



**REGULAR MEETING
OF THE
CITY COUNCIL OF THE CITY OF WALLER, TEXAS**

**MONDAY, JANUARY 23, 2017
7:00 P.M.**

**WALLER ISD BOARD ROOM
2214 WALLER STREET
WALLER, TEXAS**

**Call to Order
Invocation
Pledge of Allegiance
Roll Call**

PUBLIC HEARING

TO RECEIVE PUBLIC COMMENTS REGARDING THE PROPOSED DESIGNATION OF THE FOLLOWING PROPERTY AS A REINVESTMENT ZONE FOR THE CITY OF WALLER:

TRACT 1

METES AND BOUNDS DESCRIPTION OF PROPERTY

DESCRIPTION OF 86.09 ACRES, MORE OR LESS, OF LAND AREA IN THE G.A. DENNET SURVEY, ABSTRACT NO. 124, WALLER COUNTY, TEXAS BEING THE WEST REMAINING PORTION OF THAT TRACT DESCRIBED AS 153.6 ACRES IN A DEED TO FRANK D. SCOTT ET UX, RECORDED IN VOLUME 335, PAGE 953 OF THE DEED RECORDS OF WALLER COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½” iron rod found in the common north line of the Scott 153.6 acre tract and the south line of U.S. Highway No. 290, at the northwest corner of Monticello Estates, recorded in Plat Record B-55 of the Plat records of Waller County, Texas;

THENCE leaving the PLACE OF BEGINNING and U.S. Highway 290, with the west line of Monticello Estates, S00°30’00”E 200.00 feet to a ½” iron rod set with the plastic cap stamped “PRECISION SURVEYORS” at the northeast corner of that tract described as one acre in a deed to Hung Cong Tran, recorded in Volume 849, Page 545 of the Official Public Records of Waller County, Texas;

THENCE leaving Monticello Estates with the Tran one acre tract, the following three courses and distances:

1. N73°24’31”W 249.81 feet to a 2” iron pipe found at the northwest corner of the Tran one acre tract.
2. S00°37’05”E 174.42 feet to a 2” iron pipe found at the southwest corner of the Tran one acre tract.
3. S73°24’31”E 249.44 feet to a ½” iron rod set with plastic cap stamped “PRECISION SURVEYORS” in the west line of Monticello Estates, at the southeast corner of the Tran one acre tract.

THENCE with the west line of Monticello Estates, S00°30’00”E 3073.37 feet to a 2” iron pipe found in the common south line of the Scott 153.6 acre tract and the north line of Old Houston Highway, at the southwest corner of Monticello Estates;

THENCE with the common south line of the Scott 153.6 acre tract and north line of Old Houston Highway, N74°02’36”W 429.96 feet to a 2” iron pipe found at the southeast corner of that tract described as 2.439 acres in a deed to Frank D. Scott et ux, recorded in Volume 278, Page 659 of the Deed Records of Waller County, Texas;

THENCE leaving Old Houston Highway, with the east line of the Scott 2.439 acre tract, N11°21'21"E 400.40 feet to a ½" iron rod set with plastic cap stamped "PRECISION SURVEYORS" at the north east corner of the Scott 2.439 acre tract;

THENCE with the north line of the Scott 2.439 acre tract, N78°11'16"W 148.63 feet to a ½" iron rod found at the northeast corner of that tract described as one acre in a deed to Elaine Francis Shafer et vir, recorded in Volume 337, Page 233 of the Deed Records of Waller County, Texas;

THENCE with fence, partly with the north line of the Shafer one acre tract and partly with the north and west lines of that tract found occupied by fence, of which no record deed was found the following four courses and distances:

1. N75°41'04"W 232.27 feet to a fence corner post found for an angle point.
2. S12°42'04"W 60.92 feet to a fence corner post found for an angle point.
3. N73°05'16"W 65.36 feet to a fence corner post found for an angle point.
4. S16°34'01"W 317.03 feet to a ½" iron rod set with plastic cap stamped "PRECISION SURVEYORS" in the common south line of the Scott 153.6 acre tract and the north line of Old Houston Highway.

THENCE with the common south line of the Scott 153.6 acre tract and the north line of Old Houston Highway, N73°53'15"W 119.31 feet to a 1" iron pipe found at the southeast corner of the tract described as 4.181 acres in a deed to Annie Mae Flakes, recorded in Volume 437, Page 237 of the Deed Records of Waller County, Texas;

THENCE leaving the south line of the Scott 153.6 acre tract and Old Houston Highway, with the east line of the Flakes 4.181 acre tract, N00°04'56"W 579.61 feet to a calculated point which falls in a tree, at the northeast corner of the Flakes 4.181 acre tract;

THENCE with the north line of the Flakes 4.181 acre tract, the following three courses and distances:

1. N66°58'28"W 169.54 feet to a ½" iron rod found for an angle point.
2. N66°31'00"W 53.38 feet to a ½" iron rod found for an angle point.
3. N06°09'09"W 16.92 feet to a ½" iron rod found for an angle point in the west line of the Scott 153.6 acre tract and the southeast corner of that tract described as 73.026 acres in a deed to William Brothers Construction Co., recorded in Volume 473, Page 207 of the Deed Records of Waller County, Texas;

THENCE with the common west line of the Scott 153.6 acre tract and the east line of the William Brothers Tract, N00°27'58"W 2825.17 feet to a ½" iron rod found in the south line of U.S. Highway 290, at the common northwest corner of the Scott 153.6 acre tract and the northeast corner of the William Brothers Tract;

THENCE with the common north line of the Scott 153.6 acre tract and the south line of U.S. Highway 290, S73°36'39"E 1236.83 feet to the PLACE OF BEGINNING.

There are contained within these metes and bounds 86.09 acre, more or less, of land area as prepared from public records and a survey made on the ground on April 12, 2013, prepared by Precision Surveyors, Inc. of Houston, Texas. Bearings for this description are based on monuments found at the northwest and southwest corners of Monticello Estates, record bearing being S00°30'00"E.

TRACT 2 METES AND BOUNDS DESCRIPTION OF PROPERTY

A TRACT OR PARCEL OF LAND CONTAINING 0.9548 ACRES OF LAND, (41,590 SQUARE FEET), SITUATED IN THE G.A. DENNETT SURVEY, ABSTRACT NUMBER 124, WALLER COUNTY, TEXAS, SAID 0.9548 ACRE TRACT OF LAND BEING OUT OF AND A PART OF THAT CERTAIN CALLED 86.09 ACRE TRACT OF LAND AS CONVEYED TO ALEGACY DEVELOPMENT, LLC BY INSTRUMENT RECORDED IN VOLUME 1384, PAGE 257, OF THE DEED RECORDS OF WALLER COUNTY, TEXAS, SAID 0.9548 ACRE TRACT OF LAND BEING THAT CERTAIN CALLED 1 ACRE OF LAND AS CONVEYED TO ALEGACY DEVELOPMENT, LLC, BY INSTRUMENT RECORDED IN VOLUME 1384, PAGE 48, OF THE OFFICIAL PUBLIC RECORDS OF WALLER COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½" iron rod found on the south right-of-way line of U.S. Highway 290, for the northwest corner of Monticello Estates, a subdivision in Waller County, Texas, according to the map or plat thereof recorded in Plat Record B-55 of the Map Records of Waller County, Texas, same being the northeast corner of said 86.09 Acre Tract;

Thence, S00°30'00"E, with the common line of said Monticello Estates, same being the east line of said 86.09 Acre Tract, a distance of 200.00 feet to a 1" iron pipe found for the northeast corner and POINT OF BEGINNING of the herein described tract;

Thence, S00°30'00"E, with the common line of said Monticello Estates, same being the east line of said 86.09 Acre Tract, a distance of 174.31 feet to a capper iron rod found for the southeast corner of the herein described tract;

Thence, N73°24'31"W, with the common line of said 86.09 Acre Tract, a distance of 249.44 feet to a 2" iron pipe found for the southwest corner of the herein described tract;

Thence, N00°37'05"W, with the common line of said 86.09 Acre Tract, a distance of 174.42 feet to a 2" iron pipe found for the southwest corner of the herein described tract;

Thence, S73°24'31"E, with the common line of said 86.09 Acre Tract, a distance of 249.81 feet to the POINT OF BEGINNING and containing 0.9548 acre of land, (41,590 square feet), more or less.

TRACT 3 METES AND BOUNDS DESCRIPTION OF PROPERTY

A tract of land containing 2.100 Acres situated in the G.A. Dennett Survey, Abstract 124, Waller County, Texas being the remainder of a tract of land recorded in the name of Anne Mae Flakes in Volume 437, Page 237 of the Waller County Deed Records (W.C.D.R.) and being more particularly described by metes and bounds as follows: (bearings based on Texas Coordinate System, South Central Zone, NAD83)

BEGINNING at a point on the northerly right-of-way line of Highway 290 Business being the southwest corner of a tract recorded in the name of Alegacy Development, LLC in Volume 1384, Page 257 of the W.C.D.R. and being the southeast corner of this tract from which a 1 inch iron pipe found bears North 38°48'22" West a distance of 0.72 feet;

THENCE, NORTH 75°52'04" WEST, with said northerly right-of-way line, a distance of 160.76 feet to a iron rod set at the southwest corner of this tract;

THENCE, NORTH 02°23'49" WEST, with the east line of a tract recorded in the name of Marguerite Robinson in Volume 1159, Page 595 of the W.C.D.R. (being the save and except portion of the aforementioned tract recorded in Volume 437, Page 237 of the W.C.D.R.), a distance of 600.84 feet to a iron rod set at the northwest corner of this tract;

THENCE, with the lines of the aforementioned Alegacy Development Tract, the following two (2) courses:

1. SOUTH 69°07'41" EAST, a distance of 169.54 feet to an iron rod set at the northeast corner of this tract;
2. SOUTH 02°14'09" EAST, a distance of 579.61 feet (called 580.0 feet) feet to the POINT OF BEGINNING and containing 2.100 Acres of land.

CLOSE PUBLIC HEARING

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.

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 December 19, 2016 Council meeting.

EXECUTIVE SESSION

2. City Council will convene into Executive Session pursuant to Section 551.074 of the Texas Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee- Police Chief
3. The City Council convene into Executive Session pursuant to Section 551.071 of the Texas Government Code, (1) to seek advice of its attorney regarding (a) pending or contemplated litigation, including Hall v. City of Waller, et al and Cano v. Michael Williams (b) a settlement offer, or (2) a matter on which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with this Chapter.
4. The City Council will convene into Executive Session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property.

CITY COUNCIL TO RECONVENE IN OPEN SESSION

REGULAR ITEMS

5. Discussion and possible action on Executive Session pursuant to Section 551.074 of the Texas Government Code for purpose of personnel matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee-Police Chief.
6. Discussion and possible action on Executive Session pursuant to Section § 551.071 of the Texas Government Code for purpose of to seek advice of its attorney regarding (1) pending or contemplated litigation, (b) a settlement offer, or (c) a matter on which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with this Chapter.
7. Discussion and or possible action on Executive Session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real proper authorizing the Mayor to move forward with property negotiations as discussed in Executive Session.
8. Discussion and possible action regarding **Resolution # 2017-01**, authorizing the submission of the 2017/2018 Texas Community Development Program Application.
9. Discussion and possible action to approve **Ordinance #503**, of the City of Waller, Texas providing for the ordering a General Election on May 6, 2017, for the purpose of electing the (3) at-large council members; designing the entire City as one election precinct; approving contracting with Waller County for a Joint Election.
10. Discussion and possible action regarding **Resolution # 2017-02**, approving the execution of a contract between Waller I.S.D., and the City of Waller to conduct the early voting and Election Day and to accept the appointment of election judge (s).
11. Discussion and possible action regarding **Resolution# 2017-03**, approving the execution of a contract with Waller County Elections Administrator for a Joint Election relating to the May 6, 2017 Election.

12. Discussion and possible action regarding **Resolution # 2017-04**, rescinding the motion to award a contract for the construction and paving of a concrete parking lot, including a retention pond, for the Waller Community Center; rejecting all bids; authorizing the Mayor to issue a new solicitation for performance of the work; and making findings and provisions relative to the subject.
13. Discussion and possible action to approve **Ordinance # 504** designating Reinvestment Zone No. 2-TA, located off US Highway 290 within the City of Waller, Waller County, Texas; making certain findings:
14. Discussion and possible action authorizing the City Attorney to draft a tax abatement agreement and authorizing the City Secretary to send notices to the taxing entities of the City's intent to enter into a tax abatement agreement on certain improvements to be constructed within
15. Discussion and possible action authorizing the staff to advertise for Request for Qualifications (RFQ) for an Architectural Firm to complete "Needs Assessment and Preliminary Conceptual Design" for various city facilities.
16. Discussion and possible action to approve an agreement with CenterPoint Energy for the installation of additional street lights in the City of Waller.
17. Discussion and possible action regarding the purchase of utility steel casing as required by TxDot for the Field Store Rd/ Hwy 290 and FM2920/ Hwy 290 intersections, due to a cost increase.
18. Discussion and possible action to approve a management agreement between Mission Waller Inc. (dba Waller Ministerial Alliance) and the City of Waller regarding 2017 Waller Freedom Fest.
19. Discussion and possible action regarding the WEDC board recommendation to reappoint Anthony Edmonds to a (3) three year term on the WEDC board for 2017-19.

MAYOR-COUNCIL REPORTS

STAFF REPORTS

- a. Gene Schmidt, Supt of Public Works
- b. Michael Williams, Police Chief
- c. John Isom, WEDC Director
- d. Cynthia Ward, City Secretary

ADJOURNMENT

I, Cynthia Ward, TRMC, do hereby certify that the above notice of meeting of the City of Waller, Texas City Council was posted in a place convenient to the general public in compliance with chapter 551, Texas Government Code, on Wednesday January 18, 2017 at 1:15 p.m.

Cynthia Ward, TRMC, City Secretary

All meetings of City Council are open to the public, except when there is a necessity to meet in an Executive Session (closed to the public) under the provisions of Section 551, Texas Government Code. The City Council reserves the right to convene into Executive Session to consult with an attorney, as authorized under Section 551.071 of the Government Code, for any of the above described agenda items. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive service must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (936) 372-3880.