

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

Leonard Reed, Mayor
Thomas Belinoski, Mayor Pro-Tem
John Lovelady, Council Member
Thomas Luster, Council Member
Bill Van Alstyne, Council Member
Hector Forestier, City Manager
Larry Foerster, City Attorney
Brenda Burns, City Secretary
Marissa Quintanilla, Assistant City Secretary
Alton Nelson, Lieutenant
Pat Riley, Public Works Director
John Mangiameli, Director of Community Development
Rick Valdez, Director of Finance.

And the following members absent: Tamara Young-Hector, 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.
Mayor called roll. Tamara Young- Hector was not present.
Pledges were recited.
John Lovelady said the invocation.
3. CITIZENS INQUIRY
 - a. Presentation from Bleyl & Associates
Austin Love, and Johnny Green presented the council with a frame of the progression of the old Willis water tower being taken down.
4. CONSENT AGENDA
 - a. Consider the minutes of the previous meeting; January 19, 2016.
 - b. Approval of accounts payable.
 - c. Approval of financial statements and tax collection report.
 - d. Approval of the 2015 Traffic Stop Data Use of Force and Police Pursuit Reports.
Mr. Forestier stated that he would like to remove item d from the consent agenda and present it at the March council meeting due to Chief Nowak not present at meeting. Mayor called for questions or comments on the consent agenda with the item d tabled to March. None were received. Mayor and council approved items 4a – 4c and tabled item d to council meeting in March by unanimous consent.
5. NEW BUSINESS
 - a. Consider appointments to the TIRZ Board whose terms have expired.

Mr. Forestier stated that the board members from the Tax Increment Reinvestment Zone (TIRZ) board which was established in 2013 had expired. Mr. Forestier stated that the members had been contacted and have agreed to serve another term. Mayor asked for any nominations. None were received. Motion was made by Thomas Belinoski to reappoint, Leonard Reed, Dewanna Redeo, Shelia Patrick, and Chuck Frank to the TIRZ Board. John Lovelady seconded the motion. Motion passed unanimously.

- b. Consider and approve a Resolution supporting the Montgomery County Thoroughfare Plan.
Mr. Forestier stated that the County Officials have been having public hearings throughout the County for the last several months. Mr. Forestier showed a map to council of the proposed collector roads, and thoroughfare roads. Mr. Forestier stated the resolution would show TXDOT, HGAC and the State that the population is expected to grow in the next 15 years to a million and the roads would be needed in order to handle the expected growth. Mayor Reed asked if there was a proposed time line. Mr. Riley stated it was for their comprehensive plan. Mr. Forestier stated that this would be a multi-year appropriation, and the resolutions will be in the comprehensive plan, then the plan approved by the county commissioner. Mr. Forestier stated they were looking for support and that the Cities of Conroe, Oak Ridge, Shenandoah, and the Chamber of Commerce provided resolutions. Motion was made by Thomas Belinoski to approve a resolution supporting the Montgomery County Thoroughfare Plan. Bill Van Alstyne seconded the motion. Mayor asked for questions. None were received. Motion passed unanimously.
- c. Consider and approve the Union Pacific Land Lease Supplemental Agreement.
Mr. Forestier stated that Pat Riley had updated the council at the previous meetings regarding the lease with Union Pacific. Mr. Forestier stated that Union Pacific had increased the cost of the lease, and wanted the recycling center removed, but are allowing the parking of the trucks on the property. Mr. Forestier stated that the recycling center has been closed, and that Waste Management provides a hazardous waste pick up for residents, and Mr. Riley is currently looking for place a to move the tire recycling to. Mr. Forestier stated that that Mr. Riley is also actively looking for new location to move the public works department. Mayor Reed asked about the insurance contract requirement. Mr. Forestier stated the city has an umbrella coverage that had to be increased through TML. Mayor Reed asked how much the increase was, Ms. Burns stated that the city had to double the coverage at a cost of an estimated \$422. Mayor Reed asked why the coverage had to be increased, and asked if it had to do with the trucks parking there or was it part of the lease. Ms. Burns stated it was for the lease of the whole property. Mr. Belinoski asked if the \$2,500 was the correct amount with the 3% increase. Ms. Burns stated the amount last year was \$4,600 and this year would be an estimated \$7,800, than the following year would be \$12,000 until it reaches \$17,000. Motion was made by John Lovelady to approve the Union Pacific Land Lease Supplemental Agreement. Tom Luster seconded the motion. Motion passed unanimously.
- d. Consider and approve final plat for WTB Willis located on FM 1097 West.
Mr. Mangiameli stated this was where the west side connector would be cutting through FM 1097 West. Mr. Mangiameli stated WTB will be on the west side where CVS will be coming in. Mr. Mangiameli stated Bleyl & Associates and he had review the plat and was recommending approval. Motion was made by Thomas Belinoski to approve the final plat for WTB Wills located on FM 1097 West. Tom Luster seconded the motion. Motion passed unanimously.
- e. Consider and approve final plat for ANFA located on FM 1097 West.
Mr. Mangiameli stated this was on the east side of the west side connector. Mr. Mangiameli stated that negotiations are almost complete for Aldi's to purchase the track. Mayor asked for questions. None received. Motion was made by John Lovelady to approve the final plat for

ANFA located on FM 1097 West. Bill Van Alstyne seconded the motion. Motion passed unanimously.

- f. Consider and approve an inter-local agreement with Montgomery County for Precinct 1 funding of the West Side Connector.

Mr. Forestier stated that back in November one of the issues voted for in the road bond was the West Side Connector. Mr. Forestier stated that for the City to get reimbursed from the County the inter-local agreement would need to be signed. Mr. Forestier stated the inter-local agreement had been worked out by Larry Foerster, and the County attorney's office, and was recommending approval. Mayor Reed asked about the reimbursement; would the City pay, and then the County pay the City. Mr. Forestier stated so that the project could start moving forward that would be the case. Mr. Foerster stated that the contract provides that the City will be moving forward with the design, the competitive bidding, and the award of the bid, the County will have the opportunity to approve the design, the bids, and the award, and upon substantial completion of the project then the County would make the payment to the City. Mr. Mathena stated that EDC had funded \$250,000 for the utilities and that was what would be going in first. Ms. Burns stated that the City issued a bond and the money is set aside in a construction fund for this project. Ms. Burns stated that the project would be paid from that bond, and then the County would reimburse the City. Motion was made by John Lovelady to approve an inter-local agreement with Montgomery County for Precinct 1 funding of the West Side Connector. Thomas Belinoski seconded the motion. Mayor asked for questions. None received. Motion passed unanimously.

- g. Approve the Certificate of Substantial Completion for the FM 1097 East Lift Station.

Mike Mathena stated that the Texas Water Board requires that formal council action on acceptance of the lift station on FM 1097 East. Mr. Mathena stated the lift station had been rehabilitated. Mr. Mathena stated the job was completed and need formal council approval. Motion was made by Thomas Belinoski to approve the Certificate of Substantial Completion for the FM 1097 East Lift Station. Tom Luster seconded the motion. Mayor asked for questions. None were received. Motion passed unanimously.

- h. Consider and approve Change Order No. 1 for the FM 1097 East Utility Extension.

Mr. Mathena stated that this project was awarded to VACA, and as part of that project there was another project that was awarded last month to do a Lift Station by the AmeriTex property. Mr. Mathena stated that the original plan for that project was to run the water and sewer lines out east, which is what VACA is under contract to do, and also to acquire property on the south side of East FM 1097 to put in a Lift Station. Mr. Mathena stated that at the last minute the property owner backed out. Mr. Mathena stated that now the lift station will be going on the north side on the AmeriTex property, which is the contract that was awarded last month. Mr. Mathena stated the change order was for the VACA side which is all the utilities lines associated with moving the lift station. Mr. Mathena stated it was a deductive change order in the amount of \$55,428 and covers the reduction of the sanitary, and includes some money to extend the water line over to Business Park. Motion was made by Tom Luster to approve Change Order No. 1 for the FM 1097 East Utility Extension in the amount of a deduct of \$55,428. Thomas Belinoski seconded the motion. Mayor asked for questions. None received. Motion passed unanimously.

- i. Award the bid for the street projects.

Mr. Forestier stated that there was more need in town, than there was funding. Mr. Forestier stated that they had a meeting with Bill Blich to issue certificates of obligations to take care of paving not able to do now. Mr. Forestier stated he recommended this item be tabled to next month meeting, and that the contractor would extend bid through April 19, 2016. This will allow

the city to issue the certificates of obligations, then award the bid. Mr. Forestier stated that he would get with Council one-on-one and explain in detail regarding the issue of certificates of obligations. Motion was made by Thomas Belinoski to table the award of the bid for the street project to next meeting. Bill Van Alstyne seconded the motion. Mayor asked for questions. None received. Motion passed unanimously.

j. Award the bid for the West Side Connector.

Brett Wyant, PE of Bleyl & Associates stated that on January 14, 2016 a total of seven bids were submitted to the City for the West Side Connector. Mr. Wyant stated that the lowest bidder was Lexton Construction, LLC in the amount of \$1,103,776.67. Mr. Wyant stated Bleyl has had previous experience with the contractor and recommended award of bid in the base bid amount. Motion was made by Thomas Belinoski to award the bid for the West Side Connector to Lexton Construction, LLC in the base bid amount of \$1,103,776.67. Tom Luster seconded the motion. Mayor asked for questions. None were received. Motion carries unanimously.

6. ORDINANCES

2nd Readings

a. Consider and ordinance regulating open carry weapons.

Mayor read the following caption, "AN ORDINANCE ESTABLISHING A POLICY ON CARRYING FIREARMS INTO WILLIS CITY BUILDINGS; PROHIBITING THE CARRYING OF FIREARMS DURING MUNICIPAL COURT PROCEEDINGS AND IN WILLIS MUNICIPAL COURT OFFICES; PROHIBITING CARRYING OF HANDGUNS IN CITY COUNCIL CHAMBERS DURING GOVERNMENT MEETINGS SUBJECT TO THE TEXAS OPEN MEETINGS ACT; DETERMINING THAT CERTAIN PORTIONS OF THE CITY HALL CONSTITUTE OFFICES UTILIZED BY MUNICIPAL COURT; PROHIBITING CITY EMPLOYEES FROM OPENLY CARRYING HANDGUNS ON CITY PREMISES; PROVIDING EXCEPTIONS FOR PEACE OFFICERS, JUDICIAL OFFICERS AND OTHER PERSONS EXEMPTED BY LAW; ORDERING THE POSTING OF NOTICES UNDER SECTION 30.06 AND 30.07 OF THE TEXAS PENAL CODE; PROVIDING FOR CRIMINAL PENALTIES UNDER THE TEXAS PENAL CODE; PROVIDING A REPEALING CLAUSE AND A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING THE ORDINANCE IS EFFECTIVE UPON PASSAGE AND PUBLICATION AS PROVIDED BY LAW." Larry Foerster went over changes of the ordinance with council. Mr. Foerster stated that the ordinance prohibited open carry only in the council and board meetings, and that concealed was still allowed. Mr. Foerster stated that ordinance also stated open carry by city employees is prohibited, but would still permit city employees who are licensed to conceal carry. Mayor asked if there was a policy on employee handgun carry in the personnel policy manual. Mr. Valdez stated there was not. Mayor's stated that in his opinion he would prefer that the City not have open or concealed carry during governmental meetings, and was not sure if ordinance cover that. Mr. Foerster stated that the ordinance presented did not, it only prohibited open carry. Mr. Foerster stated that if that was what council wanted it could be approved with those changes. Mr. Van Alstyne asked how the ordinance would be enforced at meetings, would there be an officer at the door checking. Mr. Van Alstyne stated that he would prefer no open carry or conceal carry at meetings also. Mr. Luster stated sometimes your licensed CHL holder in a situation would be your first responder. The council discussed the ordinance in length. Motion was made by Thomas Belinoski to amend section 3 of the ordinance to prohibit open and conceal carry in governmental meetings. John Lovelady seconded the motion. Mayor asked for questions. None received. John Lovelady, Thomas Belinoski, and Bill Van Alstyne voted for the motion. Tom Luster vote against the motion. Motion carries.

Motion was made by Thomas Belinoski to approve the open carry ordinance with the above amendment. Bill Van Alstyne seconded the motion. Mayor asked for questions. None were received. John Lovelady, Thomas Belinoski, and Bill Van Alstyne voted for the motion. Tom Luster voted against the motion. Motion carries.

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.

Bill Van Alstyne stated that the street department was doing a great job on the streets and ditches.

Tom Luster stated he noticed the street lights being put up. Pat Riley gave council a quick update on the LED lights.

a. Engineer's report

Mike Mathena stated that TXDOT will be starting on FM 1097 on March 11, 2016. Mr. Mathena also stated that the contracts for the East Stewart Creek Lift Station are in the process of being signed.

Larry Foerster stated that the Surgers' property had come down on their price to fair market value, however, Mr. Surgers had passed without a will. Mr. Foerster stated he had been in contact with Mr. Surgers' son, who he referred to a local attorney. Mr. Foerster stated that his suggestion to Mr. Forestier has been to table that issue until it is established who the rightful heir is.

b. City Manager's report and updates

1. Update on the Recycling Center

Mr. Forestier stated that with the removal of the recycling center, waste management offers a hazardous waste pickup for the citizens.

2. Update on the 2016 Trash-Off

Mr. Forestier reminded council of the Annual Trash-Off on April 9, 2016

8. EXECUTIVE SESSION

a. Convene into closed executive session in accordance to the Texas Open Meetings Act, Section 551.071 (Consultation with Attorney).

1. Update on the Red Light Camera Lawsuit

2. Update on the SJRA – GRP Contract

Mayor and council convened into closed executive session at 6:38 p.m.

b. Reconvene into open session and take action deemed necessary on matters discussed in closed executive session.

Mayor and council reconvened into open session at 6:51 p.m. Motion was made by Thomas Belinoski to retain Olson and Olson law firm to represent the city on the red light camera lawsuit.

John Lovelady seconded the motion. Motion passed unanimously.

9. ADJOURN

Motion was made by Thomas Belinoski to adjourn. John Lovelady seconded the motion. Motion passed unanimously. Meeting adjourned at 6:52 p.m.

Leonard Reed, Mayor

Marissa Quintanilla, Assistant City Secretary