

STATE OF TEXAS  
COUNTIES OF WALLER AND HARRIS  
CITY OF WALLER

BE IT REMEMBERED THAT ON THIS THE 21st day of April, 2014 at 7:00 p.m. the City Council of the City of Waller, Texas met in Regular Session at 2214 Waller Street with the following present:

Mayor Danny Marburger  
Mayor Pro-tem Rick Dalton  
Councilmember Nancy Arnold  
Councilmember Roger Frey  
Councilmember Dwayne Hajek  
Councilmember Sidney Johnson

City Secretary Jo Ann London  
Supt. of Public Works Gene Schmidt  
WEDC Director John Isom  
Attorney Paula Alexander

**GENERAL**

1. Mayor Marburger called Regular meeting to order at 7:00 p.m.
2. Prayer and Pledge of Allegiance.

Prayer was given by Councilmember Arnold. Pledge of Allegiance was led by Mayor Pro-tem Dalton.

**COMMUNICATIONS FROM THE PUBLIC**

Shannon Harris, 2506 Myrtle St., asked Council why no parks were planned for the south side of town. Mayor Marburger stated there is no property available at this time; if Mrs. Harris could come up with a piece of property for a city park it could be considered.

**CONSENT AGENDA ITEMS**

Councilmember Hajek requested that Item #4 be removed from the Consent Agenda and then moved to approve the Consent Agenda consisting of Items 3, 5, 6, and 7. Mayor Pro-tem Dalton seconded the motion and the motion carried unanimously. Each item, as approved by consent, is restated below along with the approved recommendation for each, for the record.

3. Consideration and approval of the Minutes of the March 24, 2014 Regular Meeting

**RECOMMENDATION:** Approved the Minutes of the March 24, 2014 Regular Meeting.

5. Consideration and approval of a Gulf Coast State Planning Region Mutual Aid Agreement with Houston-Galveston Area Council.

**RECOMMENDATION:** Approve the Gulf Coast State Planning Region Mutual Aid Agreement with Houston-Galveston Area Council.

6. Consideration and approval of as Ordinance amending the City of Waller's Annual Budget for the fiscal year beginning on October 1, 2013 and ending on September 30, 2014, as adopted by Ordinance No. 459 for adjustments to the General Fund, EDC Fund, Water/Sewer Fund, Capital Project Fund and Special Revenue Fund.

AN ORDINANCE OF THE CITY OF WALLER, TEXAS, ADOPTING AMENDMENT NO 1 TO THE ORGINANL BUDGET, ADOPTED BY ORDINANCE NO 459, OF THE CITY OF WALLER, TEXAS, FOR THE YEAR 2014; PROVIDING LINE ITEM INCREASES OR DECREASES; PROVIDING FOR SEVERABILTY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

**RECOMMENDATION:** Approved Ordinance No. 466 amending the City of Waller's Annual Budget for the fiscal year beginning on October 1, 2013 and ending on September 30, 2014, as adopted by Ordinance No. 459 for adjustment to the General Fund, EDC Fund, Water/Sewer Fund, Capital Project Fund and Special Revenue Fund

7. Consideration and approval of the schedule of Fines for the Municipal Court for the City of Waller.

**RECOMMENDATION:** Approved the schedule of Fines for Municipal Court for the City of Waller.

## **REGULAR SESSION**

4. Consideration and approval of the Minutes of the April 8, 2014 Special Meeting.

Councilmember Hajek requested this item be moved to Regular Session for corrections. The minutes reflect Councilmember Hajek being present; Councilmember Hajek was absent. Councilmember Hajek moved to approve the Minutes of the April 8, 2014 Special Meeting with the correction being made to show Councilmember Hajek was absent. Councilmember Frey seconded the motion. Motion carried unanimously.

8. Consideration and possible action to approve a Resolution declaring the Intention of the City of Waller, Texas, to Annex a portion of Lot 3, Tranquility Park, Waller County, Waller, Texas located in the vicinity South of Pecan Street, Between F.M. 362 and Penick Road.
- 9.

Ms. London reported Craig Dhonau, owner of this piece of property has requested annexation into the city limits of Waller. If Council approves this resolution then two (2) public hearings would be required and they are scheduled for Monday, May 26<sup>th</sup> and Tuesday, May 27<sup>th</sup> at 6:00 p.m. here at the Waller ISD Board Room. Paula Alexander, attorney for the city, has approved the schedule for this annexation. Councilmember Frey asked Mr. Schmidt if any retention would be required and Mr. Schmidt reported no retention would be required and that all utilities are available, with only tap fees being required. Councilmember Hajek moved to approve Resolution No. 14-04 declaring the Intention of the City of Waller, Texas to annex a portion of Lot 3, Tranquility Park, Waller County, Waller, Texas located in the vicinity South of Pecan Street, Between F.M. 362 and Penick Rd. Councilmember Arnold seconded the motion. Motion passed unanimously.

10. Consideration and possible action to accept the Waller Police Department’s 2013 Annual Contact Report.

Police Chief Rehak explained this is a report the Police Department is required to file each year with TECLOE. This report contains information on the types of contacts the officer make during the year. Councilmember Arnold move to accept the Waller Police Department’s 2013 Annual Contact Report. Mayor Pro-tem Dalton seconded the motion. Councilmember Johnson asked Chief Rehak several questions. Motion passed unanimously.

11. Consideration and possible action to approve a plan for Drainage and Parks for property in Waller ISD Trustee name.

Ms. London reported staff has provided some estimates and a proposed time line for Council to consider. Staff is recommending the following plan as a place to start discussions:

Purchase Property	\$ 2,183	By December 31, 2014
Clean up property	60,000	By December 31, 2015
Park Amenities – ½	15,000	By December 31, 2016
Park Amenities – ½	15,000	By December 31, 2017

Ms. London reminded council there is \$40,000 in the budget this year for property clean up that could be used for part of this project this year. Councilmember Johnson asked if any of that \$40,000 could be used for the clean-up and demo of a building with all the buzzards in it. Mr. Schmidt said he is aware of the buzzard problem and that this property could be discussed on an agenda item later in the meeting. Councilmember Frey and Councilmember Arnold like the time-line presented. Mayor Marburger reminded council that Waller ISD and Waller County would have to also approve the time-line and the sale of the property. Councilmember Hajek asked about the insurance coverage on the property and Ms. London reported that once it became city property, it would be covered like any other property the city owns. Mayor Pro-tem Dalton moved to approve the plan for Drainage and Parks for property in Waller ISD Trustee name. Councilmember Arnold seconded the motion. Motion passed unanimously. Ms. London reported that the city would contact the school district about a meeting to present this proposal.

12. Consideration and possible action to approve Policy & Procedures for Rules and Conduct of Council meetings.

Ms. London reported at the last meeting Council had instructed her to come back with a policy with the additional items discussed in the last meeting being added to this policy. The policy presented puts into writing processes that are already in place and clarifies other processes. Councilmember Arnold commented that she likes the way it is written and clarifies various processes. Councilmember Hajek recommended that a change to be made under "Placement of Items" under "Agenda #2" – to say "his/her designee". Councilmember Hajek moved to approve Policy & Procedures for Rules and Conduct of Council meetings with the noted change. Mayor Pro-tem Dalton seconded the motion. Motion passed unanimously.

12. Consideration and possible action to Mow properties that are in Trustee name and in the City Limits.

Councilmember Frey asked for this item to be on the agenda. Councilmember Frey feels the City should take the responsibility of mowing these lots on regular bases and to be a good neighbor to the neighbors of these properties. Mayor Pro-tem Dalton agrees with Councilmember Frey. Attorney Paula Alexander said a letter to the Trustee owner letting them know the City intends to mow the lots and would not charge for the mowing would be the appropriate action to take on this issue. Mr. Schmidt also discussed with Council some of the other properties with abandoned buildings, mentioning the building with the buzzard problem. Ms. Alexander said she would get with Mr. Schmidt and work with him on this issue. Councilmember Frey moved to approve the mowing of properties that are in "Trustee" name in Waller city limits, sending them a letter of notification, and stating that there would be no charge for the mowing of the properties. Mayor Pro-tem Dalton seconded the motion. Motion passed unanimously.

13. Consideration and possible action to clean up Drainage Ditch along F.M. 362 and Sledge Street.

Mayor Pro-tem Dalton reported that he would like to see the City look into cleaning the drainage ditch along F.M. 362, which he realizes most people call "the creek". Mr. Schmidt reported that is drainage ditch is controlled by the Corp of Engineers and if someone starts to disturb dirt then a permit is required from them. The ditch can be mowed and trees can be cut down but not removed without a permit. Mayor Marburger stated that he knows of a company that come in with a chainsaw crew and clean the area really well. The Mayor stated that he would like to get a cost estimate for this to be done from Business 290 all the way to Reinke Rd. Mayor Pro-tem Dalton moved to get a cost quotes to clean this ditch area from Business 290 to Reinke Rd. Councilmember Johnson seconded the motion. Motion passed unanimously.

14. Consideration and possible action to approve the Waller Economic Development Corporation to pay one-half of the costs to extend to the Alegacy property for an amount of \$325,000.

EDC Director John Isom came forward to make a report report; but before he got started Councilmember Johnson wanted to apologize to Mr. Isom for voting against the Economic Development Corporation (EDC) spending money for the Waller Freedom Fest for promotions. He stated that he thought this was money out of the City of Waller's operating fund and once he was aware that this expenditure for promotions was allowable for the EDC funds he was fine with the expenditure for Freedom Fest. Mr. Isom thanked Mr. Johnson for the apology. Mr. Isom proceeded to explain the request for participating in the utility expansion for the Alegacy project. The EDC is requesting that the Council consider allowing the EDC to fund one-half of the cost to provide utilities for the Alegacy project, if the City can get the property into its ETJ. Staff is currently working with the City of Houston to get this project into Waller's ETJ. Staff is also working on getting other property into Waller's ETJ so that this property could be annexed. The agreement with Alegacy would be that if Waller is not able to annex them in five years, Alegacy would agree repay to the EDC for its contribution of extending utilities for them, which is projected to be approximately \$325,000. Mayor Marburger asked Mr. Isom if he was comfortable that the five years is enough time to accomplish the tasks to get the property annexed or have Alegacy pay back the cost, and Mr. Isom said yes. Councilmember Frey asked if all permits and fees would be required as if already inside the city limits and Mr. Schmidt reported yes as long as the property is in our ETJ and that would be part of the development agreement with the Waller EDC. After discussion Councilmember Arnold moved to approve the Waller Economic Development Corporation pay one-half of the cost to extend utilities to the Alegacy property for an amount of \$325,000 contingent upon the City of Houston releasing this property into the City of Waller's ETJ. Mayor Pro-tem Dalton seconded the motion. Motion passed unanimously.

## **EXECUTIVE SESSION**

15. City Council will convene into Executive Session:

- a. Pursuant to Section 551.071 of the Texas Government Code for purpose to consult with its attorney about (1) pending or contemplated litigation, (2) a settlement offer, or (3) a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct clearly conflict with the provisions of Chapter 551.
- b. Pursuant to Section 551.072 of the Texas Government Code for the purpose of Deliberations about Real Property.

Convened into Executive Session 8:01 p.m.

Re-convened into Regular Session 8:38

## REGULAR SESSION

16. Consideration and possible action on Executive Session: Pursuant to Section 551.071 of the Texas Government Code for purpose to consult with its attorney about (1) pending or contemplated litigation, (2) a settlement offer, or (3) a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct clearly conflict with the provisions of Chapter 551.

No action taken.

17. Consideration and possible action on Executive Session: Pursuant to Section 551.072 for the purpose of Deliberations about Real Property.

No action was taken.

## 18. MAYOR-COUNCIL REPORTS

No reports givens

## 19. STAFF REPORTS

Superintendent Gene Schmidt reported the new sewer line on FM 362 was in service. Mr. Schmidt is still trying to get power to the new water well.

Police Chief Rehak reported that are quite a few counterfeit \$20 and \$100 dollar bills floating in town and that everyone needed to be aware of this.

EDC Director John Isom reported that the magazine "Introducing Waller County" produced by the Waller County Economic Development Partnership, had an article on the City of Waller on pages 38 and 39. Mr. Isom showed the magazine and article to the Council. Mr. Isom reminded Council that the EDC Monthly Networking Breakfast was the next morning with Mike Zentek to update the public on Highway 290 improvements.

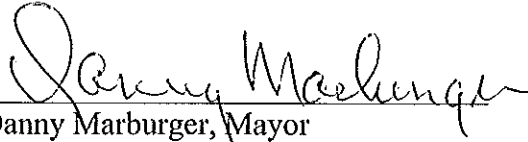
Ms. London reported Moody's Investment Services has done a review on the bond rating for the city and it did not change. She stated that the city has an excellent rating for a city the size of Waller and that Moody's is well pleased with the city's financial status, which includes the fact that the city has a reserve of nearly six (6) months operating expenses. Ms. London also advised she had received a letter from Harris County Appraisal District that property values were going up considerably in Harris County.

Mayor Marburger did remind all that early voting would begin on April 28<sup>th</sup> and City Secretary London stated that May 10<sup>th</sup> was Election Day and that the polls would be open 7 a.m. to 7 p.m. on that day also.

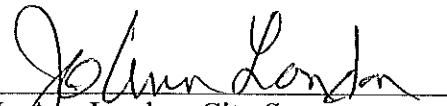
**12. ADJOURNMENT**

There being no further business to discuss Mayor Marburger adjourned the meeting at 8:48 p.m.

APPROVED BY:

  
\_\_\_\_\_  
Danny Marburger, Mayor

ATTEST:

  
\_\_\_\_\_  
Jo Ann London, City Secretary