



**MINUTES: FEBRUARY 21, 2023
FOR THE GOVERNING BODY OF THE
CITY OF WILLIS, TEXAS**

Leonard Reed, Mayor
Tom Luster, Mayor Pro-Tem
Ashley Nixon, Place 1
Barney Stone, Place 2
Thomas Belinoski, Place 3
William Brown, Place 5

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
Tom Luster, Mayor Pro-Tem
Ashley Nixon, Council Member
Barney Stone, Council Member
Thomas Belinoski, Council Member
Sheyi Ipaye, City Manager
Larry Foerster, City Attorney
Marissa Quintanilla, City Secretary
Jeff Cross, Director of Community Development
Alton Nelson, Lieutenant
Robert Byerly, Superintendent of Public Works

And the following members absent: William Brown, 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 of Allegiance to thee Texas; one state under God, one and indivisible.
The City Secretary called roll. Pledges were recited. Mr. Ipaye gave the invocation
3. CITIZENS INQUIRY
 - a. Public Comments
Jack Carrel updated Council on the Willis Cultural Heritage Society. Mr. Carrel stated this is a new group that was formed to highlight the history of Willis. Mr. Carrel stated that on September 9th, they will be doing a historic tour of Willis. Mr. Carrel stated that there would be some events at both cemeteries. Rest Haven and Willis Cemetery. Mr. Carrel also stated that they will be installing cameras at the Willis Cemetery because of the illegal dumping. Mr. Carrel stated that they will be scheduling the second Saturday of every month will be a cleaning day at the Willis Cemetery and will be starting to map the cemetery.
Kaye Gaido, owner of Solar Works at 109 West Powell. Ms. Gaido stated she wanted to talk to Council about the street. Ms. Gaido stated that the street had improved some when the squatters were removed from the abandoned houses on that street but wanted to know if there was some sort of list to where West Powell could be added to get resurfaced. Ms. Gaido also asked about another whether West Powell would open up at the end to get to HEB.
 - b. Ira Toliver's Retirement
Mayor and Council presented Ira Toliver with a plaque and thanked him for his service to the City and wished him well on his retirement. Council took a 10-minute break to have cake with Mr. Toliver.

Mr. Ipaye introduced Chief Brandal Jackson, finalist for the Police Chief position. Mr. Ipaye stated that Chief Jackson is from Navasota. Mr. Ipaye stated Chief Jackson went to Blinn College and received his associates degree and received his bachelor's and master's degree in criminal justice from Prairie View A & M. Mr. Ipaye stated that he went to work for the City of San Felipe as the Chief of Police and worked there for two years. Mr. Ipaye stated he worked for the City of Brookshire for 12 Years and retired last year. Chief Jackson thanked the Council for the opportunity and very excited about all of the things going on in the City. Chief Jackson wanted to assure the Council that the City of Willis would be in good hands.

4. CONSENT AGENDA

- a. Consider the minutes of the previous meeting: January 17, 2023
- b. Approval of Accounts Payable
- c. Approval of Financial Statements and Tax Collection reports

Mayor asked if any item needed to be removed from the consent agenda and consider separately. No items were removed. Motion was made by Councilman Luster to approve the consent agenda. Council Belinoski seconded the motion. Motion passed unanimously.

5. ORDINANCES

- a. An ordinance of the City of Willis, Texas, amending the City Code of Ordinances at Chapter 52, "Discharges into Sanitary Sewers," by amending Section 52.05 "Interceptor Maintenance", amending Section 52.07, entitled "Transport Manifest", and amending Section 52.42 entitled "Requirements for Traps," and further amending Chapter 155, "Zoning Code" of the City Code of Ordinances by amending Section 155.073, entitled "Permit Fee Schedule"

Mr. Cross stated that this is an attempt to slow down some of the damages that have occurred to the city's aged wastewater system. Mr. Cross stated that as people with restaurants dump their grease down their drain and wash their pots, that material is called F.O.G., fats, oil, and grease. Mr. Cross stated that when it enters our wastewater system it slowly turns to an acid and eats the concrete out of our manholes. Mr. Cross stated that he started working here he went through all the bills of lading of all the grease interceptors that were emptied for a year and believes there were 23. Mr. Cross stated they should be emptied; the large ones every 30 days and the smaller ones should be emptied more frequently. Mr. Cross stated that the first section 52.05 to set a schedule up for when they should be emptied. Mr. Cross stated that a 50-gallon grease trap set for every 15 days up to 750 gallons every 30 days and larger then 750 gallons every 90 days. Mr. Cross stated the next section talks about the City maintaining the system and the manifest that come in. Mr. Cross stated that the City is required by TCEQ to maintain a record of when these are occurring. Mr. Cross stated that this ordinance change will give the City the ability to hold a data base that will keep these in a continual record. Mr. Cross stated the data base they are looking at is BSI. Mr. Cross stated they maintain our records for backflow and have done a good job they gave the City a quote on what they do for their FOG program, and it was evident that it was very competitive, so all numbers are based on their quote. Mr. Cross stated the database system is designed to where only people that have the grease traps would pay for them. Mr. Cross stated that it was calculated out and it would be about \$42 dollars a year to maintain this database and to receive any notices. Mr. Cross stated this would be spilt up in monthly payments and would be added on to their water bills. Mr. Cross stated this is for the business that have grease interceptors. Mr. Cross stated that this is just the first reading and would like for Council and Mayor to consider and please get with him with any concerns. Mayor asked for questions. Mayor stated this was discussed a few years back and was not sure if anything was done.

- b. An ordinance of the City of Willis, Texas authorizing participation with other Entergy Service Area Cities in matters concerning Entergy Texas, Inc. at the Public Utility Commission of Texas in 2023

Mr. Foerster stated that this is an ordinance that we see yearly. Mr. Foerster stated that about three times a year we will get a fuel increase or rate increase request from Entergy. Mr. Foerster stated that the request for rate increase must come to the City first, from there typically cities will deny an increase and from there they will appeal it to Austin to the Public Utility Commission. Mr. Foerster stated that Dan Lawton has represented all the cities in contesting or reviewing and if necessary, contest the rate or size of the rate increase. Mr. Foerster stated that most of the time the parties settle. Mr. Foerster stated this is strictly optional. Mr. Foerster stated if the ordinance is approved it is stating that the City is authorizing the Lawton Law Firm to represent us along with other cities in the area. Mr. Foerster stated there is no charge

to any of the cities, if there is a rate increase this is factored into the PUC's ultimate decision. Mayor Reed asked for questions. None were received.

6. NEW BUSINESS

- a. Discuss and consider approval of implementing a Downtown Zoning District "DZD" in the City of Willis. Mr. Cross stated that this was brought up to the Zoning Board. Mr. Cross stated this is the beginning of what would be a change of ordinance. Mr. Cross stated that the folks that are trying to recreate a "DZD" will essentially want to set an ordinance so that the City will have a district in the downtown area, to assist in increasing the value of the area. Mr. Cross stated the considerations are changing the minimum lot sizes, the ability to change in relation to how many homes they place. Mr. Cross stated that right now we are limited to one home per lot and the lot must be at least 7,000 square feet. Mr. Cross stated that this is a situation where they would have brand-new homes as many as two to three homes on one lot, by splitting the lots up, which is not allowed currently in the City's standard zoning. Mr. Cross stated considerations are also talking about changing the setbacks so that they can be moved closer to the street to create an environment where they will not have cars parked on the street but rather utilized the alleyways to park. Mr. Cross stated that after this was brought forth to the Planning and Zoning Commission, the Commission elected to not recommend this to the City Council. Christian Waldo stated that what they are asking approval on was to work with Mr. Cross on writing an ordinance that would allow for the redevelopment of the area. Mr. Cross stated that everything discussed about the DZD is completely fluid and they would like any opinions on the best way to implement. Councilman Stone asked if this ordinance would make it to where you could build more houses on a lot without having come back to Council and ask for a variance. Mr. Cross stated that the intent would be set up an area to allow a different ordinance to control it. Mr. Johnson stated that the main goal is to allow downtown lots that were platted in 1872 to follow the same plan unit development process that currently you only must have 25 or more acres. Mr. Johnson stated that this is what they are trying to achieve and use the plan development ordinance to govern it. Councilman Stone stated that they are wanting to replat about three quarters of the City, not just commercial or residential. Mr. Johnson stated that this is just a zoning overly, if someone chose to do this they could. Mr. Johnson stated this is something that is ever growing. Mr. Johnson stated this is allowing a different avenue for someone to not be forced to by an abandoned or boarded up home and build a duplex. Councilman Belinoski stated the only difference he saw between these homes and a duplex is a small space between them and a garage in the back and no yard. Mr. Foerster stated that this was an ambitious zone, and how recommended, if Council was interested, in reducing it to an designated area, to see if it works. Mr. Johnson stated he believes that would be a good idea. Mayor Reed stated that this is not a plot of empty land, people would have to sell to do any of this on. Mayor Reed stated that there is not of vacant space. Mayor Reed asked for any further questions. None were received. Mayor Reed stated that the City is going to grow regardless, and just must try and control how you grow. Mayor stated he would rather see this type of development rather than what is there now. Mayor stated that whether they are rented out or owner occupied, they will still be the same value and the City will still get the tax revenue. Mayor Reed suggested tabling the item and have Mr. Johnson, Mr. Waldo, and Mr. Cross work on getting something together for the next meeting. Motion was made by Thomas Belinoski to table item 6a. Councilman Stone seconded the motion. Motion passed unanimously.
- b. Consider and take action to authorize the Willis City Manager to execute and submit the participation forms for the Texas settlement of Opioid lawsuits pending against Allergan, CVS Pharmacy, Walgreens Pharmacy and Walmart. Mr. Foerster stated that about 1 ½ years ago the Texas Attorney General along with other states filed a lawsuit against certain companies that were dispensing opioid drugs. Mr. Foerster stated that the settlement involved giving cities the opportunity to opt in or out of the settlement. Mr. Foerster stated that the money had to be used for drug education and prevention programs. Mr. Foerster stated the City's share was about \$24,000 and entered into an interlocal agreement with Willis ISD, because they have the resources to provide the training. Mr. Foerster stated this would be another settlement involving pharmaceutical companies and the amount would be under \$10,000. Mr. Foerster stated if the City decides to proceed the City is waiving its right to file a lawsuit against these companies separate and apart from the AG. Mr. Foerster stated that if agree to participate in the City would then need to amend the interlocal agreement with Willis ISD to include these additional funds. Mayor asked for any questions.

None were received. Motion was made by Councilman Luster to authorize the Willis City Manager to execute and submit the participation forms for the Texas settlement of Opioid lawsuits pending against Allergan, CVS Pharmacy, Walgreens Pharmacy, and Walmart. Councilman Stone seconded the motion. Motion passed unanimously.

- c. Discuss and consider approval of a replat of CWE Willis East, a subdivision of 1.2552 acres in the George W. Lonis Survey, Abstract 313 to create one commercial reserve
Mr. Cross stated this was 1.2 acres for Clear Water Express, the carwash intended to go on FM 1097 West next to Kennedy Street. Mr. Cross stated that they have adjusted the pins so that UPS does not leave a gap. Mr. Cross stated they have already begun dirt work this replat is just a formality. Motion was made by Councilman Belinoski to approve a replat of CWE Willis East, subdivision of 1.2552 acres in the George W. Lonis Survey, Abstract 313 to create one commercial reserve. Councilman Luster seconded the motion. Mayor asked for any further discussion. None was received. Motion passed unanimously.
- d. Discuss and consider approval of a Preliminary Plat for the Woodland Hills Crossland Trails Drive Street Dedication
Mr. Cross stated this is the primary road that will serve the Woodland Hills. Mr. Cross stated it will go from Old Montgomery to Conroe's ETJ. Mr. Cross stated this will serve all the sections that are in Willis. Mr. Cross stated this is a preliminary plat and not the final, so there may be some minor changes. Mayor asked for questions. None were received. Motion was made by Councilman Stone to approve a preliminary plat for the Woodland Hills Crossland Trails Drive Street Dedication. Councilwoman Nixon seconded the motion. Motion passed unanimously.
- e. Discuss and consider approval of deduct change order No. 3 for Water Plant 3 Elevated Tank Recoating and Electrical Upgrades
Derek Wind stated this is the project at Water Plant 3, which is the recoating and electrical upgrades. Mr. Wind stated that this is just a clean up change order, paperwork that needs to be sent to TDA for the CDBG. Mr. Wind stated it was a reduction in the unused funds of \$3,700. Mayor asked for any questions. None were received. Motion was made by Councilman Belinoski to approve a deduct change order No. 3 for Water Plant 3 elevated tank recoating and electrical upgrades. Councilman Stone seconded the motion. Motion passed unanimously.
- f. Discuss and consider approval of accepting a sewer line easement from MRSS Partners LTD
Jonny Green stated that this is a sanitary sewer easement that covers the sanitary sewer line that serves the entire west side of the Moran development, including section one and two. Mr. Green stated this takes the flow from sections one and two and everything on the west side of Moran and also will accept the flow from the Woodland Hills and conveys it down to the western truckline that we have that goes down to the wastewater treatment plant. Mayor asked for any questions. None were received. Motion was made by Councilman Stone to approve and accept a sewer line easement from MRSS Partners LTD. Councilwoman Nixon seconded the motion. Motion passed unanimously.
- g. Discuss and consider approval of an amended and restated development agreement with Willis Hillside RV Resort, LLC
Mr. Cross stated that this is an updated development agreement. Mr. Cross stated that what occurred when the original agreement, Ms. Lusk was not quite ready to build, and the development agreement sat in limbo for a few years. Mr. Cross stated that due to the changes that have occurred since then, cost have risen, and it was necessary to amend the agreement to match the cost incurred. Mr. Cross stated that minor changes included were to request certain monies upfront before development work is started and certain monies six to nine months later so that we can start construction on the upgrades to the City infrastructure. Mayor asked for any questions. None were received. Motion was made by Councilman Belinoski to approve the amended and restated development agreement with Willis Hillside RV Resort LLC. Councilman Stone seconded the motion. Motion passed unanimously.
- h. Discuss and consider approval on advertising for Willis Veteran Memorial Park – RFP
Mr. Ipaye stated that that what he is seeking from Council is the approval to go out for RFPs and to advertise for the Willis Veteran Memorial Park. Mr. Ipaye stated the Willis CDC has committed \$350,000 for this project. Mayor asked for questions. None were received. Motion was made by Councilman

Belinoski to approve the advertising for Willis Veteran Memorial Park RFPs. Councilman Luster 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.

- a. Engineer's Report
 1. Catahoula Wells Upsizing
Mr. Wind stated they plan to advertise for bids on Thursday and present by the March meeting.
 2. Pine Circle Park
Mr. Wind stated bids were presented to CDC, bids came in higher, so CDC Board put the project on hold.
- b. City Manager's Report
 1. Moody's Credit Opinion
Mr. Ipaye updated the Council on the City's credit rating from Moody's from A3 to A1.
 2. Annual Trash Off April 22, 2023
Mr. Ipaye stated the annual trash off would be Saturday April 22, 2023, from 7:00 a.m. to 3:00 p.m.
 3. Update on rehabilitation of Wells 4 and 5
Mr. Ipaye stated he expects everything to be completed by May 2023 on rehabilitation of Wells 4 and 5.
 4. Report on Willis Silent Auction held in Spring 2023
Mr. Ipaye informed Council all vehicles were sold, money would be going into the general fund.
 5. Report regarding Sales and Use Tax Comparison Summary for February 2023
Mr. Ipaye updated the Council on the sales and use tax and how 2 years ago Willis was fifth or sixth and now in 2023 Willis is maintaining the third position.

8. EXECUTIVE SESSION

- a. Convene into closed executive session as provided by the Texas Open Meetings Act under Section 551.072 (Deliberation on Real Property) and Section 551.074 (Personnel Matters) of the Texas Government Code
 1. Real Estate
 2. Personnel
 - a. City Manager
 - b. Chief of Police
 - c. Director of Public Works

Mayor closed open session at 6:56 p.m. and stated Council would reconvene into closed 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 7:40 p.m. Mayor asked for any action coming out of executive session. No action was taken.

Mr. Ipaye passed out information of City welcome sign he wants to place on I-45.

9. ADJOURN

Motion was made by Councilman Belinoski to adjourn. Councilman Luster seconded the motion. Motion passed unanimously. The meeting adjourned at 7:45 p.m.

Leonard Reed, Mayor

Marissa Quintanilla, City Secretary