



**STATE OF TEXAS
COUNTIES OF WALLER AND HARRIS
CITY OF WALLER**

BE IT REMEMBERED THAT ON THIS THE 18th day of October 2021 at 6:00 p.m. the City Council of the City of Waller, Texas held a meeting in Regular Session at 1218 Farr St. with the following present:

Mayor Danny Marburger
Mayor Pro Tem Dwayne Hajek
Councilmember Nancy Arnold
Councilmember Edna Eaton (Absent)
Councilmember Mike McCormick
Councilmember Jason Tones

Cynthia Ward, City Secretary
Kimberly Dickey, Deputy City Secretary
Maryann Carl, Finance Officer
Gene Schmidt, Public Works Director
William Llewellyn, Chief of Police
Art Pertile, City Attorney

Mayor called the Meeting to order at 6:00 p.m.

PRAYER AND PLEDGE OF ALLEGIANCE

*Prayer by Councilmember Arnold
Pledge led by Mayor Pro Tem Hajek*

COMMUNICATIONS FROM THE PUBLIC

Please fill out a "Citizen Registration Card" form in order to address the Council. Turn in the form prior to Communications from the Public to the City Secretary. Speakers are limited to three minutes. The purpose of this item is to allow the public an opportunity to address the Mayor and City Council on issues that are not on the agenda. The Council cannot take action but may refer this item to a department head or direct that this item be placed on a future regular Council agenda.

Any interested person may appear before City Council to speak on an item on the agenda. Before the start of the meeting, the person must request such appearance in writing and identify the agenda item on which he/she wishes to speak. The person will be called to speak when the agenda item comes before City Council for discussion or action. Comments are limited to 3 minutes.

CONSENT AGENDA ITEMS

This agenda consists of non-controversial, or "housekeeping" items required by law. Items may be removed from the Consent Agenda by any Councilmember making such a request prior to a motion and vote on the Consent Agenda.

1. Approval of Minutes for August 23, 2021, Budget Workshop.
2. Approval of Minutes for September 20, 2021, Regular Meeting.
3. Approval of Minutes for September 23, 2021, Special Meeting.

4. Approval of the Quarterly Investment Report.

Motion by Councilmember Arnold to approve the consent agenda items. Seconded by Councilmember McCormick. Motion passed.

REGULAR AGENDA ITEMS

5. Discussion and possible action regarding **Ordinance #580** including Budget Amendment for FY 2020-2021 end of year reconciliation.

Financial Officer Maryann Carl addressed Council regarding Ordinance #580 stating this is the routine annual ordinance required for the end of the year clean-up.

Motion by Mayor Pro Tem Hajek to approve Ordinance #580 including Budget Amendment for FY 2020-2021 end of year reconciliation. Seconded by Councilmember McCormick. Motion passed.

6. Discussion and possible action to change the Debt Service Fund CD from a 6-month to a 12-month term.

Financial Officer Maryann Carl addressed the Council regarding the city changing over to a 12-month term CD from a 6-month term it would double the interest from .3% to .7%. We need Council approval to change to an annual rotation to take advantage of the interest rate for the city.

Motion by Council Member Arnold to approve the change from a 6-month term to a 12-month term. Seconded by Mayor Pro Tem Hajek. Motion passed.

7. Discussion and possible action to approve a new job description for Code Enforcement personnel.

City Secretary Cynthia Ward addressed the Council regarding the job description stating this was created because the city did not have a job description for Code Enforcement. This was created and approved with the help of legal counsel.

Motion by Mayor Pro Tem Hajek to approve a new job description for Code Enforcement personnel. Seconded by Councilmember McCormick. Motion passed.

8. Discussion and possible action approving **Ordinance No. 581**, amending section 30-59 "office created" of chapter 30 "fire prevention and protection" adopting bureau veritas as fire marshal for the City of Waller.

City Attorney Art Pertile addressed the Council regarding the amendment of this ordinance. He stated this would allow a person or an entity to act as fire marshal for the city, currently the city's language stated this must be a person.

Motion by Council Member Arnold to approve Ordinance No. 581, amending section 30-59 "office created" of chapter 30 "fire prevention and protection" adopting bureau veritas as fire marshal for the City of Waller. Councilmember Tones seconded the motion. Motion passed.

9. Discussion and possible action to approve a new contract agreement with Bureau Veritas.

Assistant Director of Public Works Markus Benoit addressed Council regarding the new contract with Bureau Veritas. The City met with Mr. Chapman to get a new contract.

City Attorney Art Pertile let Council know that he has reviewed this document.

Maryann also stated that these fees are charged to the customer as they need the service then paid out to Bureau Veritas once inspection is complete.

Motion made by Councilmember McCormick to approve a new contract agreement with Bureau Veritas. Motion seconded by Councilmember Tones. Motion passed.

10. Discussion and possible action to approve having the Brite Nites Carshow on October 30th in the city plaza.

Assistant Director of Public Works Markus Benoit addressed Council stating that we had an event on October the 9th 2021 and had a total count of 91 cars come thru and some on display. We would like to make Council aware of another event planned on October 30th 2021 with a Halloween theme for the kids.

City Attorney Art Pertile let Council know that there will need to be a waiver signed with the responsible party for this event.

Motion by Councilmember Arnold to approve the Brite Nites Carshow on October 30th in the City Plaza and designating a responsible party to oversee the event. Motion seconded by Mayor Pro Tem Hajek. Motion passed.

11. Discussion and possible action to approve the construction of a six-foot sunscreen attachment to an existing fence resulting in a fifteen-foot privacy barrier.

Director of Public Works Gene Schmidt addressed Council stating that he has received a citizen request to build a sunscreen/privacy barrier above their fence. This structure by city ordinance, will require engineering by an outside entity.

No action taken by Council.

12. Discussion and possible approval of a modified 380 agreement for Binford Business Park to change name of ownership.

Economic Development Director John Isom addressed the Council to let them know that the Binford Business Park is now ready for utilities. The WEDC board on 2/8/2016 agreed to reimburse the developer of the Binford Business Park (81 acres on FM2920 @ Binford) for one-half of the utility extension costs estimated at that time. Since the Park did not have any planned development at that time, the WEDC cost was to be reimbursed to the developer as new improvements placed on the grounds. Reimbursements will be made to the developer, not companies who purchase land in the park and pay for the buildings.

The maximum to be reimbursed is \$313,617 (2015 cost estimate was \$627,234). The basis for reimbursement was a total of \$12 million in new investment.

This yields a reimbursement rate of \$26,134.75 for each new \$1 million dollars of improvements in the Business Park. Once \$12 million in improvements are complete, the full \$313,617 will have been reimbursed.

Each year, the developer will send the WEDC a copy of the certified Harris County Appraisal District showing the dollar amount of new improvements placed within the Business Park for that year. Only the new improvements are qualified.

The reimbursement agreement was contingent on the developer depositing escrow funds for the utility extension. The escrow has recently been submitted, utility extension plans are underway, and so now the written agreement needs to be approved.

Motion by Mayor Pro Tem Hajek to approve the Chapter 380 agreement between the Waller EDC and Black Gold Land Holdings for partial reimbursement of utilities cost. Motion seconded by Councilmember McCormick. Motion passed.

13. Discussion and possible action to schedule a special meeting and public hearing to discuss the creation of Harris County Municipal Utility District # 554.

City Attorney Art Pertile addressed the Council stating that he has been working on getting this land annexed into the city this calendar year. We may need to hold a Special Meeting to meet the requirements for hearings to be presented before Council.

No action taken by Council.

MAYOR AND COUNCIL REPORTS

Mayor stated that there will be a Fall Festival this Friday at the Haney building. Also, the city has spoken with the Chamber of Commerce, and they will be moving forward with their plans for a Christmas Parade this year.

Alison Henderson addressed Mayor and Council about Big Star Daycare that she is opening in the city. She stated concerns with the permitting process and the amount of time it has taken for the city to complete the process.

Mayor stated that he was aware of problems with the permit and let her know that he would be looking into the issues and will get back to her with resolution.

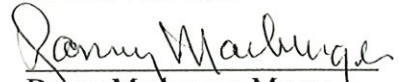
STAFF REPORTS- written reports submitted by:

- a. Cynthia Ward, City Secretary
- b. Gene Schmidt, Director of Public Works
William Llewellyn, Chief of Police
- c. John Isom, WEDC Director

ADJOURNMENT

With no further business Mayor adjourned the meeting at 6:54 p.m.

APPROVED BY:



Danny Marburger, Mayor

ATTEST:



Cynthia Ward, City Secretary