

The City Council of the City of Willis, Texas convened into regular session at city hall on the date and time aforesaid with the following members present:

Leonard Reed, Mayor  
William Brown, Mayor Pro-Tem  
Barney Stone, Council Member  
Tom Luster, Council Member  
Tamara Young-Hector, Council Member  
Larry Foerster, City Attorney  
Marissa Quintanilla, City Secretary  
Jeff Cross, Community Development Director  
Alton Nelson, WPD Lieutenant  
Taylor Whichard, Director of Public Works  
Beth Rodriguez, Director of Finance

And the following members absent: Ashley Nixon, constituting a quorum at which time the following business was transacted to-wit:

1. Call to order the regular meeting.  
Mayor called the meeting to order at 5:30 p.m.
2. Roll Call, Pledge of Allegiance, and Invocation  
I Pledge Allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all. Honor the Texas Flag. I pledge allegiance to thee Texas; one state under God, one and indivisible.  
City Secretary called roll. Pledges were recited. Councilman Brown gave the invocation.
3. CITIZENS INQUIRY
  - a. Public Comments  
No public comments
4. CONSENT AGENDA
  - a. Consider the minutes of the previous meeting: December 14, 2021, December 20, 2021
  - b. Approval of Accounts Payable
  - c. Approval of financial statements and tax collection reports  
Mayor asked for questions or comments or if any items in the consent agenda needed to be considered separately. None were received. Mayor and Council approved the consent agenda by unanimous consent.
5. JOINT PUBLIC HEARING
  - a. Joint public hearing with the Planning and Zoning Commission to hear comments on the proposed rezoning of 12100 Old Montgomery Road from Public designation to General Commercial designation. Motion was made by William Brown to table the joint public hearing. Barney Stone seconded the motion. Motion passed unanimously.
6. ORDINANCES
  - First Reading
    - a. An ordinance by the City of Willis, Texas Amending the City Official Zoning Map and Title XV, Chapter 155 by reclassifying 3.50 Acres of property in the F. K. Henderson Survey from Public designation to General Commercial designation  
Mr. Cross stated nothing new has come up with this everything continues as planned. No changes. Mayor stated this was the first reading no action was to be taken.

- b. An ordinance by the City of Willis, Texas authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, at the Public Utility Commission of Texas in 2022  
Mr. Foerster stated that every year the City receives the same invitation form the Lawton Law Firm in Austin, to join with other cities to express their support for any possible concerns or opposition about Entergy rate increases. Mr. Foerster stated this was a first reading no action was to be taken. This is just for the Council to consider whether to pass an ordinance that would authorize the City to retain the law firm along with other cities in our area to serve as an attorney to represent us in any energy increases.

## 7. NEW BUSINESS

- a. Discuss and consider approval of entering into a fleet contract with Enterprise Fleet Management  
Ms. Rodriguez introduce Jeff Koerner, with Enterprise Fleet Management. Mr. Rodriguez stated this was not a typical with dealership leases. Ms. Rodriguez stated we would be able to hold the equity in vehicles themselves. Ms. Rodriguez stated that because of this and the savings the City can get, it also opens the door to where the city can replace vehicles that are in need of replacement. Mr. Koerner stated that they have been meeting with the City over the course of the last few months evaluating both the police and non-emergency units and have found a great opportunity to impact not only the capital but also the operating budget. Mr. Koerner stated they investigated the City fleet and found that 45% of the fleet is 10 years of age or older. Mr. Koerner stated this has an impact to maintenance, resale, operating costs, safety and ultimately vehicles that tend to be unreliable. Mr. Koerner stated that as they looked at the evaluation over a 10-year period, they were able to put together a sustainable budget that showed a savings of \$537,000 over a 10-year period, for an average sustainable savings of over \$52,000 annually. Mr. Koerner stated that this means newer vehicles, safer vehicles for the city, and being able to look at the entire fleet proactively and help reduce operational expenses, while having less safety concerns. Mr. Koerner stated these are open ended equity leases, so there is no wear and tear penalties, no milage restrictions, and they will meet with the City quarterly to evaluate the fleet and share with Council the opportunities to replace vehicles. Mr. Koerner went over the menu pricing with Council on five units for the police department and three units for community development. Mr. Stone asked about the maintenance for non-emergency vehicles and how the police department would not be included. Mr. Koerner stated this was correct, they do not have a full maintenance program through enterprise yet for emergency vehicles, but they do have a \$10 a month program that can be put together that vetted through the local tax base. Mr. Foerster asked if this was within our current budget. Ms. Rodriguez stated this is actually going to be less than what was budgeted for this year. Council continued to discuss the maintenance of the non-emergency vehicles and the cost. Motion was made by Barney Stone to table item 7a. Tom Luster seconded the motion. Mayor asked for any questions or discussion. None was received. Motion passed unanimously.
- b. Discuss and consider approval of an interlocal agreement with Willis Independent School District to finance the Willis ISD Opioid Settlement Proposal  
LT Nelson stated that the police department would oversee it through working with the school district. Mr. Foerster stated that the City is the recipient of a little over \$24,000 in funding from the Texas opioid settlement. Mr. Foerster stated that we adopted by resolution and agreed to participate in the settlement. Mr. Foerster stated the funds can only be used for certain things that is set out in the term sheet. Mr. Foerster stated that Chief Nowak spoke with Willis ISD and they put together a proposal which sets out some of the different educational programs that will be available to administrators, teachers, parents, to educate them about drug concerns, including opioid under the interlocal agreement. This would be funding from the money that is received from the settlement. Mr. Foerster stated Willis ISD would be reporting to the City on their progress and would be reporting any obligations to State with regard to how the money was used. William Brown asked about the school being responsible for any State obligations on reporting or would it be the City. Mr. Foerster stated that Willis ISD would be making a report. Mr. Brown stated he understood that Willis ISD would be doing a report but wanted to know who would be responsible for reporting to the State. Mr. Foerster stated that Chief Nowak had sent a letter to the Attorney General's Office and the assurance they had that they did not think there would be record reporting accountability at the state level. Motion was made by William Brown to approve an interlocal agreement with Willis Independent School District to finance the Willis ISD Opioid Settlement Proposal. Barney Stone seconded the motion. Mayor asked for any discussion. None was received. Motion passed unanimously.

- c. Discuss and consider approval of a variance request from L Squared Engineering on the type of storm sewer pipe to be used for all improvements within the Moran Ranch Development
- Mr. Wind stated that the material L Squared Engineering is requesting to use for the storm sewer pipe has been around for some time, and more recently it is starting to be accepted by Montgomery County, Harris County and several other entities. Mr. Wind stated it has proven to be a good product, however the City ordinance currently states specifically RCP pipe and HDPE pipe and the material in question is called HP pipe. Mr. Wind stated he had no concerns about the material and quality. Mr. Wind also stated that the agreement with Moran they are accepting responsibility for the storm sewer for the duration of the reimbursement of the TIRZ. Mr. Wind stated he would recommend approval. Mayor asked if the current ordinance needed to be changed include this pipe material. Mr. Wind stated he would recommend this. Mr. Green stated the ordinance currently does allow other materials as specified by the city engineer. Mayor stated he would like to change the ordinance to reflect the new material. Motion was made by Tom Luster to approve a variance request from L Squared Engineering on the type of storm sewer pipe to be used for all improvements within the Moran Ranch Development. Barney Stone seconded the motion. Mayor asked for further discussion. None was received. Motion passed unanimously.
- d. Discuss and consider approval of accepting two water line easement from Market at Willis Associates, LLC
- Mr. Wind stated that Moran Ranch Development is putting public water lines within their property, and they need to dedicate these easements. Mr. Wind stated they provided the language for the easements. Mr. Wind stated that Mr. Foerster, Mr. Whichard, and he reviewed the document and made appropriate changes and recommended approval. Mr. Luster asked if staff would know where these were going to be and there will be in the location needed to be 20 years from now and the City will have an easement dedicated from now on. Mr. Wind stated it would. Mayor asked about section 3 under conditions to the City's Use of Easement Area it talks about the "City shall have no right to go or travel upon, over, or across any land of Grantor except the Easement Area or the adjacent lands in which the City or the public has an interest or right to travel upon an entry." Mayor stated that he has seen where there is an issue with that. Mayor stated he did not know what is going to be on both sides of the easement. Mr. Wind stated this is if something were to happen outside the easement damage or otherwise, they would use that requirement, but he does not foresee this happening. The easements are in the parking lot. Motion was made by Barney Stone to accept two water line easement from Market at Willis Associates, LLC. Tom Luster seconded the motion. Motion passed unanimously.
- e. Discuss and consider approval for a final plat of Store It, a subdivision of 3.493 acres of land in the G. W. Lonis Survey
- Mr. Cross stated this was roughly about 3.5 acres of land in the G. W. Lonis Survey that the developer wishes to place a community storage facility. Mr. Cross stated this has been through the Planning and Zoning Commission and recommended approval. Mr. Cross stated this was off FM 1097 East passed Business Park Drive and right before Cannan Road. Motion was made by William Stone to approve a final plat of Store It, a subdivision of 3.493 acres of land in the G.W. Lonis Survey. Barney Stone seconded the motion. Mayor asked for any further discussion. None was received. Motion passed unanimously.
- f. Discuss and consider approval of a variance request from property owner at South Bend 01, Block 1 Lot 18 for construction of two duplex homes on one lot
- Mr. Cross stated this was the largest lot in the South Bend subdivision. Mr. Cross stated it was right behind the Family Dollar Store. Mr. Cross stated this subdivision is basically duplexes. Mr. Cross stated the developer wants to put two duplexes on the one lot. Mr. Cross stated all calculation have been done and they do have the open space that the need. They have the 1000 square feet of living space in each of the buildings and room for all the parking, so mathematically, there is no reason why this can not occur. Mr. Cross stated when they looked at the zoning, the intent of it is to have single family dwellings and duplexes, but it does not say that you can't have two duplexes on one lot. Mr. Cross stated that this went before the Planning and Zoning Commission and was discussed at length, and they recommended approval. Motion was made by Barney Stone to approve a variance request from property owner at South Bend 01, Block 1 Lot 18 for construction of two duplexes on one lot.

Tom Luster seconded the motion. Mayor asked for any discussion. None was received. Motion passed unanimously.

- g. Discuss and consider approval of a request from Willis RV Resort to renew an expired special land use permit

Mr. Cross stated that this is off of Old Montgomery Road, behind where the new surgery center is going. Mr. Cross stated that what has occurred is when they obtained their conditional land use permit back in 2019 it would expire in a year if they don't have actual permits on property that they are working on. The challenge is that they did not have any water or sewer, so they have to work with other contractors in areas specifically the medical facility and the surgery center. They permitted and installed water and sewer to get back to where the RV Resort is going to be. Mr. Cross stated they also had the drainage adjusted to where they are sharing the drainage as a swap for these services. Because permits were obtained to facilitate the utilities for these, they feel that it be looked at as though permits were pulled for this property, which would cover the intent. Mr. Cross stated this went before Planning and Zoning Commission and they recommended approval for a renewal of the use agreement. Mayor asked where the water line is coming from and how is it going to be metered and who is responsible for the maintenance. Mr. Cross stated the waterline is coming off of 1097 down beside the medical facility and beside the surgery center. Mr. Cross stated this would be metered at the point where it enters their property, and the City would be responsible for it. Motion was made by William Brown to approve the request from Willis RV Resort to renew an expired special land use permit. Barney Stone seconded the motion. Mayor asked for any further discussion. None was received. Motion passed unanimously.

- h. Discuss and consider approval of request from Mustang Rental to be allowed to drill water well at 16150 State Highway 75 for water supply

Mr. Cross stated that City ordinance requires that if a well is to be drilled on the property and use for public or private, City Council must approve it and they allow it they have got to have an unreasonable hardship or burden for the city to allow this. Mr. Cross stated that in this situation they are quite away from the water. Mr. Cross stated that he spoke with Mr. Whichard about it and the cost to get water to them would cost about \$600,000. Mr. Cross stated that the water well would be able to handle their domestic and fire needs. Mr. Cross stated that without the well they would not be able to continue. Mr. Brown asked what place of business this was. Mr. Cross stated it was by the steel building manufacturer, and they are going to rent heavy equipment. Mayor asked if they were inside the city limits or the ETJ. Mr. Cross stated they were just barely inside the city limits. Mayor asked if Muller had a well. Mr. Cross stated they did. Mayor asked for any questions. None was received. Motion was made by William Brown to approve a request from Mustang Rental to be allowed to drill a water well at 16150 State Highway 75 for water supply. Tom Luster seconded the motion. Mayor asked for any further discussion. Mayor asked if they would still need to go through Lonestar to get approval to drill a well. Mr. Cross stated they would need to get a permit from the State and go through TCEQ. No further discussion. Motion passed unanimously.

Council Woman Tamara Young-Hector entered the meeting at 6:44 p.m.

- i. Discuss and consider approval of a variance request from owners of Canta Ranas Taco Truck, and Tacolicious Food Truck to extend hours of operation past what is allowed in Ordinance 15-1117B

Mr. Cross stated this stemmed from a code enforcement complaint where we had some complainant stating that mobile food units weren't following the ordinances. Mr. Cross stated their statements were that they are constructing permanent structures and becoming restaurants without following the codes. Mr. Cross stated he investigated, and they were not breaking the ordinance in this manner, however the only item they were breaking the ordinance in was the hours of operation where it states it is unlawful for any mobile food unit to park or conduct business in a residential zone or platted residential subdivision for more than two hours in any given day, or it can afford to conduct business other than during the hours of daylight, specifically one-half hour after sunrise and one-half hour before sunset. Mr. Cross stated that they were concerned that this only applies to residences in residential subdivision, but in fact the way that it is written it indicates that these hours are for all mobile food units. Mr. Cross stated this is the only paragraph that discusses actions of a mobile food unit. Mr. Cross stated that the building official ordered that they follow the requirement of ending their business one-half hour before sunset, to which they complied. Mr. Cross stated because of the

ordinance in place staff recommended that this be maintained. Mr. Cross stated staff is looking for the Council's guidance to construct a more usable ordinance than that one paragraph. Mr. Cross stated that they have looked at several ordinances around the cities and there is a myriad of thoughts and methods that can be considered and are open to what the Council thought are, but in the meantime the variance itself must be addressed. William Brown asked if there have been other food trucks with similar issues. Mr. Cross stated there three that has been in the history that he knows of. Barney Stone asked with the ordinance was put in effect. Ms. Quintanilla stated it was in 2015. A representative from Canta Ranas Taco Truck spoke to the Council about the ordinance stating that hours for operation were for residential areas, and not commercial. The owners felt that since they were parked in a commercial space with access to restrooms and that their customer could use the ordinance should not apply to them. They stated that their truck was parked in a well-lit area so safety was not a concern. Mayor and Council continued to discuss the variance request. Mayor stated he was not in favor of giving a variance. Mayor stated if Council approved this variance everybody who asked for one before the ordinance is amended would have to be approved to be fair to everyone. Mr. Brown stated we only have two food trucks in the area. Mr. Foerster stated that he agreed that the staff needed to revisit the ordinance. Motion was made by William Brown to approve a variance request for Canta Ranas Taco Truck and Tacolicious Food Truck to operate till 9:00 p.m. for a total of 60 days. Tom Luster seconded the motion. Mayor asked for any further discussion. None was received. Motion passed unanimously.

j. Discuss and consider approval of the City of Willis Financial Management Policy

Ms. Quintanilla stated that in October the GLO did a monitoring review on the City of Willis and had some findings. Part of the corrective action was to approve a financial policy and a procurement policy and have all the necessary language in there to document the corrective action in the policies. When the policies were passed in November, they were not presented to the GLO for their review and the policies had some missing language required by the GLO. Ms. Quintanilla stated that the financial policy and procurement policy has been corrective to reflect the need language and has been reviewed by the GLO and they have given their approval of the policies. Ms. Quintanilla stated that Council would need to approve them again so that a copy could be submitted to the GLO. Motion was made by Barney Stone to approve the City of Willis Financial Management Policy. Tamara Young-Hector seconded the motion. Mayor asked for any further discussion. None was received. Motion passed unanimously.

k. Discuss and consider approval of the City of Willis Procurement Policy applicable to all procurements made with federal funds

Ms. Quintanilla discuss this item with Item 7J. Motion was made by Barney Stone to approve the City of Willis Procurement Policy applicable to all procurements made with federal funds. Tamara Young-Hector seconded the motion. Mayor asked for further discussion. None was received. Motion passed unanimously.

l. Discuss possible changes to Willis Police Department Policy 4.5 – Uniform Appearance and Equipment

LT. Nelson stated that they are looking into modify the uniform policy to allow facial hair for the officers. LT. Nelson stated many departments all over the nation have already changed. LT. Nelson stated the Sheriff's department already allows it. LT. Nelson stated the city policy currently allows it but the police department policy does not. LT. Nelson stated policy would state the grooming policy must be professional, neatly groomed. LT. Nelson stated Chief Nowak wanted Council's thoughts on this. LT. Nelson stated they did No Shave November and December this year and last and received nothing but positive comments from the public. Council discussed and no one saw an issue with allowing facial hair for officers.

## 8. REPORTS

Input from Council related to issues for possible inclusion on future agendas; related to issues such as (but not limited to) municipal projects, personnel, public property, development, and other city/public business.

Barney Stone suggested having workshop with Council. Mr. Stone stated the information they receive they don't really get to discuss and would like to do some workshops. William Brown about revisiting the road conditions.

a. Engineer's Report

1. Lindley Park Improvements

Mr. Wind stated progress is still being made well. They have got the piers in for the covering of the basketball court. They have finished the restroom slab and all the underground. The parking lot is paved and most of the grading is done. Mr. Wind stated they did receive a schedule on the delivery of the awning for the basketball court, and they are saying the middle of May, which is further back than they were hoping. Mr. Wind stated their completion date is June 6, so that would give them two or three weeks to erect and complete the awning and their final inspection. Mr. Wind stated he did expect that they will likely request an extension on their contract.

2. CDBG Water Plant 3 Elevated Tank Recoating

Mr. Wind stated the recoating of the tank is complete, there is an inspection on the seventh and everything looks good. Mr. Wind stated the other part of the project is the electrical work to be able to use the generator and the Catahoula Well on that site. Mr. Wind stated work will not be completed until the electrical equipment that has been ordered is delivered. Mr. Wind stated that April 7 is the completion date for this project.

Mayor asked about the register replacement. Mr. Wind stated that there are two parts, the automated metering system and the other is the meters that need the registers replaced. Council discussed the different options available.

9. EXECUTIVE SESSION

a. Convene into closed executive session as provided by the Texas Open Meetings Act under Section 551.074 (Personnel Matters) of the Texas Government Code.

Mayor stated executive session would be held in the upstairs conference room. Mayor closed open session at 7:19 p.m.

1. City Manager Search

b. Reconvene into open session and take action, if necessary, on matters deliberated in closed executive session.

Mayor and Council reconvened into open session at 7:42 p.m. Mayor asked for any action coming out of executive session. Motion was made by Tamara Young-Hector to allow the Mayor to negotiate a new City Manager contract. Tom Luster seconded the motion. Motion passed unanimously.

10. ADJOURN

Motion was made by Tamara Young-Hector to adjourn. Barney Stone seconded the motion. The meeting adjourned at 7:43 p.m.

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Leonard Reed, Mayor

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Marissa Quintanilla, City Secretary