

Willis, Texas  
February 19, 2019  
5:30 p.m.

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  
Barney Stone, Mayor Pro-Tem  
Tamara Young-Hector, Council Member  
Thomas Luster, Council Member  
Thomas Belinoski, Council Member  
Hector Forestier, City Manager  
Larry Foerster, City Attorney  
Marissa Quintanilla, City Secretary  
James Nowak, Chief of Police  
Rick Valdez, Finance Director  
Pat Riely, Public Works Director

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 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.  
Pledges were recited.  
Larry Foerster said the invocation.
3. PUBLIC HEARING
  - a. Public Hearing on the annexation of a total of 7.570 acres in the James Elkins Survey.  
Mr. Forestier stated this was the last public hearing on the annexation of 7.570 acres in the James Elkins Survey. Mr. Forestier asked Mr. Freels if he had been made aware of them not being able to drill a water well. Mr. Freels stated he was aware and does not intend to drill one and was ok with it. Mayor asked for any comments from the public. None were received. Mayor closed the public hearing at 5:36 p.m.
4. CITIZENS INQUIRY  
Mayor recognizes Boy Scout Adian Heikell of Troop 1036 who is working on his communications badge.
5. CONSENT AGENDA
  - a. Consider the minutes of the previous meetings: January 8, 2019; January 15, 2019; January 28, 2019.
  - b. Approval of accounts payable.
  - c. Approval of financial statements and tax collection reports.
  - d. Approval of the 2018 Traffic Stop Data, and Vehicle Pursuit Reports.

Mayor asked for any questions or comments on the consent agenda or if any needed to be considered separately. No questions or comments. Mayor and Council approved the consent agenda by unanimous consent.

## 6. ORDINANCES

### First Reading

- a. An ordinance extending the boundaries of the City of Willis, Texas by annexation of approximately 7.570 acres.

Mr. Forestier stated this was the first reading of an ordinance for the annexation of 7.570 acres in the James Elkins Survey and no action was required at this time. Mayor reads the caption.

- b. An ordinance amending Chapter 52, "Discharges into Sanitary Sewers," by adding definitions at section 52.30 under subsection entitled "Discharge of Industrial Waste," and adding section 52.54, "Religious Facilities," of the City of Willis Code of Ordinances.

Mr. Forestier stated that this was the first reading on an ordinance dealing with grease traps at religious facilities. Mr. Forestier stated that staff had been working on for several months and council has discussed in previous readings. Mayor reads the caption.

### Second Reading

- a. An ordinance granting to SiEnergy, L.P. a non-exclusive franchise to furnish and supply gas to the general public in the City of Willis, Montgomery County, Texas and to transport, deliver, sell and distribute gas in and out of and through said municipality.

Mr. Forestier stated that at the last meeting there were some concerns related to the franchise fee paid to the City. The franchise agreement was changed so that the city would collect a franchise fee for all customer inside and outside city limits. Another question that was brought up was when SiEnergy would be servicing customers. Motion was made by Thomas Belinoski to table the SiEnergy franchise ordinance. Barney Stone seconded the motion. Mayor asked for any questions. None were received. Motion passed unanimously.

- b. An ordinance regulating outdoor burning in the City of Willis, Texas; amending the City Code of Ordinances by adding Chapter 97, Outdoor Burning.

Mr. Forestier stated that staff had been working on an ordinance to regulate outdoor burning for the past several months. Mr. Forestier stated this would be the second reading and staff recommended approval. Mayor reads the following caption. "AN ORDINANCE REGULATING OUTDOOR BURNING IN THE CITY OF WILLIS, TEXAS; AMENDING THE CITY CODE OF ORDINANCES BY ADDING CHAPTER 97, "OUTDOOR BURNING," TO TITLE IX, "GENERAL REGULATIONS;" ESTABLISHING GENERAL PROHIBITIONS OF OUTDOOR BURNING AND VIOLATIONS OF SAME; PROVIDING PERMIT REQUIREMENTS; PROVIDING ENFORCEMENT AUTHORITY AN PENALTIES; PROVIDING A SAVINGS CLAUSE IF ANY PORTION HEREOF IS DEEMED TO BE INVALID; PROVIDING A REPEALING CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION AS PROVIDED BY LAW." Mayor asked for questions. None were received. Motion was made by Tamara Young-Hector to approve an ordinance regulating outdoor burning in the City of Willis, Texas; amending the City Code of Ordinances by adding Chapter 97, Outdoor Burning. Thomas Belinoski seconded the motion. Tamara Young-Hector, Thomas Belinoski, and Barney Stone voted for the motion. Tom Luster voted against the motion. Motion carries.

- c. An ordinance creating a City of Willis Garage Sale ordinance by adding Chapter 115 to title VI, Business Regulations of the City Code of Ordinances.

Mr. Forestier stated this would be the second reading of an ordinance regulating garage sales. Mr. Forestier stated staff recommended approval. Mayor asked for questions. None were received. Mayor read the following caption. “ AN ORDINANCE CREATING A CITY OF WILLIS GARAGE SALE ORDINANCE BY ADDING CHAPTER 115 TO TITLE VI, “BUSINESS REGULATIONS,” OF THE CITY CODE OF ORDINANCES; PROVIDING DEFINITIONS, PERMITS, REGULATIONS AND VIOLATIONS RELATED TO GARAGE SALES, YARD SALES, ESTATE SALES, FLEA MARKETS AND THE LIKE; PROVIDING FOR CRIMINAL PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE IF ANY PORTION HEREOF IS DEEMED TO BE INVALID; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION AS PROVIDED BY LAW.” Motion was made by Thomas Belinoski to approve an ordinance creating a City of Willis Garage Sale ordinance by adding Chapter 115 to title VI, Business Regulations of the City Code of Ordinances. Tamara Young-Hector seconded the motion. Thomas Belinoski, Tamara Young-Hector, and Barney Stone voted for the motion. Tom Luster voted against the motion. Motion carries.

## 7. NEW BUSINESS

- a. Discuss and consider approval of a park concept plan for Martin Luther King Park improvements.

Director J. Rice of the Willis Community Development Corporation presents a park concept approved by the Willis CDC Board to the Council. Mr. Rice stated that the CDC Board wants to expand and make improvements to the MLK Park in phases with priorities set for each addition. Priority 1 would be a splash park, priority 2 would be a new restroom facility, priority 3 would be parking, priority 4 would be a skate park and priority 5 would be a sand volleyball court. Barney Stone asked if it would be handicapped accessible. Mr. Rice stated it would. Mayor asked for any questions. None were received. Motion was made by Thomas Belinoski to approve a park concept plan for the Martin Luther King Park improvements. Tom Luster seconded the motion. Motion passed unanimously.

- b. Discuss and consider approval of a replacement backhoe for public works.

Pat Riley stated that currently the City is renting a John Deere backhoe from United Rental on a monthly basis at a cost of \$1,794.89. Mr. Riley stated that the City has been having issues with the current backhoe, which was replaced by United Rental, but with a 2011 backhoe and issues are still being had. Mr. Riley stated that in order to ensure that the City is receiving the best price on monthly rental and a dependable piece of equipment, the City requested monthly rental prices from three local companies. Mr. Riley stated Texas State informed the City on other options such as lease and lease to own. Mr. Riley stated that if the City purchased a backhoe through Buy Board RPO there would be no down payment required and payment of \$1,650 a month for 6 months, then the City could finance the remaining balance for 60 months for monthly payments of \$1,334. This would save the City about \$100 per month for 6 months and then \$400 per month after that. Tom Luster asked if rental companies took care of repairs. Mr. Riley stated that they did, they come out every 6 months or 250 hours. Motion was made by Tamara Young-Hector to approve a replacement backhoe for public works using the Buy Board RPO Program. Barney Stone seconded the motion. Motion passed unanimously.

- c. Discuss and consider approval of a letter of no objection to the proposed legislation granting division powers to Montgomery County Utility District Nos. 100 and 101.

Larry Foerster stated that these MUD districts are part of the old Stalwart Ranch situated between the south side of Longstreet and the north side of Calvary Road. Mr. Foerster stated that the City of Willis’s ETJ and the City of Conroe’s ETJ intersects both MUD districts, and for this reason, they have to come to the Willis and Conroe whenever they request any consent

in legislation. Mr. Foerster stated that this letter is just stating that we have no objection to proposed legislation where each district could, if they chose to subdivide into smaller districts. Mr. Foerster stated that this would allow them to work in one section of the proposed development at one time, and then move on to the next development in that section all under the master district. Mr. Foerster stated that the legislation also provides that the board of each MUD must get the consent of each municipality before the division can occur and an election held for the citizens in that district. Mayor asked for questions. None were received. Motion was made by Thomas Belinoski to approve a letter of no objection to the proposed legislation granting division powers to Montgomery County Utility District Nos. 100 and 101. Barney Stone seconded the motion. Motion passed unanimously.

- d. Discuss and consider approval of a conditional land use permit for Jessie Valeriano for a proposed RV park to be located on Old Montgomery Road.

Mr. Riley stated that Mr. Jessie Valeriano would like to develop an RV park on a tract of land located on Old Montgomery Road, just before the existing Omega Farms RV Park. Mr. Riley stated that the property is currently zoned as general commercial and will require a conditional lane use permit. Mr. Riley stated that the RV park would be required to adhere to all RV park requirements required by the City. Mr. Riley stated that Mr. Valeriano has reviewed the RV park requirements and is in agreement with the terms presented. Mr. Riley stated City staff recommended approval of the conditional land use permit with regulations. Mr. Valeriano stated that he had been working on this project for the past year. Mr. Valeriano stated a conceptual land plan has been done, but because the property is zoned general commercial, he would need a conditional land use permit for the RV park. Mr. Valeriano stated that it would have concrete roads and pads, no asphalt. Mr. Valeriano stated that Walter P. Moore is doing a drainage study. Thomas Belinoski asked about the drainage from Stewart Creek and if it would create any additional problems for the City. Mr. Riley stated that all the drainage runs through the property, so the drainage study would be very important for this project. Mr. Forestier stated that Mr. Valeriano's engineer has been working with Bleyl on the drainage. Mayor asked if we had the water capacity to serve the property. Mr. Riley stated the only infrastructure we had out there was a 2" water line. Mr. Riley stated that part of the study would also need to include how to supply them with utilities. Mayor asked for any other questions. None were received. Motion was made by Thomas Belinoski to approve a conditional land use permit for Jessie Valeriano for a proposed RV park to be located on Old Montgomery Road. Tom Luster seconded the motion. Motion passed unanimously.

- e. Discuss and consider approval of an Interlocal Agreement with Montgomery County for fire inspections, and plan review services provided by the Montgomery County Fire Marshal's Office.

Mr. Forestier introduced Fire Marshal Jimmy Williams. Mr. Riley stated that more and more developments are coming in and the City does not have a licensed staff to review plans for fire inspections. Mr. Riley stated there would be no cost to the City. Mr. Riley stated that developers would submit plans, and would also submit plans to the Fire Marshal's office and pay their fees. Mr. Riley stated that the City would coordinate with the Fire Marshal's office before any certificates of occupancy would be issued. Mr. Williams stated that this was not unique, and where currently doing inspections in the City of Montgomery, City of Shenandoah, City of Cut and Shoot, and with 1 ESD in the County. Mr. Williams stated that one of the challenges you have with fire inspection is by state law any fire inspection that is done needs to be performed by a licensed inspector. Motion was made by Tom Luster to approve an Interlocal Agreement with Montgomery County for fire inspections, and plan review services provided by the Montgomery County Fire Marshal's Office. Tamara Young-Hector seconded the motion. Motion passed unanimously.

- f. Discuss and consider approval on funding engineering services for road repairs on Mill Street for possible inclusion with the GLO Grant.

Mr. Forestier stated that the City has been approved to receive 1.3 million through a federal grant to repair drainage issues that happened during the Hurricane Harvey, and the 2016 floods. Mr. Forestier stated one of the projects that we have not been able to include in the grant is the repair of Mill Street. Mr. Forestier stated the repair cost was about \$40,000. Mr. Forestier stated that staff had spoken with the County, but the County does not have the necessary equipment to perform the job. Mr. Forestier stated that staff met with GLO representatives and they stated it might be a possibility that it may not happen or may happen, but for City to submit the request again through the GLO. Mr. Forestier stated that the cost of engineering services for the Mill Street repair would be about \$10,000. Mr. Forestier stated that staff was recommending to use funds from the general fund and if proposition 13 passes EDC funds would be included in the general fund and hopeful those funds can go towards this project. Mr. Forestier stated staff was working on putting together a list of different projects to utilize those funds. Mayor asked for questions. None were received. Motion was made by Tamara Young-Hector to approve funding engineering services for road repairs on Mill Street for possible inclusion with the GLO Grant. Thomas Belinoski seconded the motion. Motion passed unanimously.

## 8. 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. Update on CDBG Project 2017-2018 – Ground Storage Tank

Derek Wind updated the Council on the Waste Water Treatment Plant construction.

Mr. Wind stated that the ground storage tank was planned to be finished by the end of February or early March. Mr. Wind stated that lead-time on the manufacturer ended up being several days longer than anticipated when the project was designed and bid. Mr. Wind stated that everything was checked to make sure the contractor appropriately ordered the tank on time, and talked with the manufacturer, and because of that lead-time, they have extended the contract to the contractor. Mr. Wind stated that they would have until the end of April. Mr. Wind stated that this is still within the period allotted by CDBG.

### b. City Manager's report and updates

#### 1. Trash Off

Mr. Forestier reminded the council about the Trash Off on April 6, 2019.

#### 2. Park Ordinance Committee

Mr. Forestier stated that since improvements have been made at various park in the City, staff would like to take a look at the park regulations and ordinance. Mr. Forestier stated that he would like to have some participation from Council, no more than two members so that they can work with staff to revise the park regulations and rules. Mr. Forestier asked to let him know who would be interested.

## 9. EXECUTIVE SESSION

- a. Convene into closed executive session under Section 551.074 (Personnel Matters) of the Texas Open Meetings Act to discuss:

1. Community Development Director

2. Applicants to fill Council Member No. 5 Vacancy

Mayor and Council convened into closed executive session at 6:29 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 Barney Stone to appoint Teresa Herod to the vacant Council Member No. 5 position. Thomas Belinoski seconded the motion. Mayor stated that two of the applicants that submitted an application to fill the vacancy were on the ballot for the May 4, 2019 election, so as not to show any favoritism to either one Ms. Herod was appointed to fill the vacancy. Motion passed unanimously.

#### 10. ADJOURN

Motion was made by Thomas Luster to adjourn. Tamara Young-Hector seconded the motion. Motion passed unanimously. The meeting adjourned at 6:52 p.m.

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Leonard Reed, Mayor

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Marissa Quintanilla, City Secretary