

**MINUTES OF THE SPECIAL
CONROE CITY COUNCIL**

TUESDAY, JULY 30, 2013 – 9:30 A.M.

**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**

**ABSENT: Councilman Gentry
Assistant City Secretary Soco M. Gorjón**

A quorum being present, the meeting was called to order at 9:30 a.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 ACTION OF THE CONROE CITY COUNCIL

INVOCATION: Paul Virgadamo – City Administrator

RECOGNITION/PLEDGE: Gabriel Rocha, Boy Scout Troop 772

SUBMISSION OF 2013 EFFECTIVE AND ROLLEBACK TAX RATE

Finance Director Steve Williams advised Council that this item was to officially submit the Effective and Rollback Tax Rates for the 2013 tax year to the City Council as calculated by the Montgomery County Tax Assessor/Collector J. R. Moore. He advised that this year's effective tax rate was to be set at \$0.4050 per \$100 assessed valuation, and the rollback tax rate was \$0.4365 per \$100 assessed valuation.

There was a motion by Mayor Pro Tem Martin, seconded by Councilman Gibson, to accept the notice of submission as proposed by the Finance Department and calculated by the Montgomery County Tax Assessor/Collector. The motion carried unanimously.

SET TAX RATE AND TWO PUBLIC HEARINGS

Finance Director Steve Williams advised this item was to recommend that the Council consider proposing a tax rate of \$0.4200 per \$100 assessed valuation and to set two public hearings on the tax rate for Thursday, August 8, 2013 at 6:00 p.m. and Tuesday, August 13, 2013 at 9:30 a.m. in the Council Chambers at Conroe City Hall.

A motion was made by Councilman Snider, seconded by Councilwoman Porter, to approve setting a tax rate of \$0.4200 for Fiscal Year 2013-2014, and to set two public hearings scheduled for Thursday, August 8, 2013 at 6:00 p.m., and Tuesday, August 13, 2012 at 9:30 a.m. in the Council Chambers at Conroe City Hall. The motion carried unanimously.

CERTIFICATION OF EXCESS DEBT COLLECTIONS – FISCAL YEAR 2012-2013

Finance Director Steve Williams informed Council that this item was to certify that there were no excess debt collections for Fiscal Year 2012-2013 as reported by the City's Tax Assessor/Collector J. R. Moore.

Councilman Gibson moved to approve the certification of excess debt collections for Fiscal Year 2012-2013 as reported by the Montgomery County Tax Assessor/Collector. Councilwoman Porter seconded, and the motion carried unanimously.

CERTIFICATION OF DEBT SERVICE COLLECTIONS RATE FOR FY 2013-2014

Finance Director Steve Williams pointed out that this item was to certify the debt service collection rate at 100% for Fiscal Year 2013-2014 as recommended by the City's Tax Assessor/Collector J. R. Moore.

There was a motion by Mayor Pro Tem Martin, seconded by Councilwoman Porter, to approve certification of the debt service collection rate for Fiscal Year 2013-2014 at 100% as recommended by the Montgomery County Tax Assessor/Collector. Motion carried unanimously.

PURCHASE OF WASTEWATER TREATMENT PLANT PROPERTY

City Attorney Marc Winberry presented Council an amendment to the real estate sales contract between the Sam Houston Area Council Boy Scouts of America and the City for the sale of 37.9 acres of land for their review and consideration (attached as Exhibit "A").

There was a motion by Councilman Gibson, seconded by Mayor Pro Tem Martin, to authorize the purchase of the wastewater treatment plant property as discussed and recommended. Motion carried unanimously.

ENERGY CHANGE OF OWNERSHIP OF TRANSMISSION BUSINESS

City Attorney Marc Winberry presented Council a Resolution, drafted by the City's rate consultant and endorsed by the Coalition of Cities in the Entergy service area, supporting the transfer of Entergy's transmission business to ITC, a publicly traded independent transmission company. Mr. Winberry pointed out that the support was conditioned upon PUC approval of terms and conditions reflecting commitments made by Entergy and ITC which addressed concerns raised by the City Coalition.

Mayor Pro Tem Martin moved to approve the proposed Resolution of support regarding Entergy's proposal for change in ownership and control of its transmission business and other related relief in PUC Docket No. 41223 as discussed. Councilman Gibson seconded, and the motion carried unanimously.

CANCELLATION OF 1st REGULAR COUNCIL MEETING IN OCTOBER

A motion was made by Councilwoman Porter to cancel the first regular Council meeting in October 2013 due to conflict with the TML Conference. The motion was seconded by Mayor Pro Tem Martin and carried unanimously.

There being no further business to be brought before Council, there was a motion by Councilwoman Porter, seconded by Councilman Snider, to adjourn. The motion carried unanimously.

First Amendment to Real Estate Sales Contract

This First Amendment is made and effective this ____ day of July, 2013 between SAM HOUSTON AREA COUNCIL BOY SCOUTS OF AMERICA ("SHAC"), joined herein by CAMP STRAKE PROPERTIES FOUNDATION INCORPORATED (jointly referred to with SHAC as "Seller") and the CITY OF CONROE, TEXAS ("Buyer") and amends that certain Real Estate Sales Contract made between Buyer and SHAC and effective on July 5, 2013 ("the Agreement") for the sale of 37.9 acres of land ("the Property") as more particularly described in the Agreement.

A. Additional Party Joined

CAMP STRAKE PROPERTIES FOUNDATION INCORPORATED is hereby joined to and made a party to this Agreement and agrees to be bound hereby as a co-owner and Seller of the Property with SHAC.

B. Amendment to Schedule

The following contract deadlines specified in A. of the Agreement are revised to expire on the dates stated below at 5:00 P.M. local time where the Property is located. All contract deadlines not revised by this Amendment remain in effect. If a deadline falls on a Saturday, Sunday, or national holiday, the deadline will be extended to the next day that is not a Saturday, Sunday, or national holiday. A national holiday is a holiday designated by the federal government. Time is of the essence.

1. End of Inspection Period: **August 15, 2013**
2. Closing Date: **August 30, 2013**

C. Consideration for Buyer's Right to Terminate

Paragraph H.1.a. of the Agreement providing for the disposition of Earnest Money after Termination by the Buyer is hereby amended to read as follows:

1. *Disposition of Earnest Money after Termination*
 - a. *To Buyer.* If Buyer terminates this contract in accordance with any of Buyer's rights to terminate, then unless Seller delivers notice of Seller's objection to Title Company's release of the Earnest Money to Buyer within five days after Buyer delivers Buyer's termination notice to Seller and Title Company, Title Company is authorized, without any further authorization from Seller, to deliver the Earnest Money to Buyer, less \$1,000, which will be paid to Seller as consideration for the right granted by Seller to terminate this contract.

Paragraph J.1.a. of the Agreement providing for remedies upon Seller's default is hereby amended to read as follows:

- a. *Termination.* Buyer may terminate this contract by giving notice to Seller on or before the Closing Date and Closing Time and have the Earnest Money, less \$1,000 as described in H.l.a. above, returned to Buyer.

D. Other Provisions of the Agreement to Remain in Effect

Except as expressly amended above the provisions of the Agreement remain in effect in accordance with the provisions of the Agreement.

SAM HOUSTON AREA COUNCIL
BOY SCOUTS OF AMERICA

CAMP STRAKE PROPERTIES
FOUNDATION INCORPORATED

By: _____
Thomas O. Varnell
President/Scout Executive

By: _____
Thomas O. Varnell
President

Date: _____

Date: _____

CITY OF CONROE

By: _____
Webb Melder
Mayor

Date: _____

Title Company acknowledges receipt of this First Amendment.

OLD REPUBLIC TITLE OF CONROE

By: _____
Name: _____
Title: _____

Date: _____