

The City Council of the City of Willis, Texas convened in special 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, onsite during a quorum at which time the following business was transacted to-wit:

1. Call to order the special 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. ORDINANCES
  - Second 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  
Mr. Foerster stated this is the Willis Hillside RV Resort Ordinance that will annex the property of 25.71 acres on FM 1097 East. Mr. Foerster stated per the development agreement, it is at the Council's discretion as to whether or not to annex the property. Mr. Foerster stated that the City engineer has indicated that it is a toss up in terms of revenue, and it will not extend the City's ETJ. Mr. Foerster stated that one advantage it would give is that it does give the City some control over the codes and operational of the ordinance for police purposes. Mayor asked for questions. None were received. Motion was made by William Brown to approve 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. Barney Stone seconded the motion. Motion passed unanimously.

- 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 the Council if they needed reminding on the ordinance. Council stated they did not. Mayor asked for questions. None were received. Motion was made by Thomas Belinoski to approve and 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. Tom Luster seconded the motion. Motion passed unanimously.
- 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  
Mayor asked if any of the Council needed a refresher on this item. Council stated no. Mr. Foerster state that they are working on a warranty deed to convey these tracts assuming the ordinance passes tonight and will bring back to Council at next meeting. Mayor asked for questions. None were received. Motion was made by William Brown to approve 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. Thomas Belinoski seconded the motion. Motion passed unanimously.
- 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 he invited CPT. Kenneth Dunlap to explain the history of the system, the problems it has created to solve and the issues with the rollout and where we are now, the Council can have confidence in their decision. Mr. Dunlap stated that a brief history of the wrecker rotation, or towing ordinance is roughly six years ago under Sheriff Gage's administration, commissioner's court tasked the Sheriff with devising a plan for wrecker rotation, due to a number of citizen complaints received across the county and concerns regarding public safety they had with a number of wreckers that were running incident management scenes. Mr. Dunlap stated that under Sheriff Gage's administration they began working on an ordinance, shortly after Sheriff Henderson took office, commissioners tasked him with coming up with a rotation system that would work and meet the needs of the County as well as the towing industry. Mr. Dunlap stated that Sheriff Henderson's administration presented a package to commissioner's court, with industry leaders from the towing industry's participation and input. Mr. Dunlap stated it was initially presented sometime last year to commissioner court. Mr. Dunlap stated there was some push back across all sectors. Mr. Dunlap stated it was put to committee, with number of participations from to the towing industry, law enforcement entities as well as Commissioner Nowak's office. Mr. Dunlap stated they put forward a package that is now the County's towing ordinance that was adopted back in June of last year. Mr. Dunlap stated that at this point they began to engage different software companies with the understanding that the radio system was moving to an encryption, which means that no one outside of law enforcement would be able to hear or monitor any law enforcement traffic. Mr. Dunlap stated that effective Monday May 3, 2021 no one outside of law enforcement will be able to listen to law enforcement traffic. Mr. Dunlap stated this brought them to the need to have an automated system, because they would no longer be able to broadcast wrecker calls over the radio. Mr. Dunlap stated historically when an officer needs a wrecker, he tells dispatch he needs a 15-minute wrecker call, all the wrecker companies that operate within the County have a brass chip and it has a number on them assigned to them. When the wrecker call goes out wreckers respond, sometime in mass

and this is what created the problem. Mr. Dunlap stated there would be times when no wreckers would show up, there would be times when 25 wreckers show up. Mr. Dunlap stated those wreckers are all competing on the tow of the vehicle. Mr. Dunlap stated sometimes they speed, sometimes the motoring public calls and complains on this. Mr. Dunlap stated that with the encryption of the radios and not being able to broadcast the wrecker call, they had to come up with an automated system. Mr. Dunlap stated that the automated system was implemented January 1<sup>st</sup>. Mr. Dunlap stated they had tremendous growing pains the first month. Mr. Dunlap stated the software that was selected did not have adequate time to develop the full package. Mr. Dunlap stated they had their rotation system, software that they would be able to see, but the application that would be use by the towing industry for the phones was not developed. Mr. Dunlap stated it took until early March before those apps became fully tested and where able to be implemented. Mr. Dunlap stated that during the early stages of the roll out initially it was agreed by all involved, that across the County there would be 24 zones. Mr. Dunlap stated the 24 zones mirrored the law zone that the County precincts are set up in. Mr. Dunlap stated that early in the process once the rotation was implemented, it became clear that those 24 zones were not going to work for the towing industry. Mr. Dunlap stated that they met with the towing personnel involved and came up with a new way to approach it, and took the 24 zones and cut them down to 4 zones. Mr. Dunlap stated that initially with the 24 zones given the 59 wrecker companies that operate within the County they had 674 opportunities for rotation. When they cut it down to just 4 zones, that brought them down to 14 rotations for the North Zone versus 123 across the County. Mr. Dunlap stated it has increased the opportunity for the towing industry working the area, and given the County the response that law enforcement needed to handle the needs they have. Mr. Dunlap stated the last thing they will be doing with the rotation is turning off the third-party phone vendor that they had to set up initially because they didn't have the phone apps working, the third-party phone system is an automated system, so when the officer calls for a wrecker, dispatch enters that information into the towing system, that system triggers a third-party phone system that calls the wrecker company, the wrecker company upon receipt of the call, would select either number one or number nine, to accept or decline. Mr. Dunlap stated they had trouble with the technologies because of all the handoffs within the technology line. And sometimes the towing industry, they weren't getting notified or they were getting notified after the fact or they were getting notified hours later, when the incident had already been handled and cleared. Mr. Dunlap stated that initially in January, February, it was painful for them until they got the new four zone map implemented. As far as agencies across the county, there are only six agencies in the county that are not participating in the rotation, those are Oakridge, Shenandoah, Splendor, Stagecoach, the City of Montgomery, and the City of Magnolia. Mr. Dunlap stated all other all county agencies are required to adhere to the county ordinance, so all agencies, including DPS, and the constable's office are on board. Mr. Dunlap stated they did have some hiccups with the overuse of what they are calling first wrecker. When an officer shows up to a scene, and he determines that he's got exigent circumstances or it all depends on how he defines it. Mr. Dunlap stated a vehicle crash in the middle road is not an exigent circumstance, unless it is a public safety issue and there's immediate threat to life, so a lot of officers are using the first wrecker calling first wrecker. Mr. Dunlap stated they will not be able to do that after Monday, because they will not have a way to broadcast to anyone that is going to hear them in the towing industry, they will not have access to monitor their channels. Mr. Dunlap stated that it has been a four-year process and getting all agencies across the county and moved over to radio that has encryption capabilities. Mr. Dunlap stated that the officer involved shooting scene they had in Magnolia a little over 30 days ago really pushed them do get this done quickly. Mr. Dunlap stated they had an individual show up on that scene where they had an active SWAT situation with a barricaded subject who had shot at four officers, and they had a guy show up that was fully dressed out as a police chaplain and

had made it within their interior perimeter, he had learned of that incident by monitoring their channels. Mr. Dunlap stated that when discovered what he was doing and how he had gotten there it pushed the Sheriff to go ahead with the encryption. Mr. Dunlap stated that they were ready for it, the encryption has long been coming. Mr. Dunlap stated that across the towing industry he would say they have about 75% of the towing industry on board with the rotation system, they want it to succeed, they worked hard with them, giving them their best practices and insights. Mr. Dunlap stated since they have rolled out the applications for the smartphones, and they have polished up some of the software issues, they are running trouble free at this point. Mayor asked for questions. Mr. Belinoski asked if the 14 rotations included our area. Mr. Dunlap stated it included the whole North Zone. Mr. Dunlap stated there is an annual renewal time in January of every year. Mr. Dunlap stated that they formed a tow ordinance advisory committee, where each precinct commissioner had nominated two industry professionals from the towing industry to sit on this committee. Mr. Dunlap stated that they will be taking the best practices and advice from the committee once it's up and running. Barney Stone asked if Willis is getting dispatched by the County now, the Police Department is, why can't they dispatch wreckers in the same way since they already have Willis designated as being the Police Department here. Mr. Stone stated the City already have the wreckers have storage lots in the City, the rates are cheaper. Mr. Stone state it was a considerable rate increase to all the citizens here, and the County already dispatches Willis different than they do the County as far as the police, so couldn't they dispatch the wrecker the same way. Mr. Dunlap stated that they dispatch police services and 911 services, they do not dispatch wreckers, and effective Monday when they go encrypted, they will have no way to communicate with the wrecker company. Mr. Stone asked what the other cities that have opted out. Mr. Dunlap stated that Splendora has set up their own automated rotation system using a software called towbooks, which is well know in the tow industry. Mr. Dunlap stated he could not say why his agency selected the software URI versus the towbooks, he was not involved in that process. Mr. Dunlap stated he believed Oakridge North was just doing a manual rotation list that allows the officer will pick up, same as Shenandoah they will monitor, and as one of their officers needs a wrecker, they will call the next person in line, scratch him out and the next time they need a wrecker they go to the next one. Mayor asked what the City of Conroe was doing. Mr. Dunlap stated that the City of Conroe does their own, and believes there are maybe 10 to 12 wreckers allowed to tow within the City of Conroe. Mayor asked who was participating. Mr. Dunlap stated Roman Forest, Patton Village, Panorama all I.S.D's in the County are participating. Mr. Dunlap stated there is a lot of competition out there and this is in no means a way to regulate it, it is just trying to meet the County's need and meet the public safety's needs. Mr. Foerster asked in the event that Council approved this tonight, but decided at a later date to go with a system other than the Sheriff's system, are we permitted to do that under the agreement. Mr. Dunlap stated the City could. Charles Miller, of Miller Towing stated that Montgomery County, having needed to go to a rotation system have been working on it for six years. The rules for the county were outdated. The county needed to make a change, and the long-term hope is that the county system, that's in place today, with some of the owners working with the Sheriff's department, are hopeful that long term that that's going to work out very well. Mr. Miller stated that the difference is Montgomery County consistent 1077 square miles, Willis is less than five square miles. Mr. Miller stated that the problems that apply to Montgomery County, because of its size, do not apply in the City the exact same way. Mr. Miller stated the City of Willis already has an ordinance so we didn't face the same problems at the County faced previously. Mr. Miller stated we didn't face the problems with having 10, 20, 30 tow trucks at the scene. Mr. Miller stated there are only seven companies in the City of Willits as of right now. Mr. Miller stated that only one truck per company is allowed in the scene. Miller stated they've had some instances where some outside companies lately have been running the scenes trying to weasel

their way in, but as far as the ordinance goes, one truck per company maximum, so we don't have the same overcrowding on the scenes that the County has had. Mr. Miller stated that the County has been working on this rotation system for six year, and due diligence has not been done for the City to make a proper decision on what is best for the City of Willis. Mr. Miller stated that he, and Shae Adamick with Johnny Adamick's Towing had a meeting with Chief Nowak and the company Towbooks, which is what the City of Splendora uses. Mr. Miller stated the discussed options for the City, and they are willing to come in and modify to make thing work, tailor the situation to the City, whether it be first wrecker, a 15-minuter wrecker call, or a rotation. Mr. Millers stated that it cost the City nothing to use their program. Mr. Miller stated that some of the wrecker company owners, himself included, have put out a significant amount of money to have property either leased or bought, inside the city. Mr. Miller stated that is a contract he can't get out of if the City decided to join the Montgomery County rotation system. Mr. Evans asked come Monday morning if any tows are needed, would our offices be able to contact them. Mr. Miller stated not via the radio. Mr. Miller stated that it almost feels as though this was allowed to be put off to the last minute and left the City with many options. Mr. Miller stated towbooks has said that they can set this system up in one day. Mr. Brown asked if that was one business day because it was the weekend. Mayor stated that we knew that as of May 3, 2021 the radios would be encrypted, and asked if staff looked into any other options. Mr. Evans stated staff tried a couple of months ago to get this done, and then we said that until we were sure the County puts the date forward and that it was going to happen and then go forward then. Mayor stated that with the question asked about not being able to contact wreckers starting Monday it seemed the only option staff consider was that Council would approve the ordinance. Mayor stated if we don't have no other plans and Council denies the ordinance, then we just don't have any wreckers. Mr. Evans stated that was correct, we would have to come up with another way of contacting the wreckers. Council continued to discuss how the City gets wreckers to scenes. Chief Nowak stated dispatch airs a 15-minute wrecker call. Chief Nowak stated he believes that the County rotation system at least deserves a try, go through the year and see if the rotation does what they anticipate it will do, and if it will meet the City's needs. Mayor asked for a motion. No motion was received. Item 4d dies for lack of motion.

## 5. NEW BUSINESS

- a. Discuss and take action on an interlocal agreement between Montgomery County, Texas and City of Willis regarding Incident Management Towing Rotation Services  
No action taken on item 5a

- b. Discuss and take action on a replat of Section 1A Subdivision of 1.116 Acres of Land in the George W. Lonis Survey, requested by Galaxy Fuels.

Mr. Hill stated this was the property located between highway 75 and N Bell Street. Mr. Hill stated that Galaxy Fuels had purchased the property. Mr. Hill stated that he had overlooked the plat submittal. Mr. Hill stated the plat was to go back to the surveyor for minor corrections on March 23, 2021, however it was overlooked and the time for Planning and Zoning Commission to review has passed. Mr. Hill stated that the minor comments identified have since been corrected, and has been review by staff and recommend approval. Mayor asked how long from the time they submit to the time we have to approve. Mr. Hill stated 30 day. Mayor asked for questions. None were received. Motion was made by Tom Luster to approve a replat of Section 1A Subdivision of 1.116 Acres of Land in the G.W. Lonis Survey requested by Galaxy Fuels. William Brown seconded the motion. Motion passed unanimously.

## 6. 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.

Mr. Belinoski reminded everyone about the election on Saturday. Mr. Stone asked what can be done to come up with a resolution to do something about Monday and not being able to contact wreckers.

Mr. Evans stated he would get with Chief Nowak and something would be in place on Monday.

a. Engineer's Report

No report

b. City Manager's Report

Mr. Evans stated that public works had put up some bollards to keep people from parking on the MLK Park. Mr. Evans stated the auction for the equipment will start on Saturday and hopefully by the end of the week we will get the bids in.

7. ADJOURN

Motion was made by William Brown to adjourn. Thomas Belinoski seconded the motion. Motion passed unanimously. The meeting adjourned at 6:31 p.m.

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Leonard Reed, Mayor

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Marissa Quintanilla, City Secretary