



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

BE IT REMEMBERED THAT ON THIS THE 20th day of February 2023 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 (**Absent**)
Councilmember Mike McCormick
Councilmember Jason Tones

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

Mayor Marburger called the meeting to order at 6:00 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 Councilmembers present. Councilmember Edna Eaton absent.

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.

All communications from the public were requested for Agenda Item #6. Mayor Marburger moved communications to the public after this item was addressed.

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 January 17, 2023, Regular Meeting.
2. Approval of refund to AJ Foyt for Tax Year 2021 due to value change her HCAD.

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

REGULAR AGENDA ITEMS

3. Discussion and possible action to approve the FY2021-2022 audit as presented by Belt Harris & Pechacek LLP.

Belt Harris & Pechacek LLP addressed Council on approving the audit for FY2021-2022.

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

4. Discussion and possible action to renew the contract agreement with the City of Waller Animal Shelter and the City of Waller.

City Secretary, Cynthia Ward addressed Council on approving the renewal of the contract agreement with the City of Waller Animal Shelter and the City of Waller. Contract will be renewed every two years.

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

5. Discussion and possible action on approving Ordinance # 608, finding and determining the official population of the City of Waller; adopting the official map of the City of Waller including its extraterritorial jurisdiction; providing for severability; and finding and determining that the meeting at which this Ordinance is passed was open as required by law.

City Attorney, Art Pertile addressed Council on approving Ordinance # 608. City Attorney addressed that the adoption of the official map is required every year as the city grows. The Ordinance on the adoption of the official City map is for the record on population and growth.

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

Citizen, *Tim Sitton*, addressed Council on requesting to annex down 362 to the new town subdivision, Waller and Sky Lakes.

City Attorney, *Art Pertile* addressed citizen, *Tim Sitton* that for a property to be annexed, the property owner needs to request for annexation.

6. Discussion and possible action on approving Ordinance # 609, regulating murals within the City and the City's extraterritorial jurisdiction providing a penalty of an amount not to exceed \$2,000.00 for each day of violation of any provision hereof, providing for severability.

Citizen, *Dustin Kearns*, addressed Council on his passion for art and the significant meaning of murals. Further addressed that he is not trying to take anything from the City, but to rather help tell a story and create memory.

Citizen, *Charles Henderson* addressed Council that he is not here to demonstrate his art or to hurt anyone, but to give people the gift of learning about their city's past and future.

Citizen, *Brad Smith* addressed Council on Finishes hiring him to draw murals on their buildings. Further addressed on the importance of murals to represent the people of the City and its history which will help bring the community together.

Citizen, *Kay Ray Smith* addressed Council on the power of mural art, attracting more business, increase in tourism and property worth. Requests that the city support public art.

Citizen, *Paul Cates* addressed Council on the first amendment, freedom of speech applying to the murals. Cates requested a meeting to address concerns that he has on the Ordinance.

Citizen, *Elizabeth Dominguez* addressed Council on murals bringing a meaning on the history of the City. Further addressed that murals bring history and life to the old buildings.

Citizen, *Tim Sitton* addressed Council on the positive emotion of murals.

Citizen, *Mae Edwards* addressed Council on concern on whether the City approves the mural design before the mural is drawn. Further addressed concern on murals rather being used for advertising rather than symbolism.

Mayor *Marburger* addressed the public by asking the City Attorney, *Art Pertile* to address Ordinance #609.

City Attorney, *Art Pertile* addressed the public that each Councilmember will have an opportunity to make a motion. Once all Councilmembers make a motion to approve, then Ordinance #609 will pass. Public will be allowed to speak once Council is finished deliberating. Not a public hearing. Councilmember can call an individual in the public to speak. City Attorney expressed that murals will not be allowed for advertising purposes. **Will not be permitted on front wall.** Murals have to be registered and filed with the City. Any murals that are already in the City will be grandfathered. Ordinance requires maintenance on murals. Not

regulate content but regulate the location. Registration would mean to register the mural with the City and registration will help the City with the required maintenance from the mural owners.

Councilmember Jason Tones motioned to approve. Councilmember Nancy Arnold seconded the motion. Motion passed.

Citizens requested a copy of Ordinance #609. City Secretary notified citizens of a Public Records Request Form to be filled out to get a copy of the Ordinance.

7. Discussion and possible action on approving Ordinance # 610, amending the Code of Ordinances, Chapter 18- businesses and businesses license; creating article IV., "Mobile Food Vendors"; requiring a permit; stating conditions for issuance or denial of the permit; providing for a penalty in an amount not to exceed \$2000.00 for a violation, with each day constituting a separate violation; and providing for severability.

City Attorney, Art Pertile addressed Council on approving Ordinance #610 on food trucks. The Ordinance will help the City regulate the food trucks in the City. Texas Food Establishment rules will be required to be followed. Sales will not be allowed to be conducted unless given a permit by the City. Permit will be good for one year.

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

8. Discussion and possible action to update the Emergency Management Coordinator for the City of Waller.

Mayor Marburger addressed Council on his recommendation on appointing Charles Mistic as the new Emergency Management Coordinator for the City of Waller. The current Emergency Management Coordinator, Gene Schmidt will be retiring in March.

Councilmember Jason Tones motioned to approve. Councilmember Nancy Arnold seconded the motion. Motion passed.

9. Discussion and possible action to award Phoenix Fabricators the contract on constructing a 250,000-gallon elevated storage tank at the Beacon Hills Subdivision.

Public Works Director, Gene Schmidt addressed Council on approving to award Phoenix Fabricators, who was the lowest bidder, the contract on constructing a 250,000-gallon elevated storage tank at the Beacon Hills Subdivision. The award was recommended by Dr. Clay.

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

10. Discussion and possible action to approve the change order for railroad bore Pine Street-Mound Creek by 5-T Utilities Inc.

Public Works Director, Gene Schmidt addressed Council on approving the change order for railroad bore Pine Street-Mound Creek by 5-T Utilities Inc. There is a 19% change in the order.

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

11. Discussion and possible action to approve the Binford Center Final Replat.

Public Works Director, Gene Schmidt addressed Council on approving the Binford Center Final Replat. A Fuel Maxx will be constructed on this property. This property is 43.99 acres.

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

12. Discussion and possible action to approve the change order to reduce the project cost for the 2920 Binford Road utility extension.

Public Works Director, Gene Schmidt addressed Council on approving the change order to reduce the project cost for the 2920 Binford Road utility extension. The price reduction is for \$14,734.00.

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

13. Discussion and possible action of purchasing a vehicle for the detective to use through HGAC.

Police Chief, Michael Lopez requested Council to table Agenda Item #13.

Councilmember Nancy Arnold motioned to table Agenda Item #13. Councilmember Jason Tones seconded the motion. Motion passed.

14. Discussion and possible action on approving **Resolution # 2023-04**, authorizing the Mayor to sign the City of Houston's agreement to release 25.01 acres from the Houston ETJ to the City of Waller ETJ.

WEDC Director, John Isom addressed Council on approving Resolution # 2023-04.

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

MAYOR-COUNCIL REPORTS

- *No report*

STAFF REPORTS

- **Cynthia Ward, City Secretary**
 - No report
- **Markus Benoit, Assistant Public Works Director**
 - No report
- **Michael Lopez, Police Chief**

- No report
- **John Isom, WEDC Director**
- *Updates*
- **Travis Sellers, City Engineer**
- *Updates on bid meetings*

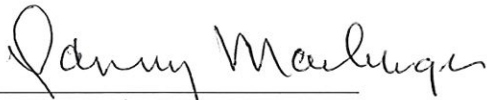
ELECTED OFFICIAL REPORTS

Not present, no report

ADJOURNMENT

With no other business, Mayor adjourned at 7:50 p.m.

APPROVED BY:



Danny Marburger, Mayor

ATTEST:



Cynthia Ward, City Secretary