

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

**MONDAY, JUNE 16, 2014  
7:00 P.M.**

**WALLER ISD BOARD ROOM  
2214 WALLER ST., WALLER, TEXAS**

**REGULAR SESSION**

1. Mayor Marburger to call meeting to order at 7:00 p.m.
2. Prayer and Pledge of Allegiance.
3. Appoint Mayor Pro Tem

**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 Assistant City Secretary Thelma Newton. 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 the next 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.

4. Consideration and approval of the Minutes of the May 19, 2014 Regular Meeting.
5. Consideration and approval of Supplement #8 and #9 as presented by Waller County Appraisal District for tax years 2009 m- 2013.
6. Consideration and approval to continue to withdraw from Harris County Community Development Block Grant Funding Agreement.

**REGULAR ITEMS**

7. Consideration and possible action to Approve a Preliminary Plat in the City of Waller for a 1.0 acre tract consisting of TR 67A-1 of the J. Woodard Survey, Abstract #847 in Harris County, Texas.
8. Consideration and possible action to approve an agreement with TMLIEBP for Continuation of Health Benefits for the City of Waller Medical Plan.

9. Consideration and possible action to approve the terms for a Development Agreement between the Waller Economic Development Corporation and Premier Coil to cover unforeseen costs related to the Electrical Extension to the Construction Site.
10. Consideration and possible action to approve a Resolution expressing City Council support for a change to Chapter 43 of the Texas Local Government Code regarding annexation for General Law Cities.

11. MAYOR-COUNCIL REPORTS

12. STAFF REPORTS

- a. Gene Schmidt, Supt of Public Works
- b. Phil Rehak, Chief of Police
- c. John Isom, WEDC Director
- d. Jo Ann London, City Secretary

13. ADJOURNMENT

I, JO ANN LONDON, CITY SECRETARY OF THE CITY OF WALLER, TEXAS, 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 THURSDAY, JUNE 12, 2014 AT 1:00 P.M.

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Jo Ann London, 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.*

STATE OF TEXAS  
COUNTIES OF WALLER AND HARRIS  
CITY OF WALLER

BE IT REMEMBERED THAT ON THIS THE 16th day of June, 2014 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  
Councilmember Nancy Arnold  
Councilmember Edna Eaton  
Councilmember Roger Frey  
Councilmember Dwayne Hajek  
Councilmember Sidney Johnson

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

**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 Councilmember Frey.

Mayor Marburger introduced Attorney David Olson

3. Appoint Mayor Pro-Tem.

Mayor Marburger asked to appoint Councilmember Johnson as Mayor Pro-Tem. Councilmember Eaton moved to appoint Councilmember Johnson as Mayor Pro-tem. Councilmember Johnson seconded the motion. Councilmembers Arnold, Frey, and Hajek voted no. Councilmember Eaton and Johnson voted yes. Motion failed. Councilmember Frey moved to appoint Councilmember Hajek as Mayor Pro-Tem. Councilmember Arnold seconded the motion. Councilmember Eaton asked why the three Councilmembers voting no did not want Councilmember Johnson as Mayor-Pro-Tem. Councilmember Hajek commented he did not think Councilmember Johnson had enough experience to be Mayor Pro-Tem as he has only ½ term tenure in office. Motion passed with Councilmembers Arnold, Frey, and Hajek voting yes, Councilmembers Eaton and Johnson voting no.

**COMMUNICATIONS FROM THE PUBLIC**

Resident Rick Dalton inquired about the clean-up of the FM 362 creek from Business 290 to Reinke Rd and also about having Dead End signs installed at several of the dead end streets to

prevent residents from using this as extra parking. He has driven around the town and noticed several vehicles parked at some of the dead in streets and Mr. Dalton feels this is unsafe especially in case of emergency. Mayor Marburger told Mr. Dalton Mr. Schmidt is trying to get some bids on the creek cleaning project and someone would look into the Dead-End situation.

#### **CONSENT AGENDA ITEMS**

Councilmember Frey moved to approve the Consent Agenda consisting of Items 4, 5 and 6. Councilmember Hajek 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.

4. Consideration and approval of the Minutes of the May 19, 2014 Regular Meeting

**RECOMMENDATION:** Approve the Minutes of the May 19, 2014 Regular Meeting.

5. Consideration and approval of Supplement #8 and #9 as presented by Waller County Appraisal District for tax years 2009 – 2013.

**RECOMENATION:** Approve Supplement #8 and #9 as presented by Waller County Appraisal District for tax years 2009 – 2013.

6. Consideration and approval to continue to withdraw from Harris County Community Development Block Grant Funding Agreement.

**RECOMMENDATION:** Approve to continue to withdraw from Harris County Community Development Block Grant Funding Agreement.

#### **REGULAR**

7. Consideration and possible action to Approve a Preliminary Plat in the City of Waller for a 1.0 acre tract consisting of TR 67A-1 of the J. Woodard Survey, Abstract #847 in Harris County, Texas.

Mr. Schmidt reported this is the piece of property between the Waller Post Office and Waller County Land Co.; this is the property where W.A.R.M. is building their new facility. It came to Mr. Schmidt's attention that this piece of property was never platted. Mr. Schmidt has looked over the plat along with City Engineer David Leyendecker. Leyendecker recommends approving the plat, but the plat needs a planning letter also. Councilmember Arnold asked if permits had been issued for this property and Mr. Schmidt answered yes permits were issued. Councilmember Arnold moved to approve the Preliminary Plat in the City of Waller for a 1.0 acre tract consisting of TR 66A-1 of the J. Woodard Survey Abstract #847 in Harris County, Texas. Councilmember Johnson seconded the motion. Motion passed unanimously.

8. Consideration and possible action to approve an agreement with TMLIEBP for Continuation of Health Benefits for the City of Waller Medical Plan.

City Secretary Jo Ann London reviewed with Council is increased cost of the health insurance and two options, which would be cheaper for the city but more out-of-pocket expense for the employees. Ms. London explained that this agreement needs to be done in June this year because of new regulations. After a brief discussion Councilmember Frey moved to approve an agreement with TMLIEBP for Continuation of Health Benefits for the City of Waller Medical Plan with the current plan at the new proposed rate. Councilmember Eaton seconded the motion. Motion passed with Councilmembers Arnold, Eaton, Frey, and Hajek voting yes. Councilmember Johnson abstained.

9. Consideration and possible action to approve terms for a Development Agreement between the Waller Economic Development Corporation and Premier Coil to cover unforeseen costs related to the Electrical Extension to the Construction Site.

EDC Director John Isom explained to council that Premier Coil, a new business building in the Waller Industrial Park, cannot get electricity to their new site in the park until the service line is dedicated as a public easement. Premier Coil is working with Emerson to get this done; in the meantime the construction is at a point where it has to have electricity to finish the building. Premier Coil will either have to renew its lease in Houston and put the construction in the Waller Industrial Park on hold or rent an expensive generator with capacity to enable construction to be completed on time at the Waller facility; thus allowing them to cancel the need to renew its Houston lease. WEDC board has voted to provide a grant in the form of a development agreement for part of the added costs in order to incentivize Premier Coil to continue to complete its construction site in Waller on schedule. EDC has voted to pay ½ of the rental cost of a generator, up to \$5000 a week, for a max of 6 weeks for a limit of \$30,000. Payment is contingent upon:

- a.) Operations beginning by December 31, 2014
- b.) Documentation that 20 employees are working at the facility.
- c.) Documentation of lease amounts by provision of copies of generator rental invoices.

Councilmember Arnold asked Mr. Isom if the City knew this was not a public service line. Mr. Isom asked Mr. Schmidt and he was not aware of this until now. Councilmember Arnold asked who will follow up with the contingencies and Mr. Isom said a check would not be issued until all documentation was complete. Councilmember Frey said he was not in favor of the agreement; only felt this was a goodwill gesture. Councilmember Johnson asked if it would affect the City of Waller budget. Mr. Isom responded it would not. Councilmember Arnold asked Mr. Isom, if in his opinion, this was this a good option and he said yes. Mr. Schmidt said they hope to hire local people in the future. Mr. Isom explained once this line is dedicated as a public service it will open up another 57 acres for development. Councilmember Arnold moved to approve terms for a development agreement between the Waller Economic Development Corporation and Premier Coil. to cover unforeseen cost related to electrical extension to the construction site. Councilmember Johnson seconded the motion. Motion passed with Councilmembers Arnold, Eaton, Hajek, and Johnson voting yes; Councilmember Frey voting no.

10. Consideration and possible action to approve a Resolution expressing City Council support for a change to Chapter 43 of The Texas Local Government Code regarding annexation for General Law Cities.

Mr. Isom explained if the City passes this resolution, then the City will seek further support from other general law cities regarding the ability of a city to annex a roadway from its city limits to a property owner who wants to be in the city, which would not infringe upon property owner between the current city limits and the proposed property. The City will seek endorsement from Texas Municipal League at the August legislative committee meeting, and the TML Annual Conference in October 2014. Representative Cecil Bell has indicated a willingness to carry legislation to implement the change in the 2015 session of the Texas Legislature. Attorney David Olson says there is no harm in passing the resolution and see what happens. Mr. Olson recommends a change in Section 1 of the Resolution to be adjacent to a public ROW. Councilmember Hajek moved to approve Resolution with the recommendation that attorney David Olson made. Councilmember Frey seconded the motion. Motion passed unanimously.

## 11. MAYOR-COUNCIL REPORTS

Councilmember Johnson expressed his thoughts on council not appointing him the Mayor Pro-tem that Mayor suggested.

## 12. STAFF REPORTS

Superintendent Gene Schmidt reported he should have some bids in on cleaning the Creek for the next council meeting. He also reported that the water well is finished and is waiting for TCEQ to finish up the final paperwork and testing. Mr. Schmidt also reported that he will start mosquito spraying and start mowing this week is dry enough. Councilmember Arnold asked if Sledge and FM 362 could be included on the list.

Police Chief Rehak reported his department had confiscated \$1,000 in counterfeit money. Chief attended a Houston Area Chiefs Council meeting, reported pay adjustments has been completed and Officer Dennis will remain part-time.

EDC Director John Isom reported Alegacy Equipment LLC is still waiting on ETJ paperwork from City of Houston. The request for ETJ release on Ortega property is still in early stages of gathering information. A group from Miami is looking in this area for a facility, approximately 25 employees and about a 20 million dollar project.

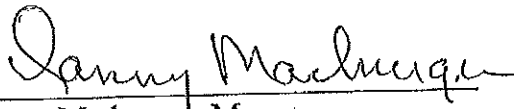
Ms. London reported this month's agenda did not get on the website until this afternoon; there were website problems; per attorney could still have the meeting because it was not the City's fault the agenda was not posted on the website. Ms. London reported Frank Gracely with Republic Services came into City Hall to meet the Supervisors because he is the City's new representative. Republic Waste has divided their territory into cities and MUDs and other districts and that David Aguilar is taking over the group that does not include cities and is no

longer our representative. The City will sponsor an electronic recycling day on Saturday, August 2<sup>nd</sup> from 8am to 12 noon at the sewer plant in conjunction with heavy trash day. Ms. London reminded council they have a workshop meeting on July 19<sup>th</sup>, at the Holiday Inn Express. Ms. London had visited with Mr. Twardowski about the WISD Trustee property that has been in discussion for several months now and Mr. Twardowski reported that he is trying to get a meeting set up with President David Kaminski and Mayor Danny Marburger. Ms. London also reported the push cards are in about the Waller Freedom Fest and staff would be getting these out to the businesses in the next few days. City offices will be closed on Friday, July 4<sup>th</sup> and Monday, July 7<sup>th</sup>.


## 12. ADJOURNMENT

There being no further business to discuss Mayor Marburger adjourned the meeting at 7:55 p.m.

APPROVED BY:

  
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Danny Marburger, Mayor

ATTEST:

  
\_\_\_\_\_  
JoAnn London, City Secretary