

**MINUTES OF THE
CONROE CITY COUNCIL**

MARCH 27 & 28, 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
Soco M. Gorjón, Assistant City Secretary

ABSENT: City Secretary Marla J. Porter

After a roll call by the Assistant 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:


Soco M. Gorjón, Assistant City Secretary

OFFICIAL MINUTES OF THE CONROE CITY COUNCIL

PLAYGROUND UNITS – MAXIMIZING CHILDREN’S MINISTRIES

Parks Department Director Mike Riggins informed Council that the Ark Church, in conjunction with Maximizing Children’s Ministries, requested the acquisition of two City playground units that are scheduled for replacement this year, one in the Oscar Johnson, Jr. Community Center and the other one at the Carl Barton, Jr. Park. Mr. Riggins stated that once acquired, the playgrounds would be disassembled, transported, and reassembled in another country. Mr. Riggins pointed out that the City, the Ark Church and Maximizing Children’s Ministries collaborated on a similar project when the Kasmiersky Park playground was replaced. The unit was shipped to Bolivia where many children were able to experience a playground for the first time. Mr. Riggins introduced members from The Ark Church and from Maximizing Children’s Ministries who were very excited to continue this project with the City.

BNSF RAILROAD AGREEMENTS – INSTALLATION OF COMMUNICATION LINE CONDUIT

City Engineer Erwin Burden asked Council to consider approval of three proposed BNSF railroad agreements for installation of communication line conduits along BNSF railroad corridor at FM 3083, Main Street and Ed Holcomb Blvd. Staff recommended approval.

BID AWARD – GROUNDING SYSTEM FOR WATER WELLS

City Engineer Erwin Burden asked Council to consider awarding the Grounding System Bid for Water Wells No. 4, 5, 6, 7, 12, 13, 14, and 15 to Groundcore, LLC for their bid total of \$134,800, which is under the project estimate.

Purchasing Director Wallace Dodd expressed concerns since there was only one bid received for this project.

After a lengthy discussion, it was Council’s consensus to rebid the project and asked that City Administrator Paul Virgadamo oversee the operation.

ABANDONMENT OF PORTIONS OF MADELEY AND MCDADE STREETS

City Engineer Erwin Burden informed Council that the Sacred Heart Catholic Church requested abandonment of a portion of Madeley Street from its intersection with FM 2854 to its intersection with McDade Street, and a portion of McDade Street from its intersection with SH 75 to its intersection with Hicks Street. Mr. Burden pointed out that the Church is proposing to dedicate the existing streets as utility and access easements as well as dedicating public right-of-way for Hicks Street on its plat.

After discussing and reviewing the proposed Ordinance, there was a safety concern should the streets be closed. It was Council’s consensus to revise the Ordinance to include language granting emergency access.

CODE ENFORCEMENT – “CONROE CAN” INITIATIVE

Assistant Community Development/Public Works Director Nancy Mikeska addressed Council and gave an update on current and proposed Code Enforcement programs. Ms. Mikeska asked Council to consider approval of the “Conroe Can” Code Enforcement Initiative to improve unsightly conditions around Conroe. She pointed out that it was their recommendation to initiate “Phase I” (Uptown and surrounding areas) of the program April 1st. Ms. Mikeska also asked Council to consider granting Code Enforcement an additional truck in order to be more efficient in their job. Staff recommended approval.

Both Councilwoman Porter and Councilman Gentry asked Ms. Mikeska to review the current farm animal Ordinance and see if anything could be done to improve it.

HUMANE SOCIETY OF MONTGOMERY COUNTY PROPERTY CONVEYANCE

Parks Department Director Mike Riggins informed Council that the Humane Society of Montgomery County wanted to convey 0.5455 acres of land near Dallas Street and Pleasant Drive to the City. Mr. Riggins pointed out that the proposed property encompassed a portion of the site where the Humane Society formerly operated. Staff recommended approval.

DEVELOPMENT AGREEMENT – 4DSTAR, LLC – ANNEXATION OF 42.182 ACRES

Assistant Community Development/Public Works Director Nancy Mikeska addressed Council and asked them to consider approval of a proposed development agreement between the City and 4DSTAR, LLC, whereby the City agrees to defer the annexation of 42.182 acres in the James Smith Survey. Ms. Mikeska pointed out that said property would continue to hold the City's extraterritorial property status and would be subject to terms and conditions of proposed agreement, which placed certain restrictions upon the property.

UTILITY RELOCATION AGREEMENT – SAN JACINTO RIVER AUTHORITY

Public Works Director Dean Towery asked Council to consider approval of the proposed San Jacinto River Authority agreement for utility relocation of a 10" waterline. Mr. Towery informed that all costs associated with this project would be reimbursed by the SJRA plus a 5% administrative fee.

BID AWARD – LIVE OAK CREEK SEWER MAIN BORING PROJECT

Public Works Director Dean Towery asked Council to consider awarding the bid to Borco, L.P. the second low bidder for \$154,375.00 due to their reputation, experience in similar sized projects and references. Mr. Towery pointed out that they are recommending going to the second bidder since they did not get good references on the sub-contractor of the low bidder.

City Attorney Marc Winberry asked if the apparent low bidder had already been notified. Mr. Towery answered in the affirmative.

INTERLOCAL AGREEMENT FOR AUTO THEFT TASK FORCE

Deputy Chief of Police Russell Reynolds asked Council to consider approval of an Interlocal Agreement for the Auto Theft Task Force. The agreement would cover 50% of an officer's salary as a member of the Force. He pointed out this was a renewal of an existing agreement that has been in effect for more than ten years. Staff recommended approval.

INTERLOCAL AGRMNT – AIR TRAFFIC CONTROL OPERATIONS/LONE STAR EXECUTIVE AIRPORT

City Attorney Marc Winberry asked Council to consider approval of the proposed Interlocal Agreement for interim funding of Air Traffic Control Operations at the Lone Star Executive Airport. Mr. Winberry informed Council that the County has requested the City share equally the cost of continuing air traffic control operations through the end of the fiscal year (\$168,481) as a result of the "sequestration" requirement to reduce federal spending. Mr. Winberry pointed out that CIDC has been requested to provide the City's share of the funding from the 4B sales tax dollars. He further stated that the agreement does not obligate either the City or CIDC beyond the end of the current fiscal year.

Mayor Pro Tem Martin recommended speaking with other municipalities to share costs since we all benefit from its use.

At 3:30 p.m. Mayor Melder, along with Council, City Administrator Paul Virgadamo, City Attorney Marc Winberry, Assistant City Secretary Soco M. Gorjón, Public Works Director Dean Towery, and City Engineer, recessed into a closed meeting for the following purpose:

- Section 551.072 – Longmire Road Phase 3 right-of-way acquisition.

The Open Meeting reconvened at 3:45 p.m.

COUNCIL BRIEFING

It was agreed to defer Item 14, bid award for grounding system for water wells, and to discuss Item 13, bid award for Live Oak Creek Sewer Main Boring Project individually.

COUNCIL INQUIRY

None

There being no further business to be brought before the Council the Open Meeting was recessed until tomorrow at 9:30 a.m.

RECONVENE

THURSDAY, MARCH 28, 2013 – 9:30 A.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
Assistant City Secretary Soco M. Gorjón

ABSENT: City Secretary Marla J. Porter

INVOCATION: City Attorney Marc Winberry

PLEDGE: Councilman Gil Snider

RECOGNITIONS: 5-Year Service – Raymond Rowzee – Engineering Department
Employee of the Month – Scott Kubala – Utility Billing

CITIZEN INQUIRY

None

BNSF RAILROAD AGREEMENTS – INSTALLATION OF COMMUNICATION LINE CONDUIT

A motion was made by Councilwoman Porter, seconded by Councilman Snider, to approve the proposed BNSF Railroad Agreements for installation of communication line conduit as discussed. Motion carried unanimously.

PUBLIC HEARING – ABANDONMENT OF PORTIONS OF MADELEY AND MCDADE STREETS

The Open Meeting was recessed at 9:46 a.m. in order to conduct a Public Hearing regarding abandonment of portions of Madeley and McDade Streets.

After calling for comments and receiving none, the Open Meeting was reconvened at 9:46 a.m. by Mayor Melder.

ABANDONMENT OF PORTIONS OF MADELEY AND MCDADE STREETS

City Attorney Marc Winberry presented Council a revised Ordinance as discussed. Staff recommended approval.

A motion was made by Mayor Pro Tem Martin, seconded by Councilman Gibson, to approve the revised proposed Ordinance abandoning portions of Madeley and McDade Streets as requested. The motion carried unanimously.

“CONROE CAN” CODE ENFORCEMENT INITIATIVE

Mayor Melder apologized for using the term “target” when identifying the area where the program would be beginning. Mayor Melder and Mayor Pro Tem Martin informed they had received several calls from upset citizens complaining about the term “target” used to identify their area. It was Council’s consensus to use the term Phase I, Phase II, Phase III ... etc. when identifying the focused areas.

Councilman Gibson made a motion to approve the “Conroe Can” code enforcement initiative including identification of Phase I area known as a portion of Uptown as discussed. The motion was seconded by Councilman Snider. Motion carried unanimously.

PLAYGROUND UNITS – MAXIMIZING CHILDREN’S MINISTRIES

A motion was made by Councilman Snider, seconded by Councilwoman Porter, to approve Maximizing Children’s Ministries request for the acquisition of two City playground units that are scheduled for replacement as discussed. Motion carried unanimously.

HUMANE SOCIETY OF MONTGOMERY COUNTY PROPERTY CONVEYANCE

Mayor Pro Tem Martin made a motion to approve the Humane Society of Montgomery County property conveyance as discussed. The motion was seconded by Councilman Gibson. Motion carried unanimously.

DEVELOPMENT AGREEMENT – 4DSTAR, LLC – DEFER ANNEXATION OF 42.182 ACRES

A motion was made by Councilman Gibson, seconded by Councilman Gentry, to approve a Development Agreement with 4DSTAR, LLC deferring annexation of 42.182 acres and other related matters as discussed. The motion carried unanimously.

UTILITY RELOCATION AGREEMENT – SAN JACINTO RIVER AUTHORITY

Councilman Snider made a motion to approve the proposed Utility Relocation Agreement with San Jacinto River Authority as presented. The motion was seconded by Councilman Gentry. Motion carried unanimously.

LONE STAR EXECUTIVE AIRPORT – INTERLOCAL AGREEMENT

Councilman Gibson made a motion to approve the proposed Interlocal Agreement for interim funding of air traffic control operations at Lone Star Executive Airport as approved by the CIDC and discussed in Council Workshop. The motion was seconded by Councilman Snider. Motion carried unanimously.

RESOLUTION OPPOSING TEXAS HOUSE BILL 1377

City Administrator Paul Virgadamo presented Council a proposed Ordinance for Council’s review and consideration opposing House Bill 1377 relating to the authority of cities for tree removal and preservation on property within their jurisdiction.

Councilman Gentry made a motion to approve the proposed Resolution opposing Texas House Bill 1377 as discussed. The motion was seconded by Councilman Gibson. Motion carried unanimously.

FEBRUARY 2013 MONTHLY FINANCIAL SUMMARY REPORT

Finance Director Steve Williams presented a detailed monthly financial summary report for the month of February 2013 to Mayor and Council for review and consideration.

After Mr. Williams’ presentation, Councilman Gibson made a motion to approve the February 2013 Monthly Financial Summary Report as presented. Councilman Gentry seconded, and the motion carried unanimously.

BID AWARD – LIVE OAK CREEK SEWER MAIN BORING PROJECT

Councilwoman Porter made a motion to award the bid to Borco, L.P., the second low bidder, for their bid amount of \$154,375.00 as discussed. Mayor Pro Tem Martin seconded, and the motion carried unanimously.

BID AWARD – GROUNDING SYSTEM FOR WATER WELLS

This item was deferred.

CONSENT AGENDA

A motion was made by Councilman Gibson, seconded by Mayor Pro Tem Martin, to approve the Consent Agenda Items 12, 15, 16, and 17 as presented. The motion carried unanimously.

- **Interlocal agreement for Auto Theft Task Force.**
- **Extension of 2011 Mosquito Spraying Contract to 2013 with on change in contract price.**
- **Minutes of the Council Meetings held March 13 & 14, 2013.**
- **Payment of Statements – No statements were presented for payment**

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