



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

BE IT REMEMBERED THAT ON THIS THE 25th day of January, 2016 at 7:00 p.m. the City Council of the City of Waller, Texas met in Regular Session at 2214 Waller St. with the following present:

Mayor Danny Marburger	Cynthia Ward, City Secretary
Mayor Pro Tem Sidney Johnson	Gene Schmidt, Supt. of Public Works
Councilmember Nancy Arnold	Michael Williams, Captain
Councilmember Edna Eaton	John Isom, EDC Director
Councilmember Dwayne Hajek (arrived 7:13 pm)	Paula Alexander, City Attorney
Councilmember Mike McCormick	

Mayor Marburger called the meeting to order at 7:00 p.m.

PRAYER AND PLEDGE OF ALLEGIANCE

Prayer was given by Councilmember Arnold. Pledge of Allegiance was led by Councilmember Eaton.

PUBLIC HEARING

Opened Public Hearing at 7:03 p.m.

Public Hearing regarding a petition for annexation filed by Archway PSC Waller, LTD., and Premier Coil Solutions, Inc.

Public Hearing regarding a petition for annexation filed by Geo Southern Intermediate Holdings, LLC.

Closed Public Hearing at 7:06 p.m.

PRESENTATION

David Koogler, President of the Mark-Dana Corporation presented Council with information regarding a proposed development for senior housing called Hamilton Crossing.

COMMUNICATIONS FROM THE PUBLIC

Roger Frey addressed Council regarding debris at 2711 Ross and A Street.

CONSENT AGENDA ITEMS

1. Approval of Minutes for December 21, 2015 Regular Meeting.
2. Approval of Minutes for December 29, 2015 Public Hearing and Special Meeting.
3. Approval of Waller Police Department's 2015 Annual Contact Report.
4. Approval of **Resolution # 2016-02** adopting the Annual Investment Policy for the City of Waller. (TABLED)
5. Approval of the First Quarter Investment Report ending December 31, 2015. (TABLED)

Councilmember Arnold motioned to approve Consent Agenda Items 1-3, with items 4 & 5 tabled until next month. Mayor Pro-Tem Johnson seconded the motion. Vote was unanimous.

REGULAR ITEMS

6. Discussion and possible action to approve **Ordinance #489**, granting the petition for annexation filed by Archway PSC Waller, LTD., and Premier Coil Solutions, Inc.; providing for the extension of certain boundary limits of the City of Waller, Texas to include annexation of right-of-way, said right-of-way being a 12.690 acre tract of land made up of the street right-of-way of GH Circle Road (80 foot width) as shown on the recording plat of Waller Industrial Park, a called 240.99 acre tract of land recorded in Volume 1359, Page 251, Waller County official public records, located in the James Hitchcock survey, abstract 138, Waller County, Texas ; annexation of unrestricted reserves "D3" and "D5" as shown on that certain final plat of Waller Industrial Park recorded on May 22, 2013, at Page 251, Volume 1359, of the deed records of Waller County, Texas; providing for severability; and making findings and provisions relative to the subject.

ORDINANCE NO. 489

AN ORDINANCE GRANTING THE PETITION FOR ANNEXATION FILED BY ARCHWAY PCS WALLER, LTD., AND PREMIER COIL SOLUTIONS, INC.; PROVIDING FOR THE EXTENTION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF WALLER, TEXAS TO INCLUDE ANNEXATION OF RIGHT-OF-WAY, SAID RIGHT-OF-WAY BEING A 12.690 ACRE TRACT OF LAND MADE UP OF THE STREET RIGHT-OF-WAY OF GH CIRCLE ROAD (80 FOOT WIDTH) AS SHOWN ON THE RECORDING PLAT OF WALLER INDUSTRIAL PARK, A CALLED 240.99 ACRE TRACT OF LAND RECORDED IN VOLUME 1359, PAGE 251, WALLER COUNTY OFFICIAL PUBLIC RECORDS, LOCATED IN THE JAMES HITCHCOCK SURVEY, ABSTRACT 138, WALLER COUNTY, TEXAS ; ANNEXATION OF UNRESTRICTED RESERVES "D3" AND "D5" AS SHOWN ON THAT CERTAIN FINAL PLAT OF WALLER INDUSTRIAL PARK RECORDED ON MAY 22, 2013, AT PAGE 251, VOLUME 1359, OF THE DEED RECORDS OF WALLER COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT

WHEREAS, on January 6, 2016, Archway PCS Waller, Ltd., and Premier Coil Solutions, Inc. filed a petition for annexation of property, requesting the annexation of certain property located within the extraterritorial jurisdiction of the City of Waller; said property being less than one-half mile in width, is contiguous to the City of Waller pursuant to Section 43.028(g) of the Texas Local Government Code, and is vacant and without residents or on which fewer than three (3) qualified voters reside; **SEE ATTACHED EXHIBIT "1"**; and

WHEREAS, the Texas Local Government Code, Section 43.028, allows the annexation of a sparsely occupied area on petition of the area landowners; and

WHEREAS, a public hearing at a City Council meeting, where all interested persons were provided an opportunity to be heard on the proposed petition for annexation of the territory fully described in Exhibits 2 and 3, was held on January 25, 2016, in the Waller Independent School District Board Room at 2214 Waller Street, Waller, Texas; and

WHEREAS, January 25, 2016 is more than 5 days and less than 30 days from the date Archway PCS Waller, Ltd., and Premier Coil Solutions, Inc., filed a petition for annexation of property requesting the annexation of said property; and

WHEREAS, the above described territory lies within the extraterritorial jurisdiction of the City of Waller, Texas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLER, TEXAS:

Section 1. That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this ordinance.

Section 2. That, pursuant to Section 43.028(g), the territory described in Exhibit 3 is contiguous to the City by addition of the public right-of-way of a road or highway, which is fully described herein by metes and bounds, and included in the annexation of territory by the City; to-wit

SEE ATTACHED EXHIBIT "2"

Section 3. That the following described land and territory lying adjacent to and adjoining the City of Waller, Texas, is hereby added and annexed to the City of Waller, Texas, and said territory hereinafter described shall hereafter be included within the boundary limits of the City of Waller, Texas, and the present boundary limits of such city, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of Waller, Texas, to-wit

SEE ATTACHED EXHIBIT "3"

Section 4. That the above described territory and the area so annexed shall be a part of the City of Waller, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Waller, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Waller, Texas.

Section 5. The plan for extension of municipal services into the territory annexed to the City of Waller by the provisions of this Ordinance is set forth in the Municipal Services Plan attached hereto as Exhibit 4 and made a part hereof for all purposes. Such Municipal Services Plan is hereby approved.

Section 6. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such sections or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.

Section 7. Should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Waller, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to all of the remainder of the area. If there is included within the general description of territory set out in Section 3 of this Ordinance to be annexed to the City of Waller any lands or area which are presently part of and included within the limits of any other city or within the extraterritorial jurisdiction of any other city, or which are not within the City of Waller's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed as fully as if such excluded and excepted area were expressly described herein.

Councilmember Arnold motioned to approve Ordinance #489 granting the petition for annexation filed by Archway PSC Waller, LTD., and Premier Coil Solutions. Councilmember Eaton seconded the motion. Vote was unanimous.

7. Discussion and possible action to approve **Ordinance #490**, granting the petition for annexation filed by Geo Southern Intermediate Holdings, LLC; providing for the extension of certain boundary limits of the City of Waller, Texas to include annexation of right-of-way, said right-of-way being a 12.690 acre tract of land being made up of the street right-of-way of GH Circle Road (80 foot width) as shown on the recording plat of Waller Industrial Park, a called 240.99 acre tract of land recorded in Volume 1359, Page 251, Waller County official public records, located in the James Hitchcock survey, abstract 138, Waller County, Texas; annexation of unrestricted reserves A, CL, C3, D1, D2, D4 and D6, and restricted reserve B as shown on that certain final plat of Waller Industrial Park recorded on May 22, 2013, at Page 251, Volume 1359, of the deed records of Waller County, Texas; providing for severability; and making findings and provisions relative to the subject.

ORDINANCE NO. 490

AN ORDINANCE GRANTING THE PETITION FOR ANNEXATION FILED BY GEOSOUTHERN INTERMEDIATE HOLDINGS, LLC; PROVIDING FOR THE EXTENTION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF WALLER, TEXAS TO INCLUDE ANNEXATION OF RIGHT-OF-WAY, SAID RIGHT-OF-WAY BEING A 12.690 ACRE TRACT OF LAND BEING MADE UP OF THE STREET RIGHT-OF-WAY OF GH CIRCLE ROAD (80 FOOT WIDTH) AS SHOWN ON THE RECORDING PLAT OF WALLER INDUSTRIAL PARK, A CALLED 240.99 ACRE TRACT OF LAND RECORDED IN VOLUME 1359, PAGE 251, WALLER COUNTY OFFICIAL PUBLIC RECORDS, LOCATED IN THE JAMES HITCHCOCK SURVEY, ABSTRACT 138, WALLER COUNTY, TEXAS; ANNEXATION OF UNRESTRICTED RESERVES A, C1, C3, D1, D2, D4 AND D6, AND RESTRICTED RESERVE B AS SHOWN ON THAT CERTAIN FINAL PLAT OF WALLER INDUSTRIAL PARK RECORDED ON MAY 22, 2013, AT PAGE 251, VOLUME 1359, OF THE DEED RECORDS OF WALLER COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT

WHEREAS, on January 14, 2016, GeoSouthern Intermediate Holdings, LLC, filed a petition for annexation of property, requesting the annexation of certain property located within the extraterritorial jurisdiction of the City of Waller; said property being less than one-half mile in width, is contiguous to the City of Waller pursuant to Section 43.028(g) of the Texas Local Government Code, and is vacant and without residents or on which fewer than three (3) qualified voters reside; **SEE ATTACHECHED EXHIBIT "1"**; and **WHEREAS**, the Texas Local Government Code, Section 43.028, allows the annexation of a sparsely occupied area on petition of the area landowners; and

WHEREAS, a public hearing at a City Council meeting, where all interested persons were provided an opportunity to be heard on the proposed petition for annexation of the territory fully described in Exhibits 2 and 3, was held on January 25, 2016, in the Waller Independent School District Board Room at 2214 Waller Street, Waller, Texas; and

WHEREAS, January 25, 2016 is more than 5 days and less than 30 days from the date GeoSouthern Intermediate Holdings, LLC, filed a petition for annexation of property requesting the annexation of said property; and

WHEREAS, the above described territory lies within the extraterritorial jurisdiction of the City of Waller, Texas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLER, TEXAS:

Section 1. That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this ordinance.

Section 2. That, pursuant to Section 43.028(g), the territory described in Exhibit 3 is contiguous to the City by addition of the public right-of-way of a road or highway, which is fully described herein by metes and bounds, and included in the annexation of territory by the City, to-wit

SEE ATTACHED EXHIBIT "2"

Section 3. That the following described land and territory lying adjacent to and adjoining the City of Waller, Texas, is hereby added and annexed to the City of Waller, Texas, and said territory hereinafter described shall hereafter be included within the boundary limits of the City of Waller, Texas, and the present boundary limits of such city, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of Waller, Texas, to-wit

SEE ATTACHED EXHIBIT "3"

Section 4. That the above described territory and the area so annexed shall be a part of the City of Waller, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Waller, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Waller, Texas.

Section 5. The plan for extension of municipal services into the territory annexed to the City of Waller by the provisions of this Ordinance is set forth in the Municipal Services Plan attached hereto as Exhibit 4 and made a part hereof for all purposes. Such Municipal Services Plan is hereby approved.

Section 6. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such sections or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.

Section 7. Should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Waller, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to all of the remainder of the area. If there is included within the general description of territory set out in Section 3 of this Ordinance to be annexed to the City of Waller any lands or area which are presently part of and included within the limits of any other city or within the extraterritorial jurisdiction of any other city, or which are not within the City of Waller's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed as fully as if such excluded and excepted area were expressly described herein.

Councilmember Hajek motioned to approve Ordinance #490 granting the petition for annexation filed by Geo Southern Intermediate Holdings, LLC, providing for the extension of certain boundary limits of the City of Waller. Councilmember McCormick seconded the motion. Vote was unanimous.

8. Discussion and possible action to approve **Ordinance # 491**, Authorizing the Issuance and Sale of City of Waller, Texas Tax Notes, Series 2016; Awarding the Sale of Said Notes; Levying a Tax Payment Thereof; Prescribing the Form of Said Notes; and Enacting Other Provisions Relating to the Subject.

Agenda was rearranged and item #8 was moved to the beginning of the Agenda.

No action was taken. A special meeting will be held on Friday, January 29, 2016.

9. Discussion and possible action regarding **Resolution #2016-03**, supporting a development to be known as Hamilton Crossing, a development for seniors to be located in the Southeast Corner of Hamilton street and Waller Tomball road, Waller, Texas, the applicant being Hamilton Crossing, LP, a Texas limited partnership to be formed; and authorizing the Mayor to act as the executive officer and authorized representative in all matters pertaining to the City's support of this development.

RESOLUTION NO. 2016-03

A RESOLUTION OF THE CITY OF WALLER, TEXAS, SUPPORTING A DEVELOPMENT TO BE KNOWN AS HAMILTON CROSSING, A DEVELOPMENT FOR SENIORS TO BE LOCATED IN THE SOUTHEAST CORNER OF HAMILTON STREET AND WALLER TOMBALL ROAD, WALLER, TEXAS, THE APPLICANT BEING HAMILTON CROSSING, LP, A TEXAS LIMITED PARTNERSHIP TO BE FORMED; AND AUTHORIZING THE MAYOR TO ACT

AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S SUPPORT OF THIS DEVELOPMENT.

WHEREAS, Hamilton Crossing, LP has proposed a development for affordable rental housing for seniors at the southeast corner of Hamilton Street and Waller Tomball Road, Waller, TX named Hamilton Crossing in the City of Waller, Texas; and

WHEREAS, Hamilton Crossing, LP has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2016 Competitive 9% Housing Tax Credits for Hamilton Crossing; and

WHEREAS, this resolution further is intended to meet the requirements of §11.9(d)(1) (Local Government Support) of the Qualified Allocation Plan necessary to make Hamilton Crossing eligible for 17 points;

IT IS HEREBY RESOLVED, that the City of Waller, acting through its governing body, hereby confirms that it supports the proposed Hamilton Crossing located at the southeast corner of Hamilton Street and Waller Tomball Road, Waller, Texas, Application number 16236, and that this formal action has been taken to put on record the opinion expressed by the City of Waller on **January 25, 2016**, and

FURTHER RESOLVED that for and on behalf of the Governing Body, Danny Marburger, Mayor of the City of Waller, is hereby authorized, empowered, and directed to certify these Resolutions to the Texas Department of Housing and Community Affairs.

Councilmember Arnold motioned to approve Resolution #2016-03 supporting the development to be known as Hamilton Crossing and authorizing the Mayor to act as the executive officer and authorized representative in all matters pertaining to the City's support of this development. Mayor Pro Tem Johnson seconded the motion. Vote was unanimous.

10. Discussion and possible action regarding **Resolution #2016-04**, acknowledging that the City has twice the state average of housing tax credit units per capita and supporting a development to be known as Hamilton Crossing, a development for seniors to be located in the Southeast corner of Hamilton Street and Waller Tomball Road, Waller, Texas, the applicant being Hamilton Crossing, LP, a Texas limited partnership to be formed; and authorizing the Mayor to act as the executive officer and authorized representative in all matters pertaining to the City's support of this development.

RESOLUTION NO. 2016-04

A RESOLUTION OF THE CITY OF WALLER, TEXAS, ACKNOWLEDGING THAT THE CITY HAS TWICE THE STATE AVERAGE OF HOUSING TAX CREDIT UNITS PER CAPITA AND SUPPORTING A DEVELOPMENT TO BE KNOWN AS HAMILTON CROSSING, A DEVELOPMENT FOR SENIORS TO BE LOCATED IN THE SOUTHEAST CORNER OF HAMILTON STREET AND WALLER TOMBALL ROAD, WALLER, TEXAS, THE APPLICANT BEING HAMILTON CROSSING, LP, A TEXAS LIMITED PARTNERSHIP TO BE FORMED; AND AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S SUPPORT OF THIS DEVELOPMENT.

WHEREAS, Hamilton Crossing, LP has proposed a development for affordable rental housing at the southeast corner of Hamilton Street and Waller Tomball Road, Waller, TX named Hamilton Crossing in the city of Waller, Texas; and

WHEREAS, Hamilton Crossing, LP has communicated that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2016 Housing Tax Credits for Hamilton Crossing;

IT IS HEREBY RESOLVED, that as provided for in §11.3(b) of the Qualified Allocation Plan, it is expressly acknowledged and confirmed that the city of Waller has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds, and

FURTHER RESOLVED, that the city of Waller hereby supports the proposed Hamilton Crossing, and confirms that its governing body has voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Texas Government Code §2306.6703(a)(4), and

FURTHER RESOLVED that for and on behalf of the Governing Body, Danny Marburger, Mayor of the City of Waller, is hereby authorized, empowered, and directed to certify these Resolutions to the Texas Department of Housing and Community Affairs.

Councilmember Eaton motioned to approve Resolution #2016-04. Councilmember Arnold seconded the motion. Vote was unanimous.

11. Discussion and possible action regarding **Resolution #2016-05**, providing for an in-kind contribution for a development to be known as Hamilton Crossing, a development for seniors to be located in the Southeast corner of Hamilton Street and Waller Tomball road, Waller, Texas, the applicant being Hamilton Crossing, LP, a Texas limited partnership to be formed; and authorizing the Mayor to act as the executive officer and authorized representative in all matters pertaining to the City's support of this development

RESOLUTION NO. 2016-05

A RESOLUTION OF THE CITY OF WALLER, TEXAS, PROVIDING FOR AN IN-KIND CONTRIBUTION FOR A DEVELOPMENT TO BE KNOWN AS HAMILTON CROSSING, A DEVELOPMENT FOR SENIORS TO BE LOCATED IN THE SOUTHEAST CORNER OF HAMILTON STREET AND WALLER TOMBALL ROAD, WALLER, TEXAS, THE APPLICANT BEING HAMILTON CROSSING, LP, A TEXAS LIMITED PARTNERSHIP TO BE FORMED; AND AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S SUPPORT OF THIS DEVELOPMENT.

WHEREAS, Hamilton Crossing, LP has proposed a development for affordable rental housing for seniors at the southeast corner of Hamilton Street and Waller Tomball Road, Waller, TX named Hamilton Crossing in the City of Waller, Texas; and

WHEREAS, Hamilton Crossing, LP has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2016 Competitive 9% Housing Tax Credits for Hamilton Crossing; and

WHEREAS, Hamilton Crossing, LP, has requested development funding in the form of an in-kind contribution from the City of Waller, Texas; and

WHEREAS, the City of Waller finds that Hamilton Crossing LP, will contribute to area job creation and economic growth; and

WHEREAS, this resolution further is intended to meet the requirements of §11.9(d)(2) (Commitment of Development Funding by Local Political Subdivision) of the Qualified Allocation Plan necessary to make Hamilton Crossing eligible for one point;

NOW THEREFORE BE IT RESOLVED:

1. That the City of Waller hereby confirms that its governing body has voted specifically to provide a firm commitment of development funding to Hamilton Crossing, LP in the form of an in-kind contribution from the City of Waller, Texas for a total amount of \$1,000 as authorized by §11.9(d)(2) of the Qualified Allocation Plan; and
2. That the total amount of the firm commitment of development funding to Hamilton Crossing, LP in the form of an in-kind contribution from the City of Waller, Texas will not exceed the total amount of \$1,000; and
3. That for and on behalf of the Governing Body, Danny Marburger, Mayor of the City of Waller, is hereby authorized, empowered, and directed to certify these Resolutions to the Texas Department of Housing and Community Affairs; and
4. That the Mayor is designated as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this Resolution.

Councilmember Arnold motioned to approve Resolution #2016-05 providing for an in-kind contribution of not more than \$1,000. for a development known as Hamilton Crossing and authorizing the Mayor to act as the executive officer and authorized representative in all matters pertaining to the City's support of this development. Councilmember McCormick seconded the motion. Vote was unanimous.

12. Discussion and possible action to approve a Final Plat in the City of Waller for a 9.5861 acre tract of land consisting of un-platted acreage in the W. A. Sorsby Land Survey Abstract No. 847, J Woodward, of Harris County, Texas.

Gene Schmidt addressed Council stating the engineer is asking for an additional 5' for the utility easement totaling 15'. City Engineer David Leyendecker approved the final plat with corrections to the City Secretary's name, it also needs to reflect the Harris County Flood Plain and the City planning letter has to be less than 30 days old.

Councilmember Hajek motioned to approve a final plat for a 9.5861 acre tract of land consisting of un-platted acreage in the W.A. Sorsby Land Survey, Abstract No. 847, J Woodward, of Harris County, Texas with corrections recommended by City Engineer David Leyendecker. Councilmember McCormick seconded the motion. Vote was unanimous.

13. Discussion and possible action on **Resolution #2016-06**, regarding the route of the Texas Central Railway High Speed Rail Project.

John Isom addressed Council noting the new route HC-4 for the High Speed Rail Project splits the proposed Waller Town Center and could impact several other properties in the area.

RESOLUTION 2016-06
Texas Central Railway High Speed Rail Project

WHEREAS, the Texas Central Railway, LLC, is proposing to construct and operate a high speed bullet train from Dallas to Houston; and

WHEREAS, the Federal Railroad Administration Alignment Alternatives Analysis Report of November 6, 2015 selected route labeled HC-4 as the single route through Waller County and northwest Harris County to be evaluated for the Environmental Impact Statement (EIS); and

WHEREAS, Route HC-4 was not made available for public comment before being selected in the FRA report thereby failing the requirement for public scoping of the project; and

WHEREAS, Route HC-4 (shown in Exhibit A attached) travels through the extra territorial jurisdiction of the City of Waller and splits the property that has been planned for several years for the Waller Town Center, thereby jeopardizing a project which is predicted to provide over \$200,000,000 of investment in retail, entertainment, commercial, lodging, medical, and residential development; and

WHEREAS, the train will travel non-stop through Waller County and the City of Waller, thereby providing no ongoing economic value to the City; and

WHEREAS, the train would negatively impact property values and development opportunities in the City of Waller; therefore BE IT RESOLVED, that the City Council of the City of Waller, Texas does not believe that this project as currently planned is in the best interests of the City and therefore opposes any routing of the project that negatively impacts property values and development opportunities for cities and counties along its route.

Councilmember Hajek motioned to approve Resolution #2016-06 in regards to the route of the Texas Central Railway High Speed Rail Project. Councilmember Arnold seconded the motion. Vote was unanimous.

14. Discussion and possible action to approve a management agreement between Mission Waller, Inc. (dba Waller Ministerial Alliance) and the City of Waller regarding 2016 Waller Freedom Fest.

Joel Bauler addressed Council indicating this will be the 8th year the Waller Freedom Fest will be held and the Waller Ministerial Alliance would be more than happy to contract with the City for the upcoming year.

Councilmember Arnold motioned to approve the partnership agreement between the City of Waller and Mission Waller dba Waller Ministerial Alliance for Waller Freedom Fest 2016 for the upcoming year. Mayor Pro Tem Johnson seconded the motion. Vote was unanimous.

15. Discussion and possible action to approve **Ordinance #492**, of the City of Waller, Texas providing for the calling of a General Election on May 7, 2016, for the purpose of electing the Mayor and (2) at-large council members; designating the entire City as one election precinct; approving contracting with Waller County for a Joint Election.

Cynthia Ward addressed Council in regards to the calling of the election for the City of Waller electing a Mayor and two at-large council members. The applications for a place on the ballot began on January 20th and will end on February 19th by 5 p.m. if anyone is interested in running for City Council.

ORDINANCE NO. 492

AN ORDINANCE OF THE CITY OF WALLER, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 7, 2016, FOR THE PURPOSE OF ELECTING THE MAYOR AND (2) AT LARGE COUNCIL MEMBERS; DESIGNATING THE ENTIRE CITY AS ONE ELECTION PRECINCT; AND APPROVING TO CONTRACT WITH WALLER COUNTY FOR A JOINT ELECTION RELATING TO THE MAY 7, 2016 ELECTION.

WHEREAS, Section 41.001 of the Texas Election Code, as amended (the "Code") specifies that Saturday, May 7, 2016, shall be the general election date for the State of Texas and that a general election of a city may be held on such date; and

WHEREAS, the City Council of the City of Waller, Texas, (hereinafter referred to as the "City") has determined that the City should conduct its general municipal election on Saturday, May 9, 2015, and that the following officials shall be elected for the City:

Mayor
Council Member, at large
Council Member, at large

WHEREAS, the election so ordered for the City of Waller is being ordered not later than 62 days before the election day pursuant to §3.005(a), Texas Election Code; and,

WHEREAS, the City Council finds that it should: (i) call for said general election to be held on said date for the purpose of electing the Mayor and two (2) at large Council members; (ii) designate the entire City as one election precinct; and (iii) establish and set forth procedures for conducting a joint election with Waller County and other entities; and

WHEREAS, the City has approved and agreed to conduct the City's general election jointly with Waller County, in accordance with *Tex. Elec. Code, Chapter 271*.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLER, TEXAS, THAT:

Section 1. The facts and matters contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Calling of Election. A general municipal election is hereby called and ordered for Saturday, May 7, 2016, at which election all qualified voters of the City may vote for the purpose of electing the following officials of the City to serve two year terms or until their successors are duly elected and qualified in conformity with the valid provisions of the laws of the City of Waller and the laws of the State of Texas:

Mayor
Council Member, at large
Council Member, at large

No person's name shall be placed upon the official ballot as a candidate for any of the above-mentioned positions unless such person shall have filed his or her sworn application, as provided by Sections 141.031, 143.004 and 143.007 of the Texas Election Code with the City Secretary of the City at the City Offices, located at 1118 Farr St., Waller, Texas 77484, not later than 5:00 p.m. on February 19, 2016. The City Secretary shall note on the face of each such application the date and time of its filing. A declaration of write-in candidacy must be filed with the City Secretary, as provided by Section 146.054 of the Texas Election Code, not later than 5:00 p.m. on February 23, 2016, except as otherwise provided in the case of a deceased or ineligible candidate.

Section 3. Designation of precinct and polling place. The present boundaries of the City of Waller, Texas shall constitute one (1) precinct for the election.

Section 4. The election shall be held in accordance with the Constitution of the State of Texas and the Texas Election Code, and all the resident qualified electors of the City shall be eligible to vote at the election. In addition, the election materials enumerated in the Texas Election Code shall be printed in both English and Spanish for use at the polling place and for early voting for the election.

Section 5. Early Voting. Early voting by personal appearance shall be conducted by Daniel Teed, Waller County Elections Administrator, Waller County Elections Department, who is hereby appointed Early Voting Clerk, and, in accordance with Sections 83.032 and 83.034 of the Texas Election Code, the Early Voting Clerk may appoint one or more deputy early voting clerks who shall serve under the contract with Waller County. Said clerks shall not permit anyone to vote early by personal appearance on any day that is not a regular working day for the Early Voting Clerk's office, and, under no circumstances, shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public.

Early voting shall occur at the locations and dates as shown on the "Notice of Waller County Entity Elections:"

Applications for Ballot by mail should be mailed to the following address:

Daniel Teed, Early Voting Clerk
Waller County Elections Office
836 Austin, Street, Suite 103
Hempstead, TX 77445

Section 6. Placement of Candidates on Ballot. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary, as provided by Section 52.094 of the Texas Election Code. The City Secretary shall post a notice in her office, at least 72 hours prior to the date on which the drawing is to be held, of the time and place of the drawing, and shall also give personal notice to any candidate who makes written request for such notice and furnishes to the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing, or a representative designated by him or her, shall have a right to be present and observe the drawing.

Section 7. Notice of Election. The City Secretary is hereby directed to provide notice of this election in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 8. Joint Election Agreement. The City and Waller County will enter into a joint election contract, which will allow Waller County to administer the City's election as well as use Waller County's voting system.

Section 9. This Ordinance shall be in full force and effect from and after its date of passage, in accordance with law.

Councilmember Eaton motioned to approve Ordinance #492 for the purpose of calling the General Election. Mayor Pro Tem Johnson seconded the motion. Vote was unanimous.

16. Discussion and possible action regarding **Resolution #2016-07**, approving the execution of a contract between the Waller I.S.D. and City of Waller to conduct the early voting and election day and to accept the appointment of election judge(s).

Cynthia Ward informed Council this resolution will approve the execution of a contract between Waller ISD and the City of Waller to hold a joint election.

RESOLUTION NO. 2016-07

APPROVING EXECUTION OF A CONTRACT WITH THE WALLER INDEPENDENT SCHOOL DISTRICT FOR 2016 ELECTION SERVICES.

* * * * *
WHEREAS, May 7, 2016 is the uniform election date for local election of public officials;
Now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WALLER:

Section 1. That the City Council of the City of Waller hereby approves execution of a contract with the Waller Independent School District for 2016 election services.

Section 2. This Resolution is effective immediately upon passage.

Councilmember Hajek motioned to approve Resolution #2016-07 approving the execution of a contract between the Waller I.S.D. and City of Waller to conduct the early voting and Election Day and to accept the appointment of election judge(s). Councilmember Arnold seconded the motion. Vote was unanimous.

17. Discussion and possible action regarding **Resolution #2016-08**, approving the execution of a contract with Waller County Elections Administrator for a Joint Election relating to the May 7, 2016 Election.

RESOLUTION NO. 2016-08

APPROVING EXECUTION OF A CONTRACT WITH WALLER COUNTY ELECTIONS ADMINISTRATOR FOR A JOINT ELECTION

* * * * *
WHEREAS, May 7, 2016 is the uniform election date for local election of public officials;
Now Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WALLER:

Section 1. That the City Council of the City of Waller hereby approves execution of a contract with Waller County Elections Administrator to hold a joint election for the May 7, 2016 general election of local public officials.

Section 2. This Resolution is effective immediately upon passage.

Councilmember Hajek motioned to approve Resolution #2016-08 approving the execution of a contract with Waller County Elections Administrator for a Joint Election relating to the May 7, 2016 Election. Councilmember Eaton seconded the motion. Vote was unanimous.

EXECUTIVE SESSION

Opened Executive Session at 7:31 p.m.

18. 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.

Agenda was rearranged and the Executive Session was moved to the beginning of the Agenda.

Closed Executive Session at 7:47 p.m.

Reconvene into Open Session at 7:47 p.m.

REGULAR SESSION

19. Discussion and or possible action authorizing the Mayor to move forward with property negotiations as discussed in Executive Session.

No action was taken. A special meeting will be held on Friday, January 29, 2016.

MAYOR-COUNCIL REPORTS

Several members of Council attended the Olson & Olson Annual Seminar.

STAFF REPORTS

Gene Schmidt:

- It appears we will have to case our gas lines running under the freeway. Council will be notified of cost once it is available.

Captain Williams:

- Contact report - last year's total was 906 this year 1856.
- James Lloyd was recognized for his assistance in helping an individual in distress.

John Isom:

- Hart Design, Inc. is a new company in the area.
- An electrical product manufacturing company is interested in moving into the area.
- We have three leads from Daikin suppliers ranging from 10,000 s/f to 180,000 s/f.
- Working with the Greatest Partnership and CenterPoint to create a task force to attract Daikin suppliers.
- Alegacy has two companies interested in leasing from them.
- Houston Chronicle has reported a 520 acre property within our ETJ has a contract on it and is in serious negotiations regarding a master planned development.
- There has been no response from TxDot on advance funding toward the Downtown revitalization project.

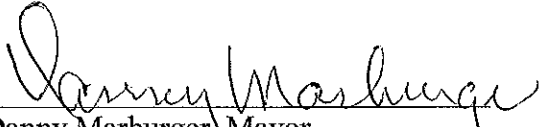
Cynthia Ward:

- iPads need to be turned in for repairs/updates.
- Attended an Election Law Seminar
- Applications are being accepted for a place on the ballot, the final day is February 19th at 5:00 p.m.

ADJOURNMENT

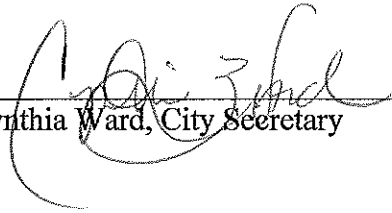
With no further business, Mayor Marburger adjourned the meeting at 8:45 p.m.

APPROVED BY:



Danny Marburger, Mayor

ATTEST:



Cynthia Ward, City Secretary