

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

**BE IT REMEMBERED THAT ON THIS THE** 17th day of August, 2015 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
Mayor Pro Tem Sidney Johnson
Councilmember Nancy Arnold
Councilmember Edna Eaton
Councilmember Dwayne Hajek
Councilmember Mike McCormick

Cynthia Ward, City Secretary Gene Schmidt, Supt. of Public Works John Isom, EDC Director Paula Alexander, City Attorney

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 Hajek.

Ron Inscore with TR Inscore, LLC and Marlon Davis presented plans for Waller Ranch Apartments which will be located off 2920 and Stokes Road just North of Waller Tomball Road.

### COMMUNICATIONS FROM THE PUBLIC

Rick Dalton recognized the Police Department for their contributions to the citizens and City.

### **CONSENT AGENDA ITEMS**

- 1. Approval of Minutes for July 20, 2015 Regular Meeting.
- 2. Approval of Minutes for August 5, 2015 Budget Workshop and Special Meeting.
- 3. Approval of payment to Waller ISD for Ad Valorem Tax refunds made to Prosperity Bank, Teresa Salinas and William Hamilton due to value changes.
- 4. Approval of changing Finance Director and Librarian to non-exempt status.
- 5. Approval on appointment of Gene Schmidt to serve as the Emergency Management Coordinator for the City of Waller.

Councilmember Hajek motioned to approve Consent Agenda Items 1-5. Councilmember Eaton seconded the motion. Vote was unanimous.

### **REGULAR ITEMS**

6. Discussion and possible action to approve a request for \$6,000 from Hotel/Motel fund for the 2015 Waller County Fair Association.

Mayor Marburger seeks approval from Council for \$6,000 from the Hotel/Motel Fund to help support the youth at the Waller County Fair.

Mayor Pro Tem Johnson motioned to approve \$6000 from the Hotel/Motel Fund. Councilmember Eaton seconded the motion. Vote was unanimous.

7. Discussion and possible action regarding **Resolution # 2015-11**, amending "Exhibit B" of the City of Waller Utility Policy, regarding collection procedures.

Cynthia Ward addressed Council regarding Resolution #2015-11 which would reflect updates and changes to the water, gas, sewer and garbage policy. Updates to the policy will help with late fees, due dates, disconnects and collections. Policy changes will go into effect October 1, 2015.

#### RESOLUTION NO. 2015-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALLER, TEXAS, AMENDING "EXHIBIT B", A POLICY FOR THE COLLECTION OF OVERDUE WATER, GAS, SEWER AND GARBAGE COLLECTION ACCOUNTS; RATIFYING RATES CHARGED; AND OTHER RELATED MATTERS.

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

Section 1. That certain "POLICY FOR COLLECTION OF WATER, GAS, SEWER AND GARBAGE ACCOUNTS," a true and correct copy of which is attached hereto as Exhibit "B," and for all things is made a part of this Resolution, is hereby in all things amended. The policies set forth in said Exhibit "B" shall be applicable as of the date of adoption hereof.

Section 2. All resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

RESOLVED this the 17th day of August, 2015.

### Exhibit "B"

# POLICY FOR COLLECTION OF WATER, GAS, SEWER AND GARBAGE ACCOUNTS

### EFFECTIVE 08-17-15

- Bills will be mailed on the last day of each month. Payment is due no later than the 15th of the following month. Bills not paid by the 15th will be charged a 10% penalty. A notice of non-payment and termination notice will be mailed by the 19th of each month. If bills are not paid in full by the 25th day of the month, are subject to being disconnected with no further notice. Once the services are disconnected, a \$25.00 reconnect fee will be applied before services will be restored.
- All utility bills, both residential and commercial, shall be due and payable on the close of the 25th day of the month. If the 25th falls on a Saturday, Sunday, or Holiday, the bill is due on the next business day by 5:00 p.m.
- No one shall be entitled to waiver of or exception from any of the billed charges, service charges or fees adopted and approved by City Council unless so
  entitled by State law. City personnel found to be granting any full or partial credits, payment (due date) extensions, exceptions, or waivers of any kind
  without express written consent from the City Secretary or Mayor shall be subject to disciplinary action, up to and including termination.
- In the event of a health or other emergency that exists for a customer, or a meter error or misread requires adjustment, the City Secretary authorizes the
  Utility Clerk and Customer Service Specialist to make certain payment (due date) extensions, exceptions, or waivers from the adopted Schedule of Fees
  and Deposits for water, sewer, gas and garbage collection services. These changes are to be written, initialed or signed, and made available for review by
  City Secretary and Mayor on a monthly basis.

- It is the responsibility of the customer to notify the City of any changes in their billing address. Failure to receive a bill does not remove the
  responsibility of the customer to pay all amounts charged to the account.
- Upon disconnection of services, a customer may not be reconnected until all past due, unpaid amounts are paid in full. Upon approval by the City Secretary or Mayor, an account on which more than \$200.00 is owed may be reconnected upon execution of a promissory note by the customer made payable to the City. The promissory note will be amortized over a period not to exceed twenty-four (24) months, and shall bear interest at the rate of 6.0% percent per annum. The promissory note shall contain an acceleration provision making the entire unpaid balance of principal and interest due and payable immediately upon default. A notice of intent to accelerate and a notice of acceleration shall be sent to the borrower.
- Utility service may be disconnected after proper notice for any of the following reasons:
  - (a) Failure to pay a delinquent account for utility service, failure to comply with the terms of a deferred payment agreement, or failure to comply with the terms of a promissory note agreement.
  - (b) Payment by check which has been rejected for insufficient funds, closed account, or for which a stop payment order has been issued
- For service to be restored after being disconnected, the customer will resubmit an Application for Utility Service providing all current information, including driver's license, social security number, date of birth, and employment information. This requirement may be waived only if the application on file with the City is no greater than 6 months old.
- · For service to be disconnected at customer request, the customer will complete an Application for Termination of Utility Service.

Councilmember Arnold motioned to approve Resolution #2015-11 amending Exhibit B of the City of Waller Utility Policy for collection of water, gas, sewer and garbage accounts. Mayor Pro Tem Johnson seconded the motion. Vote was unanimous.

8. Discussion and possible action on approving a new job description of Captain for the Police Department.

Mayor Marburger addressed the Council regarding the position of a Captain. He stated this would ensure that someone is in command in the absence of the Chief.

Councilmember Eaton motioned to approve the new job description of Captain. Mayor Pro Tem Johnson seconded the motion. Vote was unanimous.

 Discussion and possible action approving the Development Agreement with Burckhardt for the Waller Economic Development Corp. provide one-half of the cost of the utilities extension.

John Isom addressed the Council stating the EDC board approved paying half the cost of the water line extension. The engineers estimate for the extension is \$124,000 with a commitment from the EDC for half the cost up to \$62,000. The EDC now seeks City Council approval for the expenditure.

Councilmember Arnold motioned to approve the Burckhardt Compression Development Agreement with the EDC incentive to be one half the cost of the extension for a maximum of \$62,000. Councilmember Hajek seconded the motion. Vote was unanimous.

10. Discussion and possible action to authorize the City Engineer to prepare bid specifications for utilities at Burckhardt Compression.

Gene Schmidt addressed the Council in regards to Burckhardt and asks for approval to authorize City Engineer David Leyendecker to move forward with design and advertise for bids.

Councilmember Hajek motioned to approve the City Engineer to prepare the bid specifications for water and gas service. Councilmember Arnold seconded the motion. Vote was unanimous.

11. Discussion and possible action to authorize the City Engineer to prepare the bid specifications for the demolition and new construction of the Waller Street Bridge.

Gene Schmidt addressed the Council in regards to the Waller Street Bridge and asks for approval to authorize the City Engineer to go out for bids for demolition and replacement of the bridge.

Councilmember Hajek motioned to approve the City Engineer to prepare bid specifications for the demolition and new construction of the Waller Street Bridge. Councilmember McCormick seconded the motion. Vote was unanimous.

### MAYOR-COUNCIL REPORTS

Councilmember McCormick attended the Newly Elected Officials course. Councilmember Eaton and Mayor Marburger attended an Emergency Management class. Councilmember Arnold thanked staff for a sympathy card.

### STAFF REPORTS

Gene Schmidt reported on:

- Well #4 located at Bettis Park is currently down and being repaired.
- Meeting with Jay Turner and David Leyendecker regarding elevation of parking lot for Civic Center. Mr. Leyendecker has agreed to design drainage specifications and recommend materials for the parking lot.

Sergeant Williams reported on:

- Promotion of Officer Bellard to Sergeant.
- Introduced new officers Lynn Prudente, Michael Serges, & Rafael Zuniga.

John Isom reported on:

- TxDot Contract for Downtown Improvement Project.
- Alegacy completed 1st building.
- Tractor Supply opening mid-September.

Cynthia Ward had nothing to report.

### ADJOURNMENT

With no further business, Mayor Marburger adjourned the meeting at 7:55 p.m.

APPROVED BY:

Danny Marburger, Mayor

ATTEST: