



## MINUTES: MARCH 22, 2022 FOR THE GOVERNING BODY OF THE CITY OF WILLIS, TEXAS

Leonard Reed, Mayor  
William Brown, Mayor Pro-Tem  
Ashley Nixon, Place 1  
Barney Stone, Place 2  
Tamara Young-Hector, Place 3  
Tom Luster, Place 4

Sheyi I. Ipaye, City Manager  
Marissa Quintanilla, City Secretary  
Larry Foerster, City Attorney

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  
Ashley Nixon, Council Member  
Barney Stone, Council Member  
Tom Luster, Council Member  
Tamara Young-Hector, Council Member  
Sheyi Ipaye, City Manager  
Larry Foerster, City Attorney  
Marissa Quintanilla, City Secretary  
Taylor Whichard, Director of Public Works  
James Nowak, Chief of Police  
Jeff Cross, Director of Community Development  
Beth Rodriguez, Director of Finance

And the following members absent: none, 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 of 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 and Mayor Pro-Tem gave the invocation.
3. CITIZENS INQUIRY
  - a. Public Comments  
Jack Carrel, 14325 Rogers Road, Willis, TX 77378. Mr. Carrell stated he did not own a food truck and had no financial interest in one. Mr. Carrell stated his only interest was in fairness. Mr. Carrell stated that the proposed ordinance states that mobile food units are not required to meet the same regulations as those of permanent food structures. Mr. Carrell stated this is not true, it seems that mobile food units meet higher regulations than permanent restaurants. Mr. Carrell stated that Mobile Food Units are asked to meet different requirements for signs advertising and restrict hours and location that no other businesses or peddler must meet. Mr. Carrell asked that Council to table the vote on the ordinance and consider an alternate ordinance or set up a committee who can work on creating a fair ordinance for all.
4. CONSENT AGENDA
  - a. Consider the minutes of the previous meeting: February 15, 2022
  - b. Approval of Accounts Payable
  - c. Approval of financial statements and tax collection reports
  - d. Approval of Willis Police Department Policy 4.1 – Hiring and Selection of Personnel

- e. Approval of Willis Police Department Policy 4.5 – Uniforms, Appearance, and Equipment
  - f. Approval of Willis Police Department Policy 4.10 – Honorably Retired Peace Officers
  - g. Approval of Willis Police Department Policy 4.11 – Support Services for Families of Officers Killed in the Line of Duty
  - h. Approval of Willis Police Department Policy 2.3 – Sexual or Other Illegal Harassment
- Mayor asked if any items needed to be removed from the consent agenda and consider separately. No items were removed from the consent agenda. Mayor asked for any questions. None were received. Mayor and Council approved the consent agenda by unanimous consent.

## 5. ORDINANCE

### Second Reading

- a. An ordinance by the City of Willis, Texas declining to approve the change in rates requested in Entergy Texas, Inc.'s Statement of Intent  
 Mayor stated the first reading was at last month's meeting. Mayor asked for any questions. None were received. Motion was made by Councilman Brown to approve an ordinance by the City of Willis, Texas declining to approve the change in rates requested in Entergy Texas, Inc's Statement of Intent. Councilman Luster seconded the motion. Motion passed unanimously.
- b. An ordinance of the City of Willis, Texas amending the provision of Title XI, "Business Regulations Chapter 111 of the Code of Ordinances, relating to the regulation of Mobile Food Units  
 Mayor asked for any questions. Councilman Stone stated he was told some food trucks are using barrels or buckets to remove waste, but that the same barrels or buckets are being used to bring in water to wash their things and prepare meals with. Councilman Stone asked if the barrels were food grade or non-food grade barrels. Mr. Cross stated that he did not know if they were food grade barrels or not, as far as them bringing in water he has been told the same but has not seen it occur. Mr. Cross stated this is something that we can handle separately or by ordinance. Mr. Cross stated this is a situation where the intent of the ordinance is to have them move. The other food units move, and they dump their tanks and get a receipt. Mr. Ipaye suggested that Code Enforcement handle this, because the only other alternative is to bring in the health department. Mr. Cross discussed the changes made to the ordinance that were of concern to the Council. Mr. Cross stated the one concern was the hours of operation and has been changed to read from 6 am to 9 pm, but there is a section in the ordinance that they must provide restrooms when they are open, so if they open at 6 am and the place they are utilizing the restroom from is not open, then they would be in violation. Mr. Cross stated another concern was combining section four A and B, but the problem with this is for the original part of the ordinance that addressed only residential, and B address the commercial end of it where they are not in a subdivision. Mr. Cross stated the signage was also a concern, and the ordinance was changed to reflect that flags and banners were not prohibited but would have to comply with the City ordinances for signs. Mr. Cross stated that on waste disposal he changed it to read they must provide verification that they are dumping at a dump station. Mr. Cross stated another concern was prohibiting the mobile food units within 1000 ft of a school. Mr. Cross stated that he was not able to reach Willis ISD but was able to speak with cities who have this in their ordinance, and they stated that this was requested by their school districts because they did not want the students to leave campus because it causes a liability. Mr. Cross stated that he left this in the ordinance, and if Council still had concerns about this, we could address it further. Mr. Cross stated another concern the Council had was the relocating every night. Mr. Cross stated they took this completely out of the ordinance but stated that when they do not move, they are not dumping their sewage. Mr. Cross stated that sales tax verification was another concern. Mr. Cross stated staff has confirmed that two of the three mobile food units in the City have their tax certificate. Councilman Brown asked if any of the food trucks were dumping sewage every night. Mr. Cross stated that they removed from the ordinance that the food trucks must be moved so it would give them an incentive to dump their waste at an approved. Mr. Cross stated that moving the unit was originally designed from the State Health Code where it stringently stated that mobile food units must be mobile. Mr. Cross stated that the intent can be defined in several ways it can be that they must be capable of moving and that is the way most people define it, but when you have mobile food units that sit there for two or three weeks, trash collects under them, and there is no way they could dump their tanks. Councilman Brown asked if we could add to the ordinance where it states they must move at least once a week so that we can ensure that they are actually at least dumping and cleaning their site at least once a week. Councilman Stone stated that they have what are called "honey wagons" or vacuum trucks that can come out and vacuum the waste out. Councilman Brown asked about the school zone and if it was only during school hours. Mr. Cross stated this was correct. Mr. Foerster

asked if there was a license or state regulation of the dumpsite so that we could be more specific as to what would be an appropriate dump site. Mr. Cross stated it would be TCEQ approved dumpsite. Councilman Brown asked if the vacuum trucks would have the same requirements. Mr. Cross stated that vacuum trucks must have their TCEQ number on the sides of the truck. Motion was made by Councilman Brown to approve an ordinance of the City of Willis, Texas amending the provisions of title XI “Business Regulations” Chapter 111 of the Code of Ordinances, relating to the regulation of Mobile Food Units, with the addition of having to dump weekly at a TCEQ approved waste site. Councilman Stone seconded the motion. Mayor asked for further discussion. None was received. Motion passed unanimously.

## 6. NEW BUSINESS

- a. Discuss and consider approval of Waste Management mailer  
Terry Woodson with Waste Management present the residential mailer for all residential customers. Ms. Woodson stated the mailer included all the guidelines and phone numbers that residents would need for any questions about their garbage. Ms. Woodson stated this would be produced and mailed out by Waste Management at no cost to the City. Motion was made by Councilwoman Young-Hector to approve the Waste Management mailer for all residential residents. Councilman Luster seconded the motion. Mayor asked for further discussion. None was received. Motion passed unanimously.
- b. Discuss and consider approval of payment from the City into the TIRZ  
Mr. Ipaye stated we received a request from Montgomery County Tax Assessor concerning the TIRZ. Mr. Ipaye stated funds have been put in the TIRZ account since 2012. Mr. Ipaye stated the request they are making at this time is for \$249,286. Motion was made by Councilman Stone to approve a payment of \$249,286.38 to the TIRZ. Councilwoman Nixon seconded the motion. Mayor asked for further discussion. None was received. Motion passed unanimously.
- c. Discuss and consider approval of a Resolution authorizing the revision of Contract No. 19-076-030-B387 with the Texas General Land Office related to the Disaster Recovery Fund  
Mr. Ipaye stated that this resolution was no longer required. No action was taken.
- d. Discuss and consider approval of a Resolution approving and authorizing the City Chief of Police to enter into a contract with Flock Safety, Inc for acquisition, installation, maintenance, and monitoring of six automated license plate recognition cameras  
Chief Nowak stated that last budget the decision package for six automated license plate recognition cameras were approved. Chief Nowak stated that the contracts were received and reviewed by the City Attorney. Chief Nowak stated that five of the six cameras were going to be installed and TxDOT right-of-way, so they are requesting a resolution and policy from the City. Chief Nowak stated the policy is based on policies from Conroe, Memorial Village, City of Katy and City of Reno, Nevada which is the next item on the agenda. Councilman Luster asked how this would work. Chief Nowak stated this was a fixed based system. Chief Nowak stated the idea is that if a crime happens around an area at a certain time, they will be able to look back around that time frame and see the cars that passed by. Mayor asked how it was determined what locations the cameras would be placed at. Chief Nowak stated that it was discussed with the detectives and thinking about crime. Chief Nowak stated they also looked at choke points and ingress and egress. Chief Nowak stated one was on Rogers Road, on Highway 75 South, on MLK by the Goodwill, on the southbound feeder, on FM 1097 by Cricket Hollow and one on FM 2432. Mayor asked when the last time a crime index map to show where the crime is occurring. Chief Nowak stated it has been a while, the system that was being used was bought by Motorola and are in transition trying to get them to give us that information. Councilman Brown stated he would like to see a crime report. Councilman Brown asked about the camera on MLK and what it was watching if it is in the entrance of Goodwill and MLK. Chief Nowak stated that the camera could be moved he believes the fee is \$500. Motion was made by Councilman Stone to approve a resolution approving and authorizing the Chief of Police to enter into a contract with Flock Safety, Inc for acquisition, installation, maintenance, and monitoring of six automated license plate recognition cameras. Councilman Luster seconded the motion. Mayor asked for any further discussion. None was received. Motion passed unanimously.
- e. Discuss and consider approval of Willis Police Department Policy 7.45 – Use of Automated License Plate Readers

Chief Nowak stated this was the policy required by TxDOT for the automated license plate recognition cameras. Motion was made by Councilman Luster to approve Willis Police Department Policy 7.45 – Use of Automated License Plate readers. Councilwoman Young-Hector seconded the motion. Mayor asked for any discussion. None was received. Motion passed unanimously.

- f. Discuss and consider approval of accepting two combination utility easements off Highway 75 Frontage and I-45 Frontage from Kana Holding, LLC  
Mr. Whichard stated one easement was along 75 and has our water line underneath it. The one abutting 45 has our sewer line running underneath it. Mr. Whichard stated it is running underneath the property owned by M. Freels currently. Mr. Whichard stated there are some RV's and permanent structures which are not on Top of 75 easements. Mr. Foerster stated that the language on each easement was changed to be identical which sets out certain terms and stipulations with regards to the City's obligation to restore the premise. Motion was made by Councilman Stone to accept two combination utility easements off Highway 75 Frontage and I-45 Frontage from Kana Holding, LLC. Councilwoman Nixon seconded the motion. Mayor asked for any further discussion. None was received. Motion passed unanimously.
- g. Discuss and consider approval of Change Order No. 1 for the Water Plant 3 Elevated Tank Recoating and Electrical Upgrades  
Mr. Wind stated this change order is a no cost change only time. Mr. Wind stated this is for the tank recoating project and doing some electrical work to the well at Water Plant 3. Mr. Wind stated that the delay is the electrical component that is being delayed further until April 15, 2022. Mr. Wind stated this was not under the control of the contractor but of the manufacturer not being able to produce the part they are requesting an additional 62 days time to be able to receive the part and install. Mr. Wind stated this would push the completion date June. Motion was made by Councilman Brown to approve Change Order No. 1 for the Water Plant 3 Elevated Tank Recoating and Electrical Upgrades. Councilman Stone seconded the motion. Mayor asked for any further discussion. None was received. Motion passed unanimously.
- h. Discuss and consider approval of setting a Joint Public Hearing with the Planning and Zoning Commission on April 19, 2022, at 5:30 p.m. to hear public comments on the proposed rezoning of 9.9158 acres of land out of the B.F. Burke Survey A-92 and Thomason Addition Section 2 Block 2 Lots 2-6 from General Commercial to Multi-Family designation  
Mr. Cross stated this was located on Gerald Street. The developer is wanting to build an apartment complex. They are asking to be rezoned to HD Multi-Family High Density designation. Mayor asked for questions. None were received. Motion was made by Councilman Luster to approve a Joint Public Hearing with the Planning and Zoning Commission on April 19, 2022, at 5:30 p.m. to hear public comments on the proposed rezoning of 9.9158 acres of land out of the B. F. Burke Survey A-92 and Thomas Addition Section 2 Block 2 Lots 2-6 from General Commercial to Multi-Family designation. Councilman Brown seconded the motion. Mayor asked for any further discussion. None was received. Motion passed unanimously.
- i. Consider approval of a final plat for Mustang Rental Section 1 a commercial subdivision of 14.033 acres of land  
Mr. Cross stated this was located on Highway 75 and Coal Town. Mr. Cross stated this is where Mustang Rental wants to go in. Mr. Cross stated that as soon as the plats are approved, they can get their permits and we are looking at about \$13,000 in just permits. Mayor asked for questions. None were received. Motion was made by Councilman Stone to approve a final plat for Mustang Rental Section 1, a commercial subdivision of 14.033 acres of land. Councilwoman Nixon seconded the motion. Mayor asked for any further discussion. None was received. Motion passed unanimously.
- j. Discuss and consider approval of an amendment to development agreement between City of Willis and Makarios Acquisitions, LLC  
Mr. Cross stated that the owner request this be tabled the next Council meeting, they are not ready to address this at this time. Motion was made by Councilwoman Tamara Young-Hector to table item 6j to April 19, 2022, Council meeting. Councilman Stone seconded the motion. Motion passed unanimously.
- k. Discuss and consider approval of adding the City Manager as an authorize signer to all financial bank accounts

Motion was made by Councilman Brown to approve adding the City Manager as an authorized signer to all financial bank accounts. Councilman Stone seconded the motion. Mayor asked for any further discussion. None was received. Motion passed unanimously.

## 7. 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.

Mayor reminded the Council about the TML Region 14 meeting on April 8, 2022, at Sam Houston Race Park.

### a. Engineer's Report

#### 1. Lindley Park Improvements

Mr. Wind stated the Lindley Park improvements is going well, they have the playground equipment half installed they had some weather delays but expect to be done with all playground equipment by the middle of next week. Mr. wind stated the only big remaining item would be the pavilion which is still being scheduled to be delivered the middle of May.

#### 2. Sanitary Sewer Model

Mr. Wind stated that the sewer model will be able to model the sewer system for pressure and demands. Mr. Wind stated they are putting together the model based on old maps and sewer system GIS maps and based on the model will be able to pinpoint areas where the existing system doesn't have enough capacity where lift stations are working against each other to the point where potentially in the future eliminate some lift stations.

### b. City Manager's Report

#### 1. Update on the progress of the audit

Mr. Ipaye stated that he brought in a consultant to help with reconciling the bank statements and helping with bringing us closer to complete the fiscal year 2019-2020 audit.

#### 2. Update regarding Camp Creek Development

Mr. Ipaye stated this was brought to the City by the same developer as North and South Meadows. Mr. Ipaye stated it is comprised of 31 acres of land and there is going to be about 142 homes built. Mr. Ipaye stated the land is currently valued at 1.5 million, the City is currently collecting about \$1,500 in taxes. Mr. Ipaye stated the home price is going to be anywhere from \$250,000 to \$350,000. The total project cost after completion is going to be around \$35 Million and the City will see a revenue of about \$200,000 to \$250,000 every year.

#### 3. Update regarding List of Streets for repaving sent to Commissioner Walker

Mr. Ipaye stated that they gave a list of streets in need of repair to Commissioner Walker to see if he would be able to help with repairs.

#### 4. Update regarding Hotel/Motel Occupancy Tax

Mr. Ipaye stated that the Hotel/Motel Occupancy Tax for the Red Roof had not paid since 2019. The Finance Department audited their records and collected check for \$20,000

#### 5. Update regarding Financial Wellness training

Mr. Ipaye stated that this training was for all employees wanting to participate the cost of the training is \$50 a person. Mr. Ipaye stated that all employees that signed up and does not finish the training will have to refund the \$50 back to the City.

#### 6. Update regarding the City's Fund Balance

Mr. Ipaye reviewed the City's fund balance with Council.

#### 7. Update regarding Playground Equipment Replacement at Pine Circle Park

Mr. Ipaye stated that the slide at Pine Circle Park was missing due to damage and has order a replacement. Mr. Ipaye stated that he has spoken with Woodforest National Bank to see if they can buy new Playground equipment for the park.

#### 8. Update regarding lake area fencing at South Meadows Development

Mr. Ipaye updated the Council on the fence that was put up around the lake area at the South Meadows Development. Mr. Ipaye stated it is a wrought Iron Fence with a gate so that they can still go in and mow around the area.

#### 9. Update regarding the City Trash Off April 2, 2022, 7 am to 3 pm

Mr. Ipaye reminded Council of the Trash Off on April 2, 2022 from 7:00 am to 3:00 pm

## 8. EXECUTIVE SESSION

### a. Convene into closed executive session as provided by the Texas Open Meetings Act under Section 551.072 (Deliberation about Real Property) of the Texas Government Code.

#### 1. Real Estate

Mayor closed open session at 6:59 p.m. and reconvened in executive session in the upstairs conference room

- 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 8:09 p.m. Mayor asked for any action coming out of executive session. There was no action taken.

9. ADJOURN

Motion was made by Councilman Luster to adjourn. Councilwoman Young-Hector seconded the motion. Motion passed unanimously. The meeting adjourned at 8:10 p.m.

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Leonard Reed, Mayor

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Marissa Quintanilla, City Secretary