



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

BE IT REMEMBERED THAT ON THIS THE 21st day of November 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
Councilmember Jason Tones

Staff:
Cynthia Ward, City Secretary
Beatris Sanchez, Deputy City Secretary
Maryann Carl, Finance Officer
Gene Schmidt, Public Works Director (Absent)
Markus Benoit, Assistant Public Works Dir.
Michael Lopez, Police Chief
Art Pertile, City Attorney

Mayor Marburger called the meeting to order at 6:01 p.m.

PRAYER AND PLEDGE OF ALLEGIANCE

*Prayer by Councilmember Nancy Arnold
Pledge led by Mayor Pro Tem Dwayne Hajek*

ROLL CALL

Mayor Marburger and all Councilmembers were present.

**PRESENTATION OF PROCLAMATION FOR
TRISTIN GAINES**

Mayor Marburger presented a Proclamation for a City of Waller citizen, worldwide baseball champion, Tristin Gaines.

PUBLIC HEARING

Mayor Marburger opened the public hearing at 6:09p.m.

The purpose of the Public Hearing is to receive input from the public, either oral or written, regarding the following annexations:

A petition by BSR/Penick Rd. to annex the following:

2.6475 ACRE TRACT OF LAND BEING SITUATED IN THE H.B. HEDGEPTH SURVEY, ABSTRACT 139, WALLER COUNTY, TEXAS, BEING OUT OF AND A PART OF THAT CALLED 4.6276 ACRE TRACT OF LAND DESCRIBED INDEED TO CAROL LUCILLE ROBERTS PRESTON RECORDED IN VOLUME 689, PAGE 002 OF THE WALLER COUNTY DEED RECORDS.

0.2125 OF AN ACRE ANNEXATION TRACT OF LAND SITUATED IN THE H.B. HEDGEPTH SURVEY, ABSTRACT 139, WALLER COUNTY, TEXAS BEING A PORTION OF THE RIGHT-OF-WAY OF PENICK ROAD (50-FOOT WIDTH) AS ESTABLISHED BY VOLUME 19, PAGE 112 OF THE WALLER COUNTY DEED RECORDS; PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF WALLER, TEXAS TO INCLUDE PROVIDING FOR SEVERABILITY; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT. Ordinance #600

A petition by **IHG REAL ESTATE 2, LLC** to annex the following properties into the City of Waller and the City of Waller ETJ:

154.696 ACRE TRACT OF LAND SITUATED IN THE HARRIS COUNTY SCHOOL LAND SURVEY ABSTRACT NO. 332, HARRIS COUNTY, TEXAS; 167.922 ACRE TRACT OF LAND CONVEYED TO AVANGARD AS RECORDED UNDER HARRIS COUNTY CLERKS FILE NO. RP-2019-552507, ALSO BEING OUT OF BLOCK 16 OF HARRIS COUNTY SCHOOL LAND FOUR LEAGUES, MAP OR PLAT THEREOF RECORDED UNDER VOLUME 17, PAGE 221 OF THE HARRIS COUNTY DEED RECORDS IN TO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF WALLER; PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF WALLER, TEXAS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR SEVERABILITY; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT. Ordinance #601 and Ordinance #602

Petitions by Waller 7 and Mud 554 to annex the following property into the City of Waller and into Harris County Municipal District Number 554:

97.19 ACRE TRACT OF LAND BEING SITUATED IN THE N. W. BUSH SURVEY, ABSTRACT 76, WALLER COUNTY, TEXAS, MORE PARTICULARLY BEING ALL OF THAT CERTAIN CALLED 97.1861 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO EDMUND AND SO KING CHAN BY AN INSTRUMENT OF RECORD IN FILE NUMBER 1502533 OF THE OFFICIAL PUBLIC RECORDS OF WALLER COUNTY, TEXAS

AND 2.084 ACRES OF LAND LOCATED IN THE N. W. BUSH SURVEY, ABSTRACT 76, WALLER COUNTY, TEXAS. Ordinance #603 and Ordinance #604

CLOSE PUBLIC HEARING

With no public comments, Mayor Marburger closed the public hearing at 6:15p.m.

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.

Wesley Davis of 31610 Cypress Cir., HOA President of Briartree, addressed Council on concerns of the launchpad construction work hours at the Briartree subdivision.

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 October 17, 2022, Regular Meeting.
2. Approval of a refund to Pafford Properties LLC for Tax Year 2019 and Tax Year 2021 due to value change per WCAD.
3. Approval of a refund to Beverly Walker for Tax Year 2020 and Tax Year 2021 due to value change per WCAD.
4. Approval of a refund to South Central Industrial Prop XIV LP for Tax Year 2021 due to value change per HCAD.
5. Approval of a refund to Stokes 290 Partnership LP for Tax Year 2021 due to value change per HCAD.
6. Approval of City of Waller 2023 Pay/Holiday Calendar.

*Councilmember Nancy Arnold motioned to approve Consent Agenda Items.
Councilmember Edna Eaton seconded the motion. Motion passed.*

REGULAR AGENDA ITEMS

7. Discussion and possible action regarding **Ordinance #600**, granting the request for annexation of a 2.6475 acre tract of land being situated in the H.B. Hedgepath Survey, Abstract 139, Waller County, Texas, being out of and a part of that called 4.6276 acre tract of land described in Deed to Carol Lucille Roberts Preston recorded in Volume 689, Page 002 of the Waller County Deed

Records; a 0.2125 of an acre annexation tract of land situated in the H.B. Hedgepath Survey, Abstract 139, Waller County, Texas, being a portion of the right-of-way of Penick Road (50-Foot Width) as established by Volume 19, Page 112 of the Waller County Deed Records; providing for the extension of certain boundary limits of the City of Waller, Texas to include providing for severability; and making findings and provisions relative to the subject.

Mayor Pro Tem, Dwayne Hajek motioned to approve. Councilmember Mike McCormick seconded the motion. Motion passed.

8. IHG REAL ESTATE 2, LLC property:

- a. Discussion and possible action regarding **Ordinance #601**, granting the request for annexation of an approximately 154.696 acre tract of land situated in the Harris County School Land Survey Abstract No. 332, Harris County, Texas being out of a called 167.922 acre tract of land conveyed to Avangard as recorded under Harris County Clerks File No. RP-2019-552507, also being out of block 16 of Harris County School Land Four Leagues, map or plat thereof recorded under Volume 17, page 221 of the Harris County Deed Records in to the extraterritorial jurisdiction of the City of Waller; providing for the extension of certain boundary limits of the City of Waller, Texas **extraterritorial jurisdiction**; providing for severability; and making findings and provisions relative to the subject.

Mayor Pro Tem, Dwayne Hajek motioned to approve. Councilmember Jason Tones seconded the motion. Motion passed.

- b. Discussion and possible action regarding **Ordinance #602**, granting the request for annexation of an approximately 154.696 acre tract of land situated in the Harris County School Land Survey Abstract No. 332, Harris County, Texas being out of a called 167.922 acre tract of land conveyed to IHG REAL ESTATE 2, LLC as recorded under Harris County Clerks File No. RP-2019-552507, also being out of block 16 of Harris County School Land Four Leagues, map or plat thereof recorded under Volume 17, page 221 of the Harris County Deed Records into **the City of Waller**; providing for the extension of certain boundary limits of the City of Waller, Texas; providing for severability; and making findings and provisions relative to the subject.

Councilmember Nancy Arnold motioned to approve. Councilmember Mike McCormick seconded the motion. Motion passed.

9. Waller 7 L.L.C. property:

- a. Discussion and possible action regarding **Ordinance #603**, approving a petition for annexation into the City of Waller filed by Waller 7 LLC, of a 97.19 acre tract of land being situated in the N.W. Bush Survey, Abstract 76, Waller County, Texas, more particularly being all of that certain called 97.1861 acre tract of land described in the deed to Edmund and So King Chan by an instrument of record in File Number 1502533 of the official public records of Waller County, Texas; and 2.084 acres of land located in the N.W. Bush Survey, Abstract 76, Waller County, Texas.

Mayor Pro Tem Dwayne Hajek motioned to approve. Councilmember Mike McCormick seconded the motion. Motion passed.

- b. Discussion and possible action regarding **Ordinance #604**, approving a petition to be annexed into Harris County Municipal Utility District Number 554, filed by Waller 7 LLC, of a 97.19 acre tract of land being situated in the N.W. Bush Survey, Abstract 76, Waller County, Texas, more particularly being all of that certain called 97.1861 acre tract of land described in the deed to Edmund and So King Chan by an instrument of record in File Number 1502533 of the official public records of Waller County, Texas; and 2.084 acres of land located in the N.W. Bush Survey, Abstract 76, Waller County, Texas.

Councilmember Mike McCormick motioned to approve. Councilmember Jason Tones seconded the motion. Motion passed.

- c. Discussion and possible action regarding **Resolution #2022-21**, approving a development agreement between the City of Waller, Texas and Waller 7 LLC, a limited Liability Company.

Councilmember Mike McCormick motioned to approve. Councilmember Jason Tones seconded the motion. Motion passed.

- d. Discussion and possible action regarding **Resolution #2022-22**, approving the second amended utility agreement between the City of Waller Texas and Harris County Municipal Utility District No. 554.

Mayor Pro Tem Dwayne Hajek motioned to approve. Councilmember Edna Eaton seconded the motion. Motion passed.

- 10. Discussion and possible action regarding **Resolution 2022-23**, amending the schedule of fees, rates, deposits, and other charges for Fire Hydrant Meters and other related matter; repealing all resolutions in conflict herewith; and other related matters.

Assistant Public Works Director, Markus Benoit addressed Council on approving Resolution 2022-23, which will become effective January 1, 2023.

Councilmember Jason Tones motioned to approve. Mayor Pro Tem, Dwayne Hajek seconded the motion. Motion passed.

- 11. Discussion and possible action to authorize Dr. Herman Clay with Clay and Leyendecker Engineering to advertise the project Beacon Hills Water Plant and accept bids.

Assistant Public Works Director, Markus Benoit addressed Council on approving Dr. Herman Clay to advertise the project Beacon Hills Water Plant and accept bids.

Mayor Pro Tem, Dwayne Hajek motioned to approve. Councilmember Nancy Arnold seconded the motion. Motion passed.

12. Discussion and possible action to authorize IDS Engineering Group to advertise the project Avangard Natura Utilities Extension and accept bids.

Assistant Public Works Director, Markus Benoit addressed Council on approving IDS Engineering Group to advertise the project Avangard Natura Utilities Extension and accept bids. City Engineer, Travis Sellers also addressed Council on the completion of a topographic survey and beginning the design process.

Councilmember Nancy Arnold motioned to approve. Councilmember Edna Eaton seconded the motion. Motion passed.

13. Discussion and possible action to approve the change order for the Cyrus Lane roadway improvement regarding the subgrade material.

City Engineer, Travis Sellers addressed Council on approving the change order for the Cyrus Lane roadway improvement regarding the subgrade material.

Councilmember Jason Tones motioned to approve. Councilmember Mike McCormick seconded the motion. Motion passed.

14. Discussion and possible action of a proposal on a partnership between the City of Waller and Mission Waller (dba Waller Ministerial Alliance) for Waller Freedom Fest 2023.

Mayor Marburger addressed Council requesting a motion to table Regular Agenda Item #14 for awaiting further discussion.

Councilmember Nancy Arnold motioned to table Regular Agenda Item #14 for further discussion. Councilmember Mike McCormick seconded the motion to table Regular Agenda Item #14 for further discussion. Motion to table Regular Agenda Item #14 for further discussion passed.

15. Discussion and possible action to approve the opening of the Melanie Smith Library and Museum Exhibits Hall.

City Secretary, Cynthia Ward addressed Council on approving the opening of the Melanie Smith Library and Museum Exhibits Hall. Dates and opening times are still pending.

Mayor Pro Tem, Dwayne Hajek motioned to approve. Councilmember Edna Eaton seconded the motion. Motion passed.

16. Discussion and possible action of Waller Police Department participating in Northwest Harris County Toys for Tots Drive.

Police Chief, Michael Lopez addressed Council on approving the Waller Police Department to participate in the Northwest Harris County Toys for Tots Drive.

Councilmember Jason Tones motioned to approve. Councilmember Edna Eaton seconded the motion. Motion passed.

17. Discussion and possible action on updating policy "Vehicle Pursuits" and sub-policies within this policy.

Police Chief, Michael Lopez addressed Council on approving updates on the "Vehicle Pursuits" policy and sub-policies within this policy. City Attorney addressed Council regarding his approval of updates on the "Vehicle Pursuits" policy.

Councilmember Jason Tones motioned to approve. Mayor Pro-Tem, Dwayne Hajek seconded the motion. Motion passed.

MAYOR-COUNCIL REPORTS

- *Councilmember Nancy Arnold*
 - Reported on meeting with head of TxDot office
 - Reported on meeting with Mayor Pro Tem and Deputy Chief of Staff from the City of Houston regarding ETJ releases
 - Reported on HGAC study where City of Waller is in one of the dangerous intersection counties
 - Reported on the Federal Communications Commission releasing its initial version of the National Broadband Map
 - Reported on her and Mayor Pro-Tem Hajek's attendance at the HGAC annual meeting about General Law in Houston last week
 - Reported on her reappointing to the Transportation Policy Council for the Gulf Coast Region representing small cities.
- *Mayor Pro-Tem Hajek*
 - Reported on Councilmember Nancy Arnold being reelected to the HGAC board
- *Councilmember Jason Tones*
 - Reported on 125th birthday of the lodge being in town on December 10th, roads around City Hall will be closed for event
- *Mayor Marburger*
 - Reported on the City of Waller doing good things
 - Reported on employees going to school for the benefit of the City
 - Congratulated Assistant Public Works Director, Markus Benoit on attending the Hobby School of Public Affairs Leadership and winning a Leadership Award

STAFF REPORTS

- *Cynthia Ward, City Secretary*- No report
- *Markus Benoit, Assistant Public Works Director*- Presented new employee
- *Michael Lopez, Police Chief*- Individual pilfering from Bucees for the last 6 months, reported that Police Department will shortly be able to take individual into custody.

- *John Isom*, WEDC Director- Addressed the public on having several ETJ's released
- *Travis Sellers*, City Engineer- No report

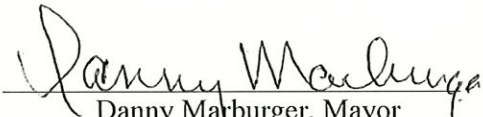
ELECTED OFFICIAL REPORTS

No report

ADJOURNMENT


With no other business, Mayor adjourned at 7:11 p.m.

APPROVED BY:



Danny Marburger, Mayor

ATTEST:



Cynthia Ward, City Secretary