



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

BE IT REMEMBERED THAT ON THIS THE 21st day of February 2022 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
Councilmember Mike McCormick (Absent)
Councilmember Jason Tones

Cynthia Ward, City Secretary
Kim Dickey, Deputy City Secretary
Maryann Carl, Finance Officer
Gene Schmidt, Public Works Director
Michael Lopez, Acting 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*

PUBLIC HEARING

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:

The City of Waller, Texas proposes to institute annexation proceedings to enlarge and extend the boundary limits of said city to include the following described territory, to-wit:

469.7 ACRES OF LAND IN THE NATHAN W. BUSH SURVEY, ABSTRACT 76, AND THE JOHN L. BOATRIGHT SURVEY, ABSTRACT 81, WALLER COUNTY, TEXAS, AND OUT A CALLED 69 ACRE TRACT (FIRST TRACT) DESCRIBED IN THE DEED TO PAUL ARRINGTON WOOD, TRUSTEE, RECORDED UNDER VOLUME 634, PAGE 710, IN THE DEED RECORDS OF WALLER COUNTY, TEXAS A CALLED 84 ACRE TRACT (SECOND TRACT) DESCRIBED IN THE DEED TO PAUL ARRINGTON WOOD, TRUSTEE, RECORDED UNDER VOLUME 634, PAGE 710, IN THE DEED RECORDS OF WALLER COUNTY, TEXAS, THE CALLED 205 ACRE TRACT DESCRIBED IN THE DEED TO PAUL ARRINGTON WOOD, TRUSTEE, RECORDED UNDER VOLUME 634, PAGE 710, IN THE DEED RECORDS OF WALLER COUNTY, TEXAS, AND THE 236 ACRE TRACT DESCRIBED IN THE DEED TO PAUL ARRINGTON

WOOD, TRUSTEE, RECORDED UNDER VOLUME 551, PAGE 50 AND VOLUME 551, PAGE 52, IN THE DEED RECORDS OF WALLER COUNTY, TEXAS

Mayor asked for any comments from the assembly.

CONTINUE THE PUBLIC HEARING
(February 28, 2022, Special Meeting)

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.

No comments

SPECIAL PRESENTATION
To Gene Schmidt for 30 years of service to the City of Waller

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 Regular Meeting January 18, 2022.
2. Approval of Minutes for Special Meeting January 31, 2022.

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

REGULAR AGENDA ITEMS

3. Discussion and possible action to approve **Resolution # 2022-05**, adopting City of Waller federal grant procurement policies, and procedures.

Finance Officer Maryann Carl stated this is a housekeeping item to adopt federal grant procurement policies, and procedures for the funding for the ARP funding.

Motion by Mayor Pro Tem Hajek to approve Resolution # 2022-05, adopting City of Waller federal grant procurement policies, and procedures. Seconded by Councilmember Tones. Motion passed.

4. Discussion and possible action to approve feasibility study agreement with Finishes Solutions for the City of Waller Fiber Optic Master Plan.

City Attorney Art Pertile addressed the Council, recently it has come to the attention of small cities that broadband is needed in communities they serve with utilities. Many cities have started to work toward providing that service to their customers and they were challenged in court, and it was determined through regulation that cities could provide that utility.

There are cities currently, in our area that are that are financing that endeavor by bond. However, our mayor wanted to look at an approach where the up-front funding investment would be provided by an outside vendor. The city was approached by Finishes Solutions to develop this plan and they would make the up-front investment of \$150,000.00 for to development of the plan for broadband in the city.

Once the development plan is completed, the city will have the option to purchase that plan for \$150,000.00 and the plan becomes property of the city to open for bids of implementation and the construction of that plan, or the city can choose to enter a long-term contract with Finishes Solutions for implementation and construction. The cost of the development plan is an allowable expense to the EDC for development of city services.

Mayor Marburger stated there will be no charge to the city until the city starts to collect funds for the broadband service fees provided to the customers. Then a percentage of the fee collected by the city will be issued to the city's partner as the subcontractor for the build out.

Motion by Councilmember Arnold to approve feasibility study agreement with Finishes Solutions for the City of Waller Fiber Optic Master Plan. Seconded by Councilmember Eaton. Motion passed.

5. Discussion and possible action for Finishes Solutions to proceed with the replat of Business 290 replat.

Public Works Director Gene Schmidt addressed Council to let them know City Engineer Travis Sellers has asked about the 30-foot alleyways and if the 10-foot easements needed to be included in this plat. Gene stated that the 10-foot easements were not needed on this plat.

Councilmember Arnold asked Public Works Director Gene Schmidt if this had been discussed in previous meetings and if the matter was settled, these were considered alleyways and were never to be considered as city streets? Gene stated Travis asked for this to be addressed with council.

Motion by Councilmember Tones to move forward with the replat for Finishes Solutions under the normal rules. Seconded by Councilmember Arnold. Motion passed.

6. Discussion and possible action for Finishes Solutions concept design approval for the Main Street and Smith Street Development.

Public Works Director Gene Schmidt addressed Council with a new plan from Finishes Solutions for the development of Main Street project. There are three lot lines they would like

to remove, and they would like to have the lot lines run from the North/South rather than East/West.

Motion by Mayor Pro Tem Hajek to approve design concept for the Main Street and Smith Development. Seconded by Councilmember Eaton. Motion passed.

7. Discussion and possible action for approval of Finishes Solutions concept design for the 28 Acre Stokes Village Development, multi-use site and digital sign to be located on this property.

Public Works Director Gene Schmidt addressed Council to let them know this is the property just South of the football stadium retention pond. Finishes Solutions would like to put in a multifamily housing community, all units would be lease property.

Motion by Councilmember Arnold to approve Finishing Solutions concept design for the 28 Acre Stokes Village Development multi-use site, without approval of the digital sign. Seconded by Councilmember Tones. Motion passed.

8. Discussion and possible action for Finishes Solutions to proceed with the proposed South Washington Townhome Development.

Public Works Director Gene Schmidt addressed Council asking for an approval to move forward with the with the final design of 25 Townhome units. All units will be three story, two bedrooms, with a garage underneath the living space. This will be a gated community.

The Council discussed foreseen traffic issues that could arise in this location and asked questions of Chuck Cates with Finishes Solutions.

The City Attorney Art Pertile suggested the city could ask for traffic study for that location to get better information. City Engineer Travis Sellers said a survey could take up to 60 days or so to get a traffic survey completed.

Motion to approve Finishes Solutions to proceed with the proposed South Washington Townhome Development by Councilmember Arnold. Motion seconded by Councilmember Eaton.

City Secretary Cynthia Ward called for votes:

<i>Mayor Pro Tem Hajek</i>	<i>No</i>
<i>Councilmember Tones</i>	<i>No</i>
<i>Councilmember Eaton</i>	<i>Yes</i>
<i>Councilmember Arnold</i>	<i>Yes</i>

Mayor announced a tie vote between the Council, and with that Mayor voted Yes.

9. Discussion and possible action for Finishes Solutions to proceed with the proposed Penick and Waller-Mayer Road multi-family development.

Public Works Director Gene Schmidt addressed Council to let them know Finishes Solutions has agreed to give the city a ten-foot easement along Penick Road, they have also agreed to put in a second drive into the property, they have added extra parking on the property, and they have relocated the water retention.

Motion by Councilmember Tones to approve Finishes Solutions to proceed with the proposed Penick and Waller-Mayer Road multi-family development. Seconded by Councilmember Eaton. Motion passed.

10. Discussion and possible action regarding potential projects to be funded through 2022 Certificates of Obligation.

Finance Officer Maryann Carl stated we are purposing the issuance of \$8M of Certificates of Obligation will allow the city to proceed with the following projects:

- 1. Water Plant at Beacon Hill – \$3,366,000 est.***
- 2. D Street Sanitary Sewer Improvements - \$1,207,280 est.***
- 3. Cyrus Road Street Rehabilitation - \$369,500 est.***
- 4. Street Improvements to Penick, Washington, Walnut - \$901,000 est.***
- 5. Additional Street Improvements to be identified by City Engineer - \$2,000,000 est.***

There is information in the Council Packet on the Capacity Analysis we have been working with Loren Morales and Jonathan Frels on this to see where the city would be at financially. As of 2024 they did not project any additional growth in our taxable assessed value, now we believe that to be unrealistic, but we wanted to project conservatively. Also based on that the only other change would be an increase in our taxable assessed value it would require an increase from .1922 to .2050 on the INS Tax Rate.

Keep in mind that this current year we took out the general fund support for debt service, so that will also be an option instead of raising that INS rate if necessary. We have been able to master that in the past and could do that again if necessary. The year 2023 will be highest total debt service even with this issuance because in 2023 our oldest tax note will end. Our fund balance for debt service will continue to grow and we are in a solid place to be able to borrow these funds and pay them back.

Motion to approve potential projects to be funded through 2022 Certificates of Obligation by Councilmember Tones. Motion seconded by Councilmember Arnold. Motion approved.

11. Discussion and possible action to approve Travis Sellers of IDS Engineering Group to preform professional services in engineering and surveying for new sanitary sewer crossing at D Street.

City Engineer Travis Sellers addressed the Council. This is a proposal was developed to replace the 8" crossing that is underneath Business 290 and the railroad tracks that serves the lift station at old Washington, the line is under sized and results in a back-up of the system and needs to be replaced with a 12" line. This will include the coordination with Tx Dot and the railroad.

Motion by Councilmember Arnold to approve Travis Sellers of IDS Engineering to perform professional services in engineering and surveying for new Sanitary Sewer crossing at D Street. Seconded by Councilmember Tones. Motion Passed.

12. Discussion and possible action to approve Travis Sellers of IDS Engineering Group to preform professional services in engineering and surveying for reconstruction of Cyrus Lane.

City Engineer Travis Sellers addressed the Council this would include taking the roadway down to the base and widening the road to accommodate the new developments in the area.

Motion by Mayor Pro Tem Hajek to preform professional services in engineering and surveying for reconstruction of Cyrus Lane. Seconded by Councilmember Tones. Motion passed.

13. Discussion and possible action for council approval of Request for Qualifications (RFQ) Roadway Pavement Assessment and Management Plan.

City Engineer Travis Sellers addressed the Council to let them know he issued for solicited proposals for concrete or asphalt and it was explicitly written that they be local to the area, to have demonstrated knowledge of our soil conditions. We had three respondents to the request Fugro, Terracon, and Gradient. Based on qualifications and references the committee of engineers in his office chose Fugro as the best choice for the city. Fugro has specialized equipment that can evaluate the state of the 28 miles of road in the city and rank the roads from best to the worst.

Motion by Councilmember Tones to approve Fugro for Roadway Pavement Assessment and Management Plan development. Seconded by Councilmember Arnold. Motion passed.

14. Discussion and possible action regarding the approval to transfer Police Tahoe unit #15 to the Administration Department and the current maroon Administration Tahoe to be considered surplus equipment and sold at auction.

Police Captain and Acting Chief Michael Lopez addressed the Council to let them know unit #15 has reached service life for the police department and they would like to release that vehicle to administration for use by the Bailiff. The maroon Tahoe it would replacing has 170K miles on it, and unit #15 only has 140K and is a 2015-year model.

Motion by Mayor Pro Tem Hajek to approve to transfer Police Tahoe Unit #15 to the Administration Department and the maroon administration Tahoe to be considered surplus equipment and sold at auction. Motion seconded by Councilmember Eaton. Motion passed.

15. Discussion and possible approval of a management contract with The Goodman Corporation to provide services relating to TxDOT contract, engineering plans, and construction of the Taylor and Waller-Tomball sidewalk project.

Economic Development Director John Isom addressed the Council to introduce Kirk Meyers and Jennifer Brinkman with Goodman, they will be our contacts for the city on this project. We received the grant in November for Waller-Tomball and Taylor Street sidewalks, it is a little over one million dollars in federal funding with the city's match being \$119 thousand dollars which is right at 11% of the total project.

The Goodman Corporation coordinated this proposal and is like the contracts the city has had in the past with them, but in this one Goodman will have construction oversight. It has been communicated by Public Works that this service would be useful for the constant communication needed with Tx Dot during construction.

Kirk Meyers with Goodman spoke to say that they will be the working on the front-end of the project to make sure the deadlines, milestones, and safety issues are addressed.

Council expressed concerns over the issues with recent Tx Dot projects and asked that Goodman be provided a list by John Isom of issues that had arisen in past projects to head off any problems before they become problems.

Councilmember Arnold made the motion to approve a management contract with The Goodman Corporation to provide services relating to TxDOT contract, engineering plans, and construction of the Taylor and Waller-Tomball sidewalk project. Motion seconded by Mayor Pro Tem Hajek. Motion passed.

16. Discussion and possible approval of an amendment to the 380 Agreement between Waller EDC and Wolff Companies to reimburse a portion of the utility extension costs to Beacon Hill Business Park. The amendment clarifies the required completion date for the planned US290 Beacon Hill exit and frontage road connections to trigger the reimbursement.

Economic Development Director John Isom addressed the Council, this incentive agreement is for reimbursement of one-half of the utility extension costs and is triggered on the tie-in of the trunkline. The second half would be triggered by the transportation access to the Beacon Hill Business Park with access from 290 or FM 362 with completion of access within 3 years of the execution of the agreement with the possible extension of one year.

The contract was executed on 2/7/2020 so the 3-year requirement runs to 2/7/2023 and we are asking to go ahead and extend the contract for one year. The amendment to Article III.D of the 380 agreement to extend the deadline date one year to February 7, 2024.

Motion by Mayor Pro Tem Hajek to approve an amendment to the 380 Agreement between Waller EDC and Wolff Companies to reimburse a portion of the utility extension costs to Beacon Hill Business Park. Seconded by Councilmember Tones. Motion passed.

MAYOR-COUNCIL REPORTS

Councilmember Arnold let the Council know that the Tx Dot construction on the U-turns under the freeway at 290 and FM 362 was stopped due to some issues with the retaining walls. Tx Dot has done back for a redesign and is currently looking at contractors to complete the work.

Councilmember Arnold added, she is a Member of the Transportation Policy Council of Gulf Coast and has recently taken on the role of Secretary for the organization. Also, she attended the Meeting of the Texas Association of Regional Council earlier this month.

STAFF REPORTS

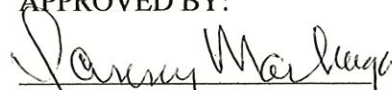
- Cynthia Ward, City Secretary
- Gene Schmidt, Public Works Director
- Michael Lopez, Police Captain, and Acting Police Chief
Introduction of New Officer Fahim Ghaleche to Council
- John Isom, WEDC Director
- Travis Sellers, City Engineer

ELECTED OFFICIAL REPORTS

ADJOURNMENT


With no other business, Mayor adjourned at 7:43 pm.

APPROVED BY:



Danny Marburger, Mayor

ATTEST:



Cynthia Ward, City Secretary