

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

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.  
Pledges were recited.  
Councilman William Brown said the invocation
3. CITIZENS INQUIRY  
No citizens inquiry
4. CONSENT AGENDA
  - a. Consider the minutes of the previous meeting: May 14, 2019
  - b. Approval of accounts payable
  - c. Approval of financial statements and tax collection reports
  - d. Approval of Willis Police Department Policy 8.2 – Civil Disturbances and Mass Arrests
  - e. Approval of Willis Police Department Policy 8.5 – Dealing with People with Developmental Disabilities
  - f. Approval of Willis Police Department Policy 9.2 – TCIC/NCIC/CJIS Procedures
  - g. Approval of Willis Police Department Policy 11.1 – Municipal Court Operations & Security
  - h. Notification of intent to use Forfeited Funds  
Mayor asked for any questions or comments on the consent agenda or if any items needed to be removed from the consent agenda and be considered separately. No questions or comments were received. Mayor and Council approved the consent agenda by unanimous consent.
5. ORDINANCES  
First Reading

- a. An ordinance amending title XV, Chapter 155, "Zoning," of the Willis City Code of Ordinances by reclassifying the property at 201 East Powell from General Industrial to General Commercial. Steve Hill stated that 201 East Powell was currently zoned general industrial and the owner would like it changed to general commercial. Mayor asked to please clarify the difference between general industrial and general commercial. Mr. Hill stated that general industrial would include loud businesses, the general commercial would be more like restaurants, convenience store, businesses of this nature. Mr. Forestier stated this was the first reading no action was to be taken. Mayor read the caption.

#### Second Reading

- a. An ordinance amending Section 155.030 of the Willis City Code of Ordinances, by appointing the City Council to serve as the City Zoning Board of Adjustments.  
Mr. Forestier stated that typically cities have do have a Board of Adjustments, however, we have had problems filling the board, and since all decision made by the Board are final, we feel the Council should make these decisions. Mr. Forestier stated that the first reading was held last month and there were no questions or comments, this is the second reading and staff recommends approval. Mayor read the following caption.  
"AN ORDER BY THE CITY COUNCIL OF THE CITY OF WILLIS, TEXAS AMENDING SECTION 155.030 OF THE WILLIS CITY CODE OF ORDINANCES, BY APPOINTING THE CITY COUNCIL TO SERVE AS THE CITY ZONING BOARD OF ADJUSTMENT TO MAKE SPECIAL EXCEPTIONS TO THE TERMS OF THE CITY ZONING ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A TEXAS OPEN MEETING ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PUBLICATION." Mayor asked for a motion. Motion was made by Thomas Belinoski to approve an ordinance amending Section 155.030 of the Willis City Code of Ordinances by appointing the City Council to serve as the City Zoning Board of Adjustments. Barney Stone seconded the motion. Motion passed unanimously.

#### 6. NEW BUSINESS

- a. Discuss and review the Tax Increment Reinvestment Zone Number one project and financing plan.  
Mr. Forestier stated that in 2010, the City Council, through the County Commissioner's court approved a Tax Increment Reinvestment Zone. Mr. Forestier stated that we are in the process of working a project with the sale of the Moran Ranch. Mr. Forestier stated that four of the five Council members were not involved when the Board was implemented and ask Scott Bean to give a quick overview. Mr. Bean stated that the TIRZ Board was set up in 2009. Mr. Bean stated that idea was that development was anticipated and with that, it would require regional infrastructure, roadway improvement, water, and sewer plant expansion and things of this nature. Mr. Bean said that we overlaid a TIRZ, mostly on the west side, but also on the Moran Ranch. Mr. Bean stated that with a TIRZ you establish a base year of taxation and every year after that the increase (increment) in taxes goes into a fund when can be used to expand roadways, expand water and sewer plants, and things of this nature. Mr. Bean stated this was set up and have been waiting at least 10 years for a big master development to come along. Mr. Bean stated that one is being planned out for the Moran Ranch. Mr. Bean stated that the City participates at 100% of the tax rate; the County participates at 25% of their operation and maintenance tax rate, which is about 10 cents. Mr. Bean stated that there is also a potential for Lonestar College although they have a very low tax rate. Mr. Bean stated the funds could be used for anything specified in the plan, Longstreet improvements, Westside Connector Road, Old Montgomery Road. Regional water and sewer expansions. Larry Foerster stated that just so it understood we are talking about the incremental increase between the base tax of 2010 and what it may be over time as a developer or property owner develops the property within the TIRZ area. They are investing money and they are going to get rewarded by the incremental difference between the tax that would be paid to the City from year to year as they grow property. Mr. Bean stated that if they

have a qualifying project. Mayor asked for questions. None were received. Mayor asked if we looked into what happens when the property is no longer “Ag Exempt” when they start developing it does it have a base. Mr. Bean stated there was a rollback and thinks there is a 5-year limit and does not know if it would reestablish a base valve base on it coming out of “AG” or it that time has already passed since it has already been ten years. Mayor stated he would like to know before the next TIRZ meeting if possible.

b. Elect Mayor Pro-Tem.

Mayor stated that normally the Council asks for volunteers. Mr. Forestier stated that presently the Mayor Pro-Tem is Councilman Barney Stone. Mayor asked for any volunteers. Tom Luster stated he would volunteer. Mayor asked for other nominations. None were given. Tom Luster is elected Mayor Pro-Tem by unanimous consent.

c. Consider approval of a Notice of Termination Letter to American Traffic Solutions.

Mr. Forestier stated that at the last legislation one of the things that were passed by the House and the Senate was the termination of the Red Light Cameras. Mr. Forestier stated that they allow for cities with existing contracts to finish out the contracts, currently, the City’s contract is up in May of next year, but are encouraging cities to discontinue use. Mr. Forestier stated that we have already discontinued the enforcement of the cameras. Mr. Forestier stated that the letter was to approve the termination of the program and have ATS uninstall the equipment. Motion was made by Tamara Young-Hector to approve a Notice of Termination Letter to American Traffic Solutions. Tom Luster seconded the motion. Mayor asked for questions. None were received. Motion passed unanimously.

d. Consider approval of a joint public hearing with the Willis Planning and Zoning Commission on July 16, 2019, at 5:30 p.m. to hear public comments concerning the proposed reclassification of the property located at 310 East Powell from Single Family Residential to General Commercial District.

Steven Hill stated that on June 16, the Planning and Zoning meeting the members voted to change the zoning for 310 East Powell. Mayor asked for questions. None were received. Motion was made by Thomas Belinoski to approve a joint public hearing with the Planning and Zoning Commission on July 16, 2019, at 5:30 p.m. to hear public comments concerning the proposed reclassification of the property located at 310 East Powell. William Brown seconded the motion. Mayor asked for questions. None were received. Motion passed unanimously.

e. Consider approval of the Willis Community Development Corporation amended park plan for Martin Luther King Park.

J. Rice goes over the amended park plan for the Martin Luther King Park with Council. Derek Wind stated there is a storm drain that runs along the corner of the property. Mr. Wind stated that originally they had proposed putting the splash pad there, but did not recommend putting splash pad on top of the storm drain. Mr. Derek stated they looked at options of moving over, the further it was moved over there was a conflict with the restrooms, and the covered pavilion. Mr. Wind stated that since the playground equipment would have to be replaced, they added the splash pad where the playground equipment is and moved the playground equipment over. Mr. Wind stated that the estimated cost for everything is 1 million dollars. J. Rice stated that the CDC Board has approved this and are asking the Council’s approval. Tom Luster why nothing else was being done at all the other parks. Mr. Rice stated that this is still a goal, and it’s a matter of prioritization. Thomas Belinoski asked on the proposed concrete pavement, what was wrong with asphalt. Mr. Wind stated that with the new splash pad, and the new playground equipment, more parking would be needed. Mr. Wind stated that we could look at the asphalt, asphalt requires more maintenance in the long run. Thomas Belinoski asked about the estimated amount for Landscaping. Mr. Wind stated that the main amount for landscaping was tree removal and City ordinances that needed to be followed. Mr. Rice stated that there was also low spots that would

need to be dealt with. Thomas Belinoski asked about the splash pad and playground equipment and if it had to be a package deal. Mr. Rice stated that no it did not, that they could look at other companies for splash pad or playground equipment. Mayor asked for any more questions. None were received. Motion was made by Tamara Young-Hector to approve the Willis Community Development Corporation amended park plan for the Martin Luther King Park. William Brown seconded the motion. Tamara Young-Hector, William Brown, Thomas Belinoski, and Barney Stone voted for the motion. Tom Luster voted against the motion. Motion carries.

- f. Consider approval of amendments to the Willis Community Development Corporation fiscal year budget 2018-2019.

Mr. Rice stated that this item is about looking ahead. Mr. Rice stated that if the Board can get an amendment to the engineering to this year's budget, the Board can have the engineers start on the design of the park. Mr. Rice stated that it would increase from \$10,000 to \$74,208, which would allow the Board \$72,000 to pay the engineering fees and then start construction at the begin of the fiscal year in October. Mr. Rice stated that they are hoping to open the splash pad for May of next Year. Mr. Rice stated the second amendment is under capital outlay. Mr. Rice stated that we have been in a boundary dispute, on the west side of MLK Park, with Willis ISD for about two years. Mr. Rice stated that to pay them for that piece of the property, which they are asking \$13,650. Mr. Rice stated that the Board would pay them. Mr. Forestier stated that this has changed. Mayor Reed asked if we needed to separate those two amendments. Mr. Forestier we would have to reduce the amendment by \$13,650. Motion was made by Tamara Young-Hector to approve an amendment to the Willis Community Development Corporation fiscal year budget 2018-2019 by \$72,000 for engineering. Thomas Belinoski seconded the motion. Mayor asked for questions. None were received. Motion carried unanimously.

- g. Consider approval of the Willis Community Development Corporation Goals and Objectives for fiscal year 2019-2020.

Mr. Rice stated that this was required for the CDC Board to report to the Council. Mr. Rice stated these were the goals that were set by the CDC Board and gives the results of each goal and objectives. Mr. Rice stated that the mission has remained the same, but some of the goals have changed a bit. Mr. Rice stated that in answer to Mr. Luster concern about Lindley Park, that is goal 3, and the Board has asked that this be considered in the 2019-2020 year. Thomas Belinoski asked about a park on the south side. Mr. Rice stated that the Board has discussed this, but the problem is available land. Motion was made by Thomas Belinoski to approve the Willis Community Development Corporation Goals and Objective for fiscal year 2019-2020. Tamara Young-Hector seconded the motion. Motion passed unanimously.

- h. Consider approval of the Willis Community Development Corporation budget for fiscal year 2019-2020.

Mr. Rice presented the CDC budget for fiscal year 2019-2020 to Council. Mr. Rice stated that the Board had approved the budget. Mr. Rice stated that most of the budget is mostly the same. Mr. Rice stated that they did increase the payment to Sam Houston Town Center from \$150,000 to \$170,000, and the amount to capital outlay for the improvement to Martin Luther King Park. Mr. Rice stated this would be funded through the reserve which is currently 1.7 million, and there will be no debt issued on this, once the project is over the Board is predicting \$650,0000 still in the reserve. Mr. Forestier asked Mr. Rice why we are approving the CDC budget ahead of time. Mr. Rice stated that they are trying to get the engineering done on MLK Park by the time the new fiscal year is done and can start on the project. Mr. Rice also stated that required by law, the Board is required to have a 60 day period after a public hearing in order to spend its funds. Mr. Rice stated that at the July CDC meeting there will be a public hearing on the budget and the projects that Board is doing, and 60 days after the Board can use the funds if there are no objections. Motion was made by Tamara Young-Hector to approve the Willis Community

Development Corporation budget for fiscal year 2019-2020. Barney Stone seconded the motion. Motion passed unanimously.

- i. Consider approval of a variance request for 13782 Rogers Road, for a manufactured home placed on the property.

Steven Hill stated that a request was received for a permit for a manufactured home that was placed on 13782 Rogers Road. Mr. Hill stated the property is just inside the City limits and is currently zoned as R-1. Mr. Hill stated that the owners have about 12 acres, currently, there is no water, or sewer service available for this property. Mr. Hill stated that the owners expressed that their intent was to keep the manufactured home on the property for one to three years while they build their home, and are requesting a variance to allow them to keep the manufactured home on the property for this time period. Motion was made by Thomas Luster to approve a variance request for 13782 Rogers Road for no more than three years. Tamara Young-Hector seconded the motion. Motion passed unanimously.

- j. Consider approval of purchasing an easement from Battle River Holdings, Inc. on North Highway 75.

Mr. Forestier stated that staff has been working on this for a few months. Mr. Forestier stated the easement was necessary for the utilities going north on Highway 75. Mr. Forestier stated the cost of the easement was \$9,000 and recommended approval. Motion was made by Barney Stone to approve the purchase of an easement from Battle River Holdings, Inc. on North Highway 75. Tamara Young-Hector seconded the motion. Motion passed unanimously.

- k. Consider and award the bid for utilities on North Highway 75.

Jennifer Steen, of Bleyl Engineering, stated eight bids were received for this project. The construction cost is just over 2 million dollars. Ms. Steen stated the low bid was 5-T Utilities. Ms. Steen stated that they have done work for the City before. Ms. Steen stated they recommend the base bid with cash allowance be awarded in the amount of \$2,091,100.17. Thomas Belinoski asked what the time table was on the project. Ms. Steen stated it will take close to a year to have the project completed. Motion was made by Tamara Young-Hector to award the bid for utilities on North Highway 75 to 5-T Utilities in the amount of \$2,091,100.17. Thomas Belinoski seconded the motion. Motion passed unanimously.

- l. Consider approval of a preliminary subdivision plat for Camillo Properties/South Meadows.

Mr. Hill stated that preliminary plat has been submitted and has been reviewed by Bleyl Engineering and the only thing pending is a pipeline encroachment agreement, which would be pending the final plat approval. Mr. Forestier stated this was for the subdivision we call Camillo II, has about 35 acres and they are looking at having about 140 homes. Mr. Forestier stated that this development will be different than North Meadows, the houses will be for sale, and not lease. Derek Wind stated that this plat is showing smaller lot sizes of 40x100 instead of 60x100. Mr. Hill stated that these variances were the same that they asked for, for the North Meadows plat. Mayor asked if all variance requested now where on the North Meadows plat. Mr. Hill stated that they were just asking for two variances which included the reduced lot sizes and the front and side setbacks. Motion was made by Thomas Belinoski to approve a preliminary subdivision plat for Camillo Properties/South Meadows. Barney Stone seconded the motion. Motion passed unanimously.

- m. Consider approval of a Development Agreement with Camillo Properties, LTD for a water Line extension.

Pat Riley stated that Camillo Properties is wanting to develop South Meadows, and in order for them to be able to develop, they will need to install a water line to help with the pressure and volume of water going north. Mr. Riley stated that they have agreed to install a water line on Danville from Longstreet up to just past the creek and tie into the existing 10" line. Mr. Riley

stated that they have agreed to pay for the cost of the line which will be \$125,000. Mayor asked if that was the cost of the project. Ms. Steen stated that they have already entered into an agreement with Camillo on the design, and would like to include this water line in with the Highway 75 project which they would cover all the cost needed to do this section line. Ms. Steen stated if this can be included in the project we would be expanding this project Council awarded earlier and add this project as a change order. Mr. Forestier asked if it is under the 25% required by state law. Ms. Steen stated it was. Mayor questioned section c of the agreement which reads: *“(c) CAMILLO shall pay a minimum of \$125,000.00 for its portion of Project Work Costs. The balance of the construction costs of the 10” water line extension shall be paid by CITY.”* Ms. Steen stated there should not be a balance. Ms. Steen stated the \$125,000 is taken of 5-T Utilities bid pricing and the exact quantity and have already completed 60% of the design of the line, so the actual design was used to calculate the price. Mr. Forestier stated that staff recommended approval of the development agreement. Mayor asked for questions. None were received. Motion was made by Thomas Belinoski to approve a Development Agreement with Camillo Properties, LTD for a water line extension. William Brown seconded the motion. Motion passed unanimously.

- n. Consider approval of purchasing a property from Willis ISD for the Willis Community Development Corporation, for improvements to Martin Luther King Park.

Mr. Foerster stated that the portion of the park that is not developed includes Philpot Street, and certain lots, that have been on the tax roll by property owners that the City thought has acquired for these owners. Mr. Foerster stated that some time ago, Mike Mathena and surveyor were doing additional surveying for the park, discovered some old deeds going back to 1920 that showed Willis ISD owned what is now Philpot right-of-way and a few lots there. Mr. Foerster stated this was a surprise since we have been maintaining the street for years. Mr. Foerster stated that we contacted Willis ISD, and they were not aware that they owned the property. Mr. Foerster stated that Willis ISD was presented with a few ideas on how the city could acquire the property. Mr. Foerster stated that the appraised value is a little over \$23,000. Mr. Foerster stated that the City offered \$13,650, which leaves \$10,000 for the right-of-way that the City already maintains. Mr. Foerster stated that the superintendent feels it should be all or nothing. Mr. Foerster stated that the attorney for the Willis ISD has suggested into an Interlocal agreement by which the value of the right-of-way would be in terms of the City agreeing to maintain the street. Mr. Foerster recommended no action be taken tonight. Motion was made by Thomas Belinoski to table item 5(n). William Brown seconded the motion. Motion passed unanimously.

- o. Discuss the Wage Guideline Study.

Rick Valdez stated that a few weeks ago Council was issued a packet of the wage guideline study. Mr. Valdez asked if Council had any questions regarding the study. Mr. Valdez stated the company who did the study would be at the July meeting. Mayor stated he has questions but will wait to the July meeting to discuss.

## 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. Update on the CDBG Grant for the Ground Storage Tank

Mr. Wind stated the water line had been connected, and the project is substantially complete. Mr. Wind stated there are some punch list items that the contractor is currently working on. Mr. Wind stated that overall the project is done, the tank is full of water, and is in service.

- 2. Update on the Wastewater Treatment Plant construction

Derek Wind showed progress to Council on the Treatment Plant. Mr. Wind stated that they have cleared out some area, worked on some of the piping and started excavating where the treatment unit is going to be placed. Mr. Winds stated that we expect substantial completion in August 2020. Mr. Wind stated that we are on schedule and everything is going well.

3. Update on Mill Street construction

Mr. Wind stated that the survey has been completed and have started the design and expect by August to have the design complete and ready to solicit bids.

b. City Manager's report and updates

1. Texas AG opinion on city regulation of firearms

Mr. Foerster stated that the AG's opinion on the regulation of firearms. Mr. Foerster stated that some Texas cities have begun pursuing gun control measures that regulate the sale of firearms and firearms ammunition. The AG referred to the Local Government Code Section 229.001 which prohibits the city from regulating the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies. The AG concluded the court would likely deem the term transfer to mean the word sale, so his opinion that a city is barred by law from prohibiting the sale of firearms and ammunition.

2. Texas AG opinion of meeting outside a posted agenda meeting

Mr. Foerster updated the Council on the AG's opinion of meeting outside a posted agenda meeting: If a quorum of a governmental body deliberates about public business within the jurisdiction of the body outside of a meeting authorized by the Texas Open Meetings Act, through multiple communications each involving fewer than a quorum, the governmental body violates the Act.

3. Update on water meter register replacement

Mr. Riley updated the Council on the water meter registers and the impact they were having on the City's revenue. Mr. Riley stated that the water meter registers run on batteries which last about 10 or 11 years. Mr. Riley stated that the meter's and registers were installed about 10 years ago, so several registers are not reading. Mr. Riley stated that staff has been replacing registers and meters, but the failure rate is happening more frequently and to a point where city staff cannot keep up. Mr. Riley stated staff would be preparing more detailed information with a proposal to give to the Council for the July meeting.

4. Update on HB 852 – Valuation of Permits

Mr. Hill updated the Council on HB 852 which prohibits charging building permit and inspections fees on a value-based. Mr. Foerster recommended charging a fair base amount until a fee schedule is provided to the Council for approval.

5. Update on HB 2439 – Building products, materials, or methods used in construction

Mr. Hill updated the Council on HB 2439 prohibits a governmental entity from adopting or enforcing a rule, charter provision, ordinance, order, or other regulation that prohibits directly or indirectly the use of a building product, material, or method in the construction, renovation, maintenance, of a residential or commercial structure if the building product, material, or method is approved for use by a national model code that is adopted by the governmental entity and governs the construction, or renovation, use, or maintenance of buildings and building systems.

6. Legislative update on Plumbing Board

Mr. Hill stated that the Plumbing Board had been scheduled to be abolished, but that Governor has elected to extend the Board to May 31, 2021

7. Update on CDC board members

Mr. Forestier stated that the CDC board had two vacancies, and asked that if the Council knew of anyone who would like to volunteer to email names to him or Ms. Quintanilla.

8. EXECUTIVE SESSION

- a. Convene into closed executive session under section 551.074 of the Texas Government Code to discuss personnel matters.

1) City Manager's search update

Mayor and Council convened in executive session at 7: 10 p.m.

- b. Reconvene into open session to discuss and take action if necessary on matters deliberated upon in closed executive session.

Mayor and Council reconvened in open session at 7:25 p.m. No action was taken.

9. ADJOURN

Motion was made by Tamara Young-Hector to adjourn. Tom Luster seconded the motion. Motion passed unanimously. The meeting adjourned at 7:26 p.m.

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Leonard Reed, Mayor

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Marissa Quintanilla, City Secretary