

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

Leonard Reed, Mayor
Thomas Belinoski, Mayor Pro-Tem
Tom Luster, Council Member
Barney Stone, Council Member
William Brown, Council Member
Robert Evans, City Manager
Larry Foerster, City Attorney
Marissa Quintanilla, City Secretary
James Nowak, Chief of Police
Steven Hill, Community Development Director
Taylor Whichard, Director of Public Works
Beth Rodriguez, Director of Finance

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

1. Call to order the regular meeting.
Mayor Reed 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; Teresa Herod was absent. Pledges were recited. Councilman Brown gave the invocation.
3. CITIZENS INQUIRY
 - a. Public Comments
No public comments were heard at this time.
4. CONSENT AGENDA
 - a. Consider the minutes of the previous meetings: March 16, 2021
 - b. Approval of Accounts Payable
 - c. Approval of financial statements and tax collection reports
 - d. Approval of Willis Police Department Policy 3.2 – Field Training
Mayor asked for questions or comments on the consent agenda. No questions were received. Mayor and Council approved the consent agenda by unanimous consent.
5. ORDINANCES
 - First Reading
 - a. Discuss an Ordinance of the City of Willis, Texas extending the boundaries of the City of Willis, Texas by the annexation by voluntary petition of approximately 25.71 acres in the G. W. Lonis Survey
Mayor stated this was the first reading, there is no action, and asked for any discussion, or any questions that can be cleared up for the next reading. Mr. Foerster stated that this was for the Hillside RV Resort Park on FM 1097 East. Mr. Foerster stated that the City has already entered into a development agreement with the Park. Mr. Foerster stated the development agreement gives the City Council the latitude as to whether or not the Council wants to annex this property. Mr. Foerster stated that it's served by water and sewer, and Bleyl has given an analysis on this. Mr. Foerster stated this would not extend the City's ETJ because it's already bumping up close to the City of Conroe's ETJ. Mr. Foerster stated that a lot of cities like to annex these areas because if nothing else just so they can have a little bit more control over them for police activity, but it's entirely up to the Council. Derick Wind stated that the property owner does desire to be annexed, but the development agreement does not obligate the City to do so. Mayor Reed read the following caption: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLIS, TEXAS, EXTENDING THE BOUNDARIES OF THE CITY OF WILLIS, TEXAS, BY THE ANNEXATION BY VOLUNTARY PETITION OF APPROXIMATELY 25.71 ACRES IN THE G. W.

LONIS SURVEY, ABSTRACT 313 OF ADJACENT AND CONTIGUOUS TERRITORY; MAKING FINDINGS INCIDENT TO SUCH ANNEXATION; PROVIDING REPEALING AND SEVERANCE CLAUSES; PROVIDING FOR AN EFFECTIVE DATE UPON PASSAGE, AND ORDAINING OTHER RELATED MATTERS.”

- b. Discuss an Ordinance of the City of Willis, Texas extending the boundaries of the City of Willis, Texas by the annexation by voluntary petition of approximately 38.31 acres in the F. K. Henderson Survey
Mayor asked for any questions. Mr. Foerster stated that the City has had one annexation of the Moran Ranch property last year, primarily for the flood plain issues. Mr. Foerster stated this was for the first actual development of the property and the 38.31 acres will run from an extension of Kennedy street down going south into this area. Mr. Foerster stated he was in touch with the developers and the stated it was a major home developer and expect to close with them by the end of May and homes will be under construction before the end of the year. Mayor asked for any questions. None were received. Mayor Reed read the following caption: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLIS, TEXAS, EXTENDING THE BOUNDARIES OF THE CITY OF WILLIS, TEXAS, BY THE ANNEXATION BY VOLUNTARY PETITION OF APPROXIMATELY 38.31 ACRES IN THE F. K. HENDERSON SURVEY, ABSTRACT 248 OF ADJACENT AND CONTIGUOUS TERRITORY; MAKING FINDINGS INCIDENT TO SUCH ANNEXATION; PROVIDING REPEALING AND SEVERANCE CLAUSES; PROVIDING FOR EFFECTIVE DATE, AND ORDAINING OTHER RELATED MATTERS.”
- c. Discuss an Ordinance of the City of Willis, Texas abandoning and conveying a portion of Watson and Mink Streets, and also a portion of a twenty-foot alley
Mr. Foerster stated that in the Economic Development Agreement with Fidelis in order for them to further develop the property they were asking for the City as part of the agreement the City agreed, to convey these tracts to them so that they could further develop their property. Mr. Foerster stated it would require an ordinance abandoning these tracts, and this is the first reading. Mr. Foerster stated this was part of their development process, and is consisting with the Economic Development Agreement. Mayor asked for questions. None were received.
- d. Discuss an Ordinance of the City of Willis, Amending Chapter 91 of the City Code of Ordinances regulating Tow Trucks and Providing requirements for Non-Consent Towing Repealing City Ordinance 17-0822 and adopting the Montgomery County Ordinance Regulating Incident Management Towing Rotation and Storage Services
Chief Nowak stated that they had received an email the first part of April that the County would move forward with the encryption of the Radio System on May 3, 2021. Chief Nowak stated that they had received a confirmation email last week confirming that. Chief Nowak stated that he’d just talked with the dispatch supervisor and they are still saying the encryption is still happening on May 3rd. Chief Nowak stated that when that happens, they will have no way of communicating with wreckers by radio. Chief Nowak stated they looked at several different ways of trying to do that. Chief Nowak stated the City of Splendora uses something called Towbook, and is based on the number of calls. Chief Nowak stated it is based on the number of calls, the City had 524 calls in 2020, and for 500 tows it is \$189 a month or over \$2,000 a year. Chief Nowak stated that is how they keep up with dispatch records and log records. Chief Nowak stated the City of Magnolia uses a different system called Nixel and google documents. Chief Nowak stated of all of these increase cost and the load on the officer on the scene. Chief Nowak stated he recommended repealing the current tow ordinance and adopting the Montgomery County ordinance. Mr. Belinoski asked on the tow rate schedules what are we paying. Chief stated the City’s is \$150 and the County’s is \$250 and \$25 administrative fee, which from doing research matches other cities as well. Chief Nowak stated that we are way below market. Mayor asked for questions from the Council. None were received. Charles Miller from Miller Towing came forth and spoke about the cost of a tow in Montgomery County. Mr. Miller stated currently the cost is \$250, and a \$100 winching, \$50 clean up fee. Mr. Miller stated that’s an estimated 66% increase. Mr. Miller stated that the citizens vehicles will be towed out of the City, could go anywhere in the north division where the wrecker is based. Mr. Miller stated this ordinance is going to spread things out, and drastically increase the cost for citizens to pick their vehicles. Mr. Miller stated that he’d made a suggestion at a previous meeting stated that the City already has its own zone in the County, and does not understand why the City can’t piggyback on the County’s system. Mr. Miller stated we could allow the County dispatch rotation for the City and the City still set their own rules, like picking wreckers that are local, and set own prices. Shae Adamick from Johnny Adamick’s Wrecker Service. Ms. Adamick stated that she’s was not here to say no they don’t want to do rotation. Ms. Adamick stated she just wants everyone to be aware of what they are signing up for. Ms. Adamick stated that right now the current rotation is still a bit of mess, to the point where they are creating a tow advisory board. Mr. Adamick stated that next week, the commissioners will be appointing tow advisory board members. Ms. Adamick stated there are major technical difficulties right now where calls are not going out to tow companies and are just missing out. Ms. Adamick stated that right she does not feel that they are

ready to get on a rotation right now. Ms. Adamick stated that over time, maybe after all the kinks are worked out then they will be ready to join the rotation system. Ms. Adamick stated that she likes the towbooks idea, and also Mr. Miller's idea about Willis being its own zone. Ms. Adamick stated that some of the tow companies invested thousands of dollars to have their tow yards in the City be able to service inside the City. Ms. Adamick asked if we could ask the Sheriff's department to delay the encryption of the radios, can we ask for the special zone. Mayor stated that he'd like a head-to-head comparison with what the City is doing and what the County is proposing, because it does concern him that when we established the tow ordinance, we made everyone had a local lot in the city because we didn't want the cars going all over the County. Mayor stated that Council will just have to make the best decision they can make to take care of the citizens of Willis. Mayor stated this was just the first reading no action was to be taken.

6. NEW BUSINESS

- a. Discuss and take action on approving a letter of support for the access improvements on I45 at FM 1097 intersection

Mr. Wind stated that this is for the Fidelis project, they asked Bleyl to present to the City to see if the City could endorse. Mr. Wind stated their intent is to take the letter to TxDOT along with other information. Mr. Wind stated the letter is in line with what they have shown them before as far as what their intentions are with the access roads off the ramp that comes off FM 1097, they are proposing turn lanes and deceleration lanes to account for those turns. Mr. Wind stated that they've had their traffic engineer review it and he sees no issue with it. Mr. Wind stated he has no objection to the City endorsing the letter. Mayor asked for any discussion or questions. None were received. Motion was made by Thomas Belinoski to approve a letter of support for the access improvements on I-45 at FM 1097 intersection. Tom Luster seconded the motion. Motion passed unanimously.

- b. Discuss and take action on addressing adjustments to utility bills due to cold weather events

Mr. Whichard stated last month Council had asked for more information on the adjustments for the utility bills. Mr. Whichard stated that there was a total of 83 accounts with large bills due to the winter storm. Mr. Whichard stated the amount bill for the large bills was roughly \$48,000, the total water consumed was a little over three million gallons. Mr. Whichard stated the 6-month average would be a little over \$13,000. Mr. Whichard stated that the difference between February and the 6-month average would be roughly \$35,000. Mr. Whichard stated he calculated the cost to produce each gallon of water. Mr. Whichard stated that his numbers were based on last fiscal year end financials divided by the amount of water produced at the well head and he came up with roughly \$2.91 per thousand gallons. Mr. Whichard stated based on this information the cost to produce water for the high bill accounts was \$10,000 so in conclusion if the City was to average bill those customers affected by the freeze the City would still be ahead at least \$3,000. Mayor asked about the cost to produce a thousand gallons of water. Mayor stated our minimum bill is \$21.25 for three thousand gallons and it's costing us \$9.00 to produce it and we are charging \$21.25. Mr. Evans stated that it includes all administration fees, for processing. Mr. Whichard stated this was correct. Mayor asked if we were to go with this plan how are we figure out who we are going to pay, and who we are not going to pay. Mr. Whichard stated that we would do so by following our current policy, which is requiring a plumber's invoice that states a leak occurred during this time period and back up that information by doing a data log to see when the leak occurred. Mayor stated that he had a high usage around that time, but it was only because he ran his water to keep pipes from freezing. Mayor stated when the data log is still going to show he used all that water. Mr. Whichard stated it would show the usage, however if a plumber's invoice is not submitted stating that the leak is fixed there is nothing that can be done, that is how we would approach it. Mayor asked all at customer that is going to be bill will need a plumber's invoice. Mr. Whichard stated this was correct. Mr. Brown asked if we would be accepting a receipt if they fixed it themselves. Mr. Whichard stated that we would. Mayor asked for any questions. None were received. Ms. Thusham K Weerasighe spoke about her increased water bill due to the freeze last month. Ms. Weerasighe stated as a resident they are responsible for taxes, any fines imposed, and follow all the rules and regulations. Ms. Weerasighe stated that this natural disaster was beyond their control, and is asking the Council to consider helping the citizens when these disasters happen. Mayor stated that he understands wanting to help the citizens but the City has a policy and procedures in place for when these things happen. Mayor stated if they do this also have to consider about what happens next time this happens, have to look at the big picture. Mayor asked for a motion. No motion was presented. Item 6b dies for lack of motion.

- c. Discuss and take action on a variance request from Quest Engineering, representing Galaxy Fuels to encroach into the right of way on North Bell Street.
Mr. Hill stated the we received a variance request from Quest Engineering for Galaxy Fuels. Mr. Hill stated they have submitted a preliminary drawing and the drawing shows they are wanting to encroach on the City's right-of-way for their parking area. Mr. Hill stated that staff does not support the request, feels like it would set a precedence and possibly more and more people would want to follow suit. Mr. Hill stated if they would alter their parking alignment, they would only need to seek a variance for reduction in the number of parking spacing and would allow the rest of the parking to fall into our ordinance. Mayor asked for questions. None were received. Motion was made by Thomas Belinoski to deny a variance request from Quest Engineering, representing Galaxy Fuels to encroach into the right-of-way on North Bell Street. Barney Stone seconded the motion. Motion passed unanimously.
- d. Discuss and consider approval of a resolution regarding Civil Rights
Ms. Quintanilla stated that this was a compliance issue for the Texas Department of Agricultural (TDA) funds the City will received to rehab water plant 3. Mayor asked for questions. None were received. Motion was made by William Brown to approve a resolution regarding Civil Rights. Tom Luster seconded the motion. Motion passed unanimously.
- e. Discuss and consider approval of proclaiming April as Fair Housing Month
Ms. Quintanilla stated this was a compliance issue for the Texas Department of Agricultural (TDA) funds the City will received to rehab water plant 3. Mayor asked for questions. None were received. Motion was made by William Brown to approve a proclamation proclaiming April as Fair Housing Month. Barney Stone seconded the motion. 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.

William Brown asked where staff was on the employee handbook. Mr. Evan stated he had asked for a committee to be formed to help out with the employee handbook, for recommendation and guidance on what the Council wanted. Mr. Evans stated that staff meetings are on Wednesday's, where that is discussed. Mr. Evans stated that the first two chapters staff gave their recommendation but no comments from the Council. Mr. Brown asked who was on the board, Mr. Evans said that the board was never created. Thomas Belinoski asked about putting the old equipment up for auction, thought it would be a good idea to try and auction it off. Mr. Whichard stated he would look into. Larry Foerster stated that since the our last Council meeting has met the ESD Board has met and retracted their agreement to enter into an interlocal agreement with the City because it was conditioned on the CDC participating.

a. Engineer's Report

1. Maple Ridge Paving Project

Mr. Wind stated the contractor came out April 13, 2021 milled the road and repaved it again. Mr. Wind stated that starting from something that was an uneven subgrade, thinks they made it as best as we can without replacing the road. Mr. Winds stated its acceptable and their recommendation is to accept the road and pay for the work.

2. CDBG Storm Sewer Replacement Project

Mr. Wind stated that the GLO approved to proceed with the work. Mr. Wind stated a notice to proceed to work on May 3, 2021 was given to the contractor. Mr. Wind stated the completion date is August 15, 2021. Mr. Wind stated they did notify the contractor about the Juneteenth celebration and they agreeable to make sure the site is clean and the construction is not obvious and are not working at that time.

3. Lindley Park Presentation

Mr. Wind stated this was presented to the CDC back in March. Mr. Wind stated the CDC vote to proceed with option 1. Mr. Wind stated that once they started looking into the site there is a sewer line that runs on the property which prevented moving the basketball court. Mr. Wind stated this was a brief update to let Council know what the CDC is proposing and will bringing to Council for approval at a later date.

b. City Manager's Report

1. Special Meeting April 26, 2021

Mr. Evans stated that Ms. Quintanilla had mention the need for a couple of items to be presented at a special meeting. Ms. Quintanilla stated this was for the tow ordinance. If the radios are encrypted on May 3, 2021 wanted to comeback to Council before then to see if approved.

2. Department Summary Reports

Mr. Evans stated he's collected the repeated request for different items, like street lights out, meter change outs and new businesses. Mr. Evans stated this information is already in the packet but a bit buried. Staff came together and have created a one-page summary of all the departments, the information is easy to read and more user friendly.

8. EXECUTIVE SESSION

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

1. City Manager evaluation

Mayor closed open session at 6:57 p.m. Mayor stated executive session would convene in the upstairs conference room in 5 minutes.

- b. Reconvene into opens session and take action if necessary, on matters deliberated in closed executive session
Mayor and Council reconvened into open session at 9:22 p.m. Mayor asked if any action was to be taken out of executive session. No action was taken.

9. ADJOURN

Motion was made by William Brown to adjourn. Thomas Belinoski seconded the motion. Motion passed unanimously. The meeting adjourned at 9:23 p.m.

Leonard Reed, Mayor

Marissa Quintanilla, City Secretary