limited to extend sanitary sewer services to the northwest corner of FM 1314 and Loop 336 as discussed. Motion carried unanimously.

**SIDEWALK DESIGN – CHANGE ORDER**

Councilman Gibson made a motion to approve the proposed Change Order to add the completion of the signage package to the original contract as discussed. The motion was seconded by Councilwoman Porter. Motion carried unanimously.

**10 POSITIONS FOR POLICE ACADEMY**

A motion was made by Councilman Snider, seconded by Mayor Pro Tem Martin, to approve hiring 10 positions for Police Academy as requested. The motion carried unanimously.

**CVB TOURIST COUNCIL - APPOINTMENTS**

Councilwoman Porter made a motion to approve the new nominees to the CVB Tourist Council as presented. The motion was seconded by Councilman Snider. Motion carried unanimously.

**MUD 99 – CONSENT TO INCORPORATE 20.78 ACRES**

Councilman Snider made a motion to approve the proposed Resolution consenting to the request of MUD 99 to incorporate 20.78 acres of land into the District as discussed. The motion was seconded by Councilman Gentry. Motion carried unanimously.

**COALITION OF CITIES – ENTERGY TEXAS, INC.**

Councilman Gibson made a motion to approve the proposed Ordinance authorizing participation in the coalition of cities cooperating in regulatory matters concerning Entergy Texas, Inc. as discussed. The motion was seconded by Mayor Pro Tem Martin. Motion carried unanimously.

**DEVELOPER REIMBURSEMENT PAYMENTS – WEST FORK TIRZ**

A motion was made by Councilman Gibson, seconded by Councilman Gentry, to approve the proposed Resolution approving developer reimbursement payments from West Fork Tax Increment Reinvestment Fund as discussed. The motion carried unanimously.

**REJECT HOT BUDGET – LA TORRETTA**

A motion was made by Mayor Pro Tem Martin, seconded by Councilman Gibson, to approve the proposed Resolution rejecting the proposed budget for expenditure of hotel occupancy tax funds by TPProperty LLC under the previously terminated agreement for management of hotel occupancy tax funds as discussed. The motion carried unanimously.

**COUNCIL MINUTES**

A motion was made by Council Gibson, seconded by Councilman Snider, to approve minutes of City Council Meetings held February 7, 2013, February 13 & 14, 2013, February 20, 2013, February 21, 2013, February 22, 2013 and February 27 & 28, 2013 as presented. Motion carried unanimously.

**PAYMENT OF STATEMENTS**

Councilman Gentry made a motion to approve the payment of statements as presented. Councilman Snider seconded, and the motion carried unanimously.

Payment of Statements:

• Hahn Equipment, Co.	Invoice No. 88965 – Lift Station SCADA Equipment	\$ 51,027.40
• Doggett Heavy Machinery Services	Inv. V90928	\$472,471.00
• Tripple B Services	Pay No. 5 – Drennan Rd West	\$337,984.82
• Tripple B Services	Pay No. 5 – Plantation Dr North – Phase 1 & 2	\$ 87,044.08
• San Jacinto River Authority/GRP Division	Surface Water Fee	\$257,019.22

There being no further business to consider, Councilwoman Porter made a motion, seconded by Mayor Pro Tem Martin, to adjourn. The motion carried unanimously.