

**MINUTES OF THE
CONROE CITY COUNCIL**

OCTOBER 23 & 24, 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
Assistant City Secretary Soco M. Gorjón**

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

At 2:10 p.m., Mayor Melder along with Council, City Administrator Paul Virgadamo, City Attorney Marc Winberry, Assistant City Secretary Soco M. Gorjón, and Finance Director Steve Williams recessed into a closed meeting for the following purpose:

Section 551.072 – Discuss Economic Development:

- **Resolution authorizing consent for the creation of Conroe Municipal Management District No. 1 – Camp Strake Development.**
- **Utility Functions Agreement with Johnson Development Corporation acting on behalf of the proposed Conroe Municipal Management District No. 1 – Camp Strake Development.**
- **Development Agreement with Johnson Development Corporation establishing development standards applicable to development of the Camp Strake property.**
- **Reimbursement Agreement with Johnson Development Corporation providing for municipal cost participation to reimburse a portion of certain costs of development related to public infrastructure, floodplain reclamation, wetlands mitigation and other costs incurred in the development of the Camp Strake property.**

The Open Meeting reconvened at 3:25 p.m.

CREATION OF CONROE MUNICIPAL MANAGEMENT DISTRICT 1 – CAMP STRAKE DEVELOPMENT

City Attorney Marc Winberry informed Council that the proposed Resolution consented to the creation of a municipal management district to provide development financing for the Camp Strake project. Mr. Winberry advised consent would be granted on the general terms and conditions applicable to in city municipal utility districts and caps the district tax rate at \$0.90 per one hundred dollar evaluation. Mr. Winberry pointed out that the consent would be made subject to District and developer approval of separate Utility Function and Developer Reimbursement agreements.

UTILITY FUNCTIONS AGREEMENT – JOHNSON DEVELOPMENT CORP. – CAMP STRAKE DEVL P.

City Attorney Marc Winberry informed Council that the proposed Utility Functions Agreement included standard City provisions for the operation of in-City MUD utility systems. He furthermore pointed out that the District and developer would construct the utility systems, and upon completion in accordance with City requirements, the City would accept the improvements and operate the system. Mr. Winberry also stated that the City would receive all water and sewer revenues from the operation of the system as consideration for providing water and sewer capacity and assuming the maintenance responsibility for the utilities.

DEVELOPMENT AGREEMENT – JOHNSON DEVELOPMENT - CAMP STRAKE PROPERTY

City Attorney Marc Winberry informed Council that the proposed Development Agreement with Johnson Development would lock in current development standards to govern the development of the Camp Strake project and would authorize variances and exceptions to certain development standards primarily including road construction standards.

REIMBURSEMENT AGREEMENT – JOHNSON DEVELOPMENT - CAMP STRAKE PROPERTY

City Attorney Marc Winberry informed Council that the proposed Reimbursement Agreement with Johnson Development Corporation would provide municipal cost participation to reimburse a portion of certain costs of development related to public infrastructure, floodplain reclamation, wetlands mitigation and other costs incurred in the development of the Camp Strake property. Mr. Winberry pointed out that staff proposed two agreements, one for the residential component and one for the commercial with a \$10 million reimbursement associated with each agreement.

Mayor Pro Tem Martin asked Michael Smith, Johnson Development Vice President, what would happen if the County did not participate in the project. Mr. Smith pointed out that they would not close the deal.

TERPSTRA & ASSOCIATES ANNEXATION AGREEMENT – 234 ACRES OF LAND

City Attorney Marc Winberry informed Council that Terpstra & Associates owned 234 acres of land on the west side of I-45 south of Camp Strake and shared a common boundary line with the City's new wastewater treatment plant site on I-45 as well as being located within the River Plantation MUD. Mr. Winberry advised the proposed agreement would cooperate with Terpstra to obtain the release of the property from the MUD, would annex the property upon its release from the MUD and would provide utility service to the tract. He also pointed out that in exchange the property owner would allow City use of a private road on the property to access the wastewater treatment plant and would provide the City free fill dirt from the adjacent property to improve the wastewater treatment plant site. Mr. Winberry advised the implementation of the agreement would depend on removal of the territory by the MUD.

SIGNORELLI INVESTMENT SERVICE AGREEMENT – ESTATES OF WEDGEWOOD FALLS

City Attorney Marc Winberry informed Council that the original development (Estates of Wedgewood Falls, adjacent to the Wedgewood Subdivision off Longmire Road) stalled and the property was foreclosed. He pointed out that Signorelli recently purchased the property to complete the project and was asking the City to consider a Development and Municipal Services Agreement for re-development of the subdivision. Mr. Winberry advised under the agreement the City would make a reimbursement payment estimated at approximately \$1.6 million dollars and in exchange, the developer would agree to the creation of a Public Improvement District to assess the development costs against the property and assign PID assessment revenue to the City to permit it to recoup payment. Mr. Winberry advised 56 homes would have to be built out before the first payment would be made. He pointed out that homes in the development were expected to have an average value of \$300,000 and would add approximately \$33,600,000 in total property tax value.

SPILLMAN TECHNOLOGIES (SOLE SOURCE PROVIDER) - MAINTENANCE AGREEMENT

Information Technology Manager Pam Cobb asked Council to consider approval of the yearly maintenance agreement with Spillman Technology, sole source provider, through which the Police Department operates their computer-aided dispatch, wireless dispatch, records and case management systems. Ms. Cobb pointed out that maintenance agreement provided software updates and support.

CARTEGRAPH (SOLE SOURCE PROVIDER) - MAINTENANCE AGREEMENT

Information Technology Manager Pam Cobb asked for this item to be deferred.

VERIZON (STATE CONTRACT) - MAINTENANCE AGREEMENT

Information Technology Manager Pam Cobb asked Council to consider approval of the yearly maintenance agreement with Verizon, who provided multiple departments with air service for mobile access.

TYLER TECHNOLOGIES (SOLE SOURCE PROVIDER) - MAINTENANCE AGREEMENT

Information Technology Manager Pam Cobb asked Council to consider approval of the yearly maintenance agreement with Tyler Technologies, sole source provider, through which the Finance Department operates their financial, purchasing, and payroll systems. Ms. Cobb pointed out that maintenance agreement provided software updates and support.

BID AWARD – FY 13-14 APPARATUS SERVICE & REPAIR – SIDDONS MARTIN APPARATUS

Fire Chief Ken Kreger asked Council to consider approval of a blanket purchase order to Siddons Martin Apparatus for preventative maintenance and repairs of 10 fire apparatus in the amount "not to exceed" \$125,000.

BID AWARD – PUBLIC SAFETY RADIO UPGRADE – DAILY-WELLS

Fire Chief Ken Kreger asked Council to consider awarding P25 Public Safety Radio upgrades to Daily-Wells, a sole provider, in the amount of \$1,998,678.00.

MUD 141 – REVISED CREATION PETITION

Community Development/Public Works Assistant Director Nancy Mikeska asked Council to consider approval of an amended Resolution consenting to the revised petition for the creation of the Montgomery County Municipal Utility District No. 141.

SIGN AD, LTD – DIGITAL BILLBOARD CONVERSION AGREEMENT

Community Development/Public Works Assistant Director Nancy Mikeska asked Council to consider approval of a Digital Billboard Conversion Agreement with SIGN AD, LTD, for the conversion of an existing static billboard located on S-105 West, to an electronic digital billboard, in compliance with the City's Billboard Conversion Ordinance in effect when the conversion application was submitted. Ms. Mikeska pointed out that in return SIGN AD has agreed to remove four billboards; two located at 1775 North Loop 336 E, one located at 1612 N. Frazier Street, and one located at 1505 League Line Road.

Mr. Winberry informed Council that two of the structures would stay up for a 5-year period before they are removed.

BID AWARD – CDBG HOUSING RECONSTRUCTION PROJECT

Community Development/Public Works Assistant Director Nancy Mikeska asked Council to consider awarding the CDBG Housing Reconstruction Project to Bentley Builders for their bid amount of \$555,225.00.

DEVELOPER PARTICIPATION AGREEMENT – TERRA FIRMA DEVELOPMENT – WOODGATE SUBD.

City Engineer Erwin Burden informed Council that the proposed agreement would be a continuation of curve and pavement improvements for previously developed Woodlands Hills Drive in the Woodgate Subdivision, and it would be in accordance with plans and specifications approved by the City. Mr. Burden advised the City would participate with a 30% cost of the project (not to exceed \$12,935.00). Staff recommended approval.

PIPING, VALVES & FITTINGS BID AWARD – WATER WELL NO. 23 (BEASLEY ROAD)

Purchasing Director Wallace Dodd asked Council to consider awarding the pipe bid to Coburns Supply Company for their bid price of \$117,936.00 and awarding the materials and fittings bid to ACT Pipe and Supply for their low bid of \$44,785.04.

WATER WELL STANDBY GENERATORS – CUMMINS SOUTHERN PLAINS

Purchasing Director Wallace Dodd asked Council to consider awarding the water well standby generators bid to Cummins Southern Plains for their bid amount of \$685,124.00. Mr. Dodd informed they are the only vendors, at this time, that could supply 500kW to 750kW natural gas generators and it would be in the best interest and value for the City to use natural gas rather than diesel.

FY 13-14 ANNUAL MUNICIPAL WASTE LANDFILL BID AWARD

Public Works Director Scott Taylor asked Council to consider awarding the FY 13-14 Annual Municipal Waste Landfill bid to New Earth, Inc. in the amount of \$175,000.00 for sludge disposal and award Waste Management in the amount of \$12,418.00 for grit disposal. Mr. Taylor pointed out that the total bid awards would be over the amount budgeted and would require a budget amendment.

BID AWARD – WASHED ROCK

Public Works Director Scott Taylor asked Council to consider awarding the washed rock bid to Southern Crushed Concrete, lowest bidder, for their bid amount of \$69,950.00.

BID AWARD - FY 13-14 ANNUAL PHOSPHATE CHEMICAL

Public Works Director Scott Taylor asked Council to consider awarding the bid to Napco Chemical Company as the phosphate supplier in the amount of \$91,425.00.

BID AWARD – ROBINWOOD WATER WELL NO. 12 - REPAIRS

Mayor Melder recused himself from discussion on this item.

Public Works Director Scott Taylor asked Council to consider awarding the well repair bid to Weisinger Incorporated for a total cost not to exceed \$161,921.00.

BID AWARD – DEWATERING LIVE OAK CREEK SEWER MAIN

Public Works Director Scott Taylor asked Council to consider awarding the bid to Griffin Dewatering Southwest, LLC in the amount of \$120,050.85 based on best value.

PUBLIC HEARING – TAX ABATEMENT REINVESTMENT ZONE

At 4:38 p.m., Mayor Melder recessed the Open Meeting in order to conduct a Public Hearing on designation of a tax abatement reinvestment zone on 24.370 acres of land in the William S. Allen Survey owned by Ball Metal Beverage Container Corporation.

Mayor Melder asked for questions and/or comments from the public. Hearing none, he closed the public hearing and reconvened the open meeting at 4:40 p.m.

TAX ABATEMENT REINVESTMENT ZONE – BALL METAL BEVERAGE CONTAINER CORP.

City Attorney Marc Winberry presented Council a proposed Ordinance designating a tax abatement reinvestment zone on 24.370 acres of land in the William S. Allen Survey owned by Ball Metal Beverage Container Corporation for their review and consideration.

POSSIBLE AMENDMENTS TO HOME RULE CHARTER

City Attorney Marc Winberry informed Council that the charter could only be amended by the voters at an election every two years either in May or in November. Mr. Winberry pointed out that Councilman Gentry requested discussing a possible amendment to the charter to provide for selection of the judge by the City Council rather than as an elected position. Mr. Winberry stated that no action was required at this time, but Council may wish to provide direction to staff for possible changes to the charter to prepare appropriate proposition for inclusion on the ballot since it would be cheaper to conduct only one election.

RATES AND CHARGES BY ENTERGY TEXAS, INC.

City Attorney Marc Winberry presented Council a proposed Ordinance ordering a 90-day suspension of the proposed effective date of an increase in electric utility rates and charges by Entergy Texas, Inc. for their review and consideration. Mr. Winberry informed that the suspension period provided additional time to analyze the proposed rates and prepare final order granting, denying or modifying the request.

At 4:55 p.m., Mayor Melder along with Council, except Councilwoman Porter, City Administrator Paul Virgadamo, City Attorney Marc Winberry, and Assistant City Secretary Soco M. Gorjón recessed into a closed meeting for the following purpose:

Section 551.074:

- **Parks & Recreation Director's Performance Appraisal**
- **Police Chief's performance Appraisal**

The Open Meeting reconvened at 5:20 p.m.

COUNCIL BRIEFING

None

COUNCIL INQUIRY

Councilman Gentry asked Council and staff to remember in their prayers City Secretary Marla Porter's family as they were going through tough health issues as well as health issues for Chief of Police Phillip Dupuis's son, Mason.

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, OCTOBER 24, 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
City Secretary Marla J. Porter

ABSENT: Assistant City Secretary Soco M. Gorjón

INVOCATION/PLEDGE: Pastor Wes Pratt- Northside Baptist Church

PROCLAMATIONS: Municipal Court Week – November 4 – 8, 2013

SERVICE AWARDS: Shawn Johnson - 5-yrs – Administrative Coordinator - CIDC
Victoria Endsley – 1-yr – E-Service Coordinator – Administration
Chris Loomis – 1-yr – Water Conservation Manager – Public Works

EMPLOYEE OF THE MONTH: Ben Mitchell - Investigator

CITIZEN INQUIRY

Scott Graeffing addressed Council regarding a trashcan placement citation. Mr. Graeffing will visit with City Administrator Paul Virgadamo.

AWARD CONTRACT TO DAILY-WELLS FOR PUBLIC SAFETY UPGRADE

A motion was made by Mayor Pro Tem Martin, seconded by Councilman Gibson, to award the contract to Daily-Wells for Public Safety Radio Upgrade as discussed. Motion carried unanimously.

REVISED PETITION – CREATION OF MUD 141

A motion was made by Councilman Gibson, seconded by Mayor Pro Tem Martin, to approve the proposed amended Resolution consenting to the revised petition for the creation of the Montgomery County Municipal Utility District No. 141 as discussed. The motion carried unanimously.

DIGITAL BILLBOARD CONVERSION AGREEMENT – SIGN AD, LTD

Mayor Pro Tem Martin made a motion to approve the proposed Digital Billboard Conversion Agreement with SIGN AD, LTD, for the conversion of an existing static billboard located on S-105 West, to an electronic digital billboard, in compliance with the City's Billboard Conversion Ordinance in effect at the time the conversion application was submitted as discussed. The motion was seconded by Councilman Gentry. Motion carried unanimously.

BID AWARD – CDBG HOUSING RECONSTRUCTION PROJECT

Councilman Gentry made a motion to approve a bid award for the CDBG Housing Reconstruction Project in the amount of \$555,225 to Bentley Builders as discussed. The motion was seconded by Councilman Snider. Motion carried unanimously.

UNITED STATES POSTAL SERVICE PURCHASE ORDER

Finance Director Steve Williams asked Council to consider approval of the yearly United States Postal Service (USPS) purchase order for cost relating to mailing utility bills and reminder notices.

A motion was made by Mayor Pro Tem Martin, seconded by Councilwoman Porter, to approve the yearly United States Postal Service purchase order for cost relating to mailing utility bills and reminder notices as discussed. The motion carried unanimously.

REPUBLIC SERVICES PURCHASE ORDER

A motion was made by Councilman Gibson, seconded by Councilman Gentry, to approve Republic Services Purchase Order as discussed. The motion carried unanimously.

SAN JACINTO RIVER AUTHORITY (SJRA) PURCHASE ORDER

Mayor Pro Tem Martin made a motion to approve the San Jacinto River Authority Purchase Order as presented. The motion was seconded by Councilman Gibson. Motion carried unanimously.

CONROE MUNICIPAL MANAGEMENT DISTRICT 1 – CAMP STRAKE DEVELOPMENT

Mayor Pro Tem Martin made a motion to approve the proposed Resolution authorizing consent for the creation of Conroe Municipal Management District No. 1 (Camp Strake Development) as discussed. The motion was seconded by Councilman Gentry. Motion carried unanimously.

UTILITY FUNCTIONS AGREEMENT – JOHNSON DEVELOPMENT CORPORATION

Mayor Pro Tem Martin made a motion to approve proposed Utility Functions Agreement with Johnson Development Corporation action on behalf of the proposed Conroe Municipal Management District No. 1 (Camp Strake Development) with right to make non-substantive changes to the contracts as presented and on file in City Secretary's Office as discussed. The motion was seconded by Councilman Snider. Motion carried unanimously.

DEVELOPMENT AGREEMENT – JOHNSON DEVELOPMENT CORPORATION

Mayor Pro Tem Martin made a motion to approve the proposed Development Agreement with Johnson Development Corporation establishing development standards applicable to development of the Camp Strake property as discussed. The motion was seconded by Councilman Gibson. Motion carried unanimously.

REIMBURSEMENT AGREEMENT – JOHNSON DEVELOPMENT CORPORATION

A motion was made by Councilman Snider, seconded by Councilman Gibson, to approve the proposed Reimbursement Agreement (to be divided into two parts, residential and commercial) with Johnson Development Corporation providing for municipal cost participation to reimburse a portion of certain costs of development related to public infrastructure, floodplain reclamation, wetlands mitigation and other costs incurred in the development of the Camp Strake property as discussed. The motion carried unanimously.

DEVELOPER PARTICIPATION AGREEMENT – TERRA FIRMA DEVELOPMENT

Motion was made by Councilman Gentry, seconded by Councilman Snider, to approve the proposed Developer Participation Agreement with Terra Firma Development for Woodgate Subdivision as presented. The motion carried unanimously.

ANNEXATION AGREEMENT – TERPSTRA & ASSOCIATES

Mayor Pro Tem Martin made a motion to approve the proposed Annexation Agreement with Terpstra & Associates for 234 acres of land as discussed. Councilman Gentry seconded, and the motion carried unanimously.

MUNICIPAL SERVICES AGREEMENT – SIGNORELLI INVESTMENT COMPANY

Councilman Gibson made a motion to approve the proposed Development and Municipal Service Agreement with Signorelli Investment Company, Ltd, for re-development of the Estates of Wedgewood Falls as discussed. Mayor Pro Tem Martin seconded, and the motion carried unanimously.

TAX ABATEMENT REINVESTMENT ZONE – BALL METAL BEVERAGE CONTAINER CORP.

Councilman Gentry made a motion to approve the proposed Ordinance designating a tax abatement reinvestment zone on 24.370 acres of land in the William S. Allen Survey owned by Ball Metal Beverage Container Corporation as discussed. Councilman Snider seconded, and the motion carried unanimously.

UTILITY RATES & CHARGES BY ENTERGY TEXAS, INC.

Councilman Gibson made a motion to approve the proposed Ordinance ordering a 90-day suspension of the proposed effective date of an increase in electric utility rates and charges by Entergy Texas, Inc. and providing for other matters related to regulation of the rates and charges as presented. Councilman Gentry seconded, and the motion carried unanimously.

CONSENT AGENDA

A motion was made by Mayor Pro Tem Martin, seconded by Councilman Gibson, to approve the Consent Agenda in its entirety less Item 18 as presented. The motion carried unanimously.

- Approve yearly maintenance agreement with Spillman Technologies (Sole Source Provider).
 - Approve yearly maintenance agreement with Verizon (State Contract).
 - Approve yearly maintenance agreement with Tyler Technologies (Sole Source Provider).
 - Approve Commercial Solid Waste Franchise for Prostar Waste – First Reading.
 - Award FY 13-14 Annual Municipal Waste Landfill Bid to New Earth, Inc. in the amount of \$175,000.00 for sludge disposal and Waste Management in the amount of \$12,418.00 for grit disposal.
 - Award Washed Rock Bid for FY 13-14 to Southern Crushed Concrete in the amount of \$69,950.00.
 - Award Annual Phosphate Chemical Bid for FY 13-14 to Napco Chemical Company in the amount of \$91,425.00.
 - Award repairs bid for Robinwood Water Well No. 12 to Weisinger Water Well for a total cost not to exceed \$161,921.00.
- Mayor Melder recused himself from discussion and/or action of Item No. 25.**
- Award Dewatering Live Oak Creek Sewer Main Bid to Griffin Dewatering Southwest, LLC in the amount of \$120,050.85.

CONSENT AGENDA - CONTINUATION

- Award apparatus service and repair bid to Siddons Martin Apparatus for FY 13-14 in the amount not to exceed \$125,000.00.
- Award bids for piping, valves and fitting for new Water Well No. 23 (Beasley Road) as discussed.
- Award bid for water well standby generators to Cummins Southern Plains.
- Board and Commission Member absences.
 - September 19, 2013 Meeting – Foster Madeley

Payment of Statements:

• CPR Services & Supplies	Inv. No. 186248- Panorama WW Tie-In	\$ 96,003.36
• San Jacinto River Authority/GRP	Surface Water Fee	\$576,205.18
• Buckalew Chevrolet, LP	Inv. No. P132035/23/33/38	\$111,880.00
• Lone Star Family Health Center	Inv. No. CFD092513	\$ 51,910.00
• Huff & Mitchell, Inc.	Pay App. 7 – LaSalle to League Line Rd	\$286,429.93

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