



**MINUTES: FEBRUARY 15, 2022
FOR THE GOVERNING BODY OF THE
CITY OF WILLIS, TEXAS**

Leonard Reed, Mayor
William Brown, Mayor Pro-Tem
Ashley Nixon, Place 1
Barney Stone, Place 2
Tamara Young-Hector, Place 3
Tom Luster, Place 4

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
William Brown, Mayor Pro-Tem
Ashley Nixon, Council Member
Barney Stone, Council Member
Tom Luster, Council Member
Tamara Young-Hector, Council Member
Sheyi Ipaye, City Manager
Marissa Quintanilla, City Secretary
James Nowak, Chief of Police
Jeff Cross, Director of Community Development
Taylor Whichard, Director of Public Works
Beth Rodriguez, Director of Finance
Thomas Belinoski, Vice Chairman Willis Planning & Zoning
Bill Buller, Chairman Willis Planning & Zoning
Kaye Maglitto, Chairman Willis Planning & Zoning

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 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 allegiance to thee Texas; one state under God, one and indivisible.
City Secretary called roll for City Council and Planning and Zoning Commission. Pledges were recited. Councilman Brown gave the invocation.
3. JOINT PUBLIC HEARING
 - a. Joint public hearing with the Planning and Zoning Commission to hear comments on the proposed rezoning of 12100 Old Montgomery Road from Public designation to General Commercial designation
Mr. Cross stated this was 3.5 acres located on Old Montgomery Road and Western Rd that the First Baptist Church sold. Mr. Cross stated that this would be going from Public designation to General Commercial. Mr. Cross stated at this time they have stated that it is going to be a business that carters to athletics. Vice Chairman Belinoski stated that the Planning and Zoning

Board has looked at this and this would put the property back on the tax roll and they recommended approval. No comments from the public. Mayor closed the public hearing.

4. CITIZENS INQUIRY

a. Public Comments

Mayor Reed stated several public comment cards when turned in and explained the procedure for public comments to the public. Mayor called Terry Bordonaro of 707 ½ West Montgomery. Ms. Bordonaro spoke about receiving a letter from the City improving the street and putting sidewalks down. Ms. Bordonaro stated she understood she does not own the easement, but they have been parking on it for over 40 years, and this will cause a bid detriment to her business. Ms. Bordonaro stated she if an alternative route could be developed.

William Buller of 705 South Campbell, spoke about the food truck ordinance and how it would affect the people that have invested money in the businesses. Mr. Buller stated that these trucks that are on business property are not paying sales tax.

Darlene McKinnon of 215 Rose Cum Court, Willis Texas 77318, Woodland Hills. Ms. McKinnon expressed her concerns and support for the food trucks. Ms. McKinnon stated they were small business owners who do not have a lot of capital to invest in brick and mortar. She stated food trucks were a stepping point to get to this point. Ms. McKinnon stated it has nothing to do with hurting the site-built restaurants. She stated people had a choice to go to restaurants or food trucks.

Rebecca McHenry of 105 Buttonwood Court, Willis Texas 77318, Woodland Hills. Ms. McHenry stated that her and her husband are both veterans and decided to put down roots here. Ms. McHenry spoke about watching her friend achieve the dream of getting her food truck up and running, and to imply that she is lessor because she is not a brick and mortar is sad. Ms. McHenry stated that yes, she could go to McDonalds, or Starbucks for coffee but she chooses not to and she would like to keep that choice.

Jose Salinas of 9622 Cypress Drive, Willis Texas 77318. Mr. Salinas spoke about the new ordinance being consider for food trucks and being able to only operate for six hours and having to remove the units from location when not in operation. Mr. Salinas also spoke about not being able to use banners, flag, illuminations. Mr. Salinas stated that other businesses were allowed.

Eric Aceves of 5755 W Rayford Rd, Spring Texas. Mr. Aceves spoke about the concern that food trucks are taking business away from brick-and-mortar places and business that are not mobile food units. Mr. Aceves stated that they are getting their hours limited to six hours per day in order to benefit those restaurants and infrastructure. Mr. Aceves also mentioned not being able to use banners, flags or other advertisement but are allowed by other businesses. Mr. Aceves stated they are being treated unfairly and discriminated against.

Melissa Jones of 7156 Clearwater Drive, Willis Texas 77318. Ms. Jones stated they are paying taxes; they are permitted and must follow a lot to the same ordinances and rules that the brick-and-mortar places do. Ms. Jones stated they must build their trailers to code and must be permitted by the county health department as well. Ms. Jones stated that she also pays permit fees to the City every 90 days. Ms. Jones stated that they must go to class and be permitted to be a food manager and have tax ID numbers. Ms. Jones spoke about the requirements of having to move the food truck when not in operation. Ms. Jones stated she did not understand if she is on private property why it must be moved if the owner of the property is ok with food truck being there. Ms. Jones also commented on section c of the proposed ordinance which states having to be 1000 feet away from a school public or private. Ms. Jones states this is in the current ordinance but includes only when school is in session. The proposed ordinance does not and is confused because on Saturdays and Sundays when there is no school does not understand why it can not be opened. Ms. Jones also commented on no flags or banners being proposed in the new ordinance.

Donna McCann of 9700 FM 1097 West, Willis Texas 77318. Ms. McCann stated she was an eight-year resident of Willis. Ms. McCann stated she was supporting the Food Trucks as a

consumer and as a future Food Truck owner. Ms. Mcann wanted to remind the Council that small towns such as Willis were built on the back of mom-and-pop shops, not big city developments. Ms. McCann stated she would like for Council to form a committee to include residence, brick and mortar, and mobile food trucks to discuss the ordinance and how they affect mom and pop businesses.

Taylor Coibion of 1206 North San Jacinto St, Conroe Texas. Mr. Coibion stated he did not live in Willis or conducted his business in Willis. Mr. Coibion stated he did work alongside Conroe City Council along with the owner of Tasty Asian several other owners. Mr. Coibion stated he is familiar with working with the city, the community and is familiar with working alongside mayors and councils. Mr. Coibion stated he hopes that Council does not make a decision without taking into account the opinions of the business owners here in Willis.

- b. Presentation of Certificate of Recognition for Texas Law Enforcement Best Practices
Kevin Lunsford Police Chief of Huntsville, and a member of the Texas Police Chiefs Association (TPCA). Mr. Lunsford stated the TPCA is made up of over 1500 Law Enforcement Executives throughout the state who are dedicated to improving the delivery of police services that is the goal, and Willis Police Department has been striving very hard to do that and be recognized for their efforts. Mr. Lunsford stated he was presenting the Willis Police Department and Chief Nowak with a certificate of recognition and accreditation for achieving compliance with Texas law enforcement's best business practices. Mr. Lunsford stated this was an honor. Mr. Lunsford stated that being accredited, is essentially meeting a set of very complex and rigorous standards to prove that you are among the best and that you are complying with the rules and regulations and best practices throughout the state of Texas. Mr. Lunsford stated that this is not something that is required it is a voluntary program, but Chief Nowak stepped up and continue to show Council and the community what an excellent police force Willis has. Mr. Lunsford stated there are over 2700 police agencies in the state of Texas and Willis is the 183rd out of 2700 to achieve this honor. Mr. Lunsford presented Chief Nowak with certificate of achievement.

5. CONSENT AGENDA

- a. Consider the minutes of the previous meeting: January 15, 2022, January 18, 2022, January 24, 2022
- b. Approval of Accounts Payable
- c. Approval of financial statements and tax collection reports
- d. Approval of Participating in the TEVA and ENDO Opioid Settlements
- e. Approval of Willis Police Department Policy 4.1 – Hiring and Selection of Personnel
- f. Approval of Willis Police Department Policy 4.5 – Uniforms, Appearance, and Equipment
- g. Approval of the 2021 Traffic Stop Data Report
- h. Approval of the 2021 Accident and Injury Report
- i. Approval of the 2021 Use of Force Report
- j. Approval of the 2021 Pursuit Report

Mayor stated that item 5e and 5f would be removed from the consent agenda and addressed after the consent agenda. Mayor asked for any questions or consent on the consent agenda with items 5e and 5f removed. None was received. Mayor and Council approved the consent agenda by unanimous consent. Mr. Ipaye stated he spoke with Chief Nowak and the concerning the hiring and selection of personnel. Mr. Ipaye stated they would be discussing more before brought to Council. Mayor asked for a motion to table. Motion was made by Councilman Stone and seconded by Councilwoman Young-Hector to table item 5e. Motion passed unanimously. Mr. Ipaye stated that item 5f has to do with uniform appearance and equipment. Mr. Ipaye stated the City is in the process of getting some equipment for some vehicles and go into further discussion regarding facial hair. Motion was made by Councilman Brown and seconded by Councilman Luster to table item 5f. Mayor asked for any further discussion. None was received. Motion passed unanimously.

6. ORDINANCE

First Reading

- a. An ordinance by the City of Willis, Texas declining to approve the change in rates requested in Entergy Texas, Inc.'s Statement of Intent

Mayor Reed recused himself from item 6a due to conflict of interest.

Mayor Pro-Tem Brown read the caption. Mr. Ipaye stated that the City received information from Entergy, the electric company for the City and they are requesting an increase in the electrical rate. Mr. Ipaye stated Willis is a member of the consortium in Austin, and attorney is representing the City of Willis and other cities, and they are talking with the PUC Public Utility Commission in Austin. Mr. Ipaye stated that the idea is for Council to not approve the rate increase and the attorneys will work to get the same rate for all the cities belonging to the consortium. Mayor Pro-Tem stated this was a first reading no action was to be taken.

- b. An ordinance of the City of Willis, Texas amending the provision of Title XI, "Business Regulations Chapter 111 of the Code of Ordinances, relating to the regulation of Mobile Food Units

Mayor stated this was just the first reading no action was to be taken. Mr. Cross briefed the Council on the proposed ordinance. Mr. Cross stated that mobile food units would still obtain their permits as they have in the past, there would be no changes to obtaining a permit, except the fact that they would have to provide a minimum of \$100,000 in general liability. Mr. Cross stated that reason for this is during investigations, it was found that a lot of the mobile food units have general liability on their vehicles, in questioning this, a lot of the insurance companies were saying that the trailer isn't covered if the vehicle isn't attached, and the design of it is intended to be if they're in motion, which they would not be. Mr. Cross stated that in residential areas they would be able to start half an hour after sunrise and they must end half an hour before sunset. Mr. Cross stated the next section covers the 9 am to 9 pm and they cannot stay on the same location when the unit is not operating. Mr. Cross stated that this one seemed to be one of the more effective ones that prevented competition with a lot of the brick-and-mortar locations. Mr. Cross stated that the intent was that the brick-and-mortar locations were complaining that the vehicles were always staying there, they are not buildings and should be mobile. Mr. Cross stated that during research that was found that in state law they are recommended to maintain mobility. Mr. Cross stated the next section talked about the 1000 feet from the school from 9 am to 5 pm. Mr. Cross stated that in the ordinances he looked at the 1000 feet from a school and the 9 am to 9 pm was in two cities that had that requirement that were very similar and was included to be compliant with the typical ordinance. Councilman Luster asked what the thinking was behind that, because it is in another ordinance, maybe it would work better if we did it differently. Mr. Cross stated that what he did was he interviewed all the locally owned restaurants and spoke with the mobile food units. Mr. Cross stated he made a list of pros and cons, and then he reviewed other established ordinances and contact those cities and see how it worked for them. If the City developed our own ordinance there is no track record. Mr. Cross stated the ordinance he chose were ones that had about a 90% success rate, and that was measured by their code enforcement people and how many times they had to address certain complaints. Councilman Luster asked about the 90% success for who. Mr. Cross stated for the city code enforcement. Councilman Luster stated he did not see the competition when the brick-and-mortar places don't open before nine or 10 o'clock in the morning and of these mobile food units open early and almost done by noon. Mr. Cross stated the City did have several of the local restaurants that are open, a lot of them being Hispanic with breakfast tacos and such. Councilman Brown stated that competition is coming, whether we like it or not, whether it is food, fast food, corporate, or mom and pop shop. Councilman Brown stated what he thinks Councilman Luster was asking is why does the City not do our own ordinance, instead of looking to other ordinances, look at ours and see what better fits the City of Willis. Mr. Cross stated that the current ordinance has one paragraph and

that paragraph being so poorly written, he was asked by Council last month to put together an ordinance that can be looked at. Mr. Cross stated the next section is the six hours in the day. The next item was not blocking a fire lane. Mr. Cross stated the attention getting devices, one of the problems where they were putting illuminating signs out in other cities and plugging them in, and they are not UL listed. Mr. Cross spoke about the units having to be 15ft away from a building or structure, Mr. Cross stated this was a fire issue. Mr. Cross went over the Fire Protection section. No questions from Council. Mayor stated this was the first reading no action was to be taken.

Second Reading

- a. Consider approval of an ordinance by the City of Willis, Texas Amending the City Official Zoning Map and Title XV, Chapter 155 by reclassifying 3.50 Acres of property in the F. K. Henderson Survey from Public designation to General Commercial designation

Mr. Cross stated this was the second reading and they are rezoning the 3.5 acres of property in the F.K. Henderson Survey from Public designation to General Commercial designation. Mr. Ipaye stated that right now the City is not collecting any taxes, and with the rezoning it will allow for the City to put it on the tax roll as a commercial property. Mayor read the following caption: "AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILLIS, TEXAS AMENDING THE CITY OFFICIAL ZONING MAP AND TITLE XV, CHAPTER 155, "ZONING," OF THE CITY CODE OF ORDINANCES BY RECLASSIFYING 3.50 ACRES OF PROPERTY IN THE F.K. HENDERSON SURVEY, ABSTRACT NO. 248, DIVIDED OUT OF THE FIRST BAPTIST CHURCH OF WILLIS TRACT IN THE CITY, FROM A "PUBLIC" ZONING CLASSIFICATION TO A "GC" GENERAL COMMERCIAL DISTRICT ZONING CLASSIFICATION; AMENDING THE WILLIS OFFICIAL ZONING MAP TO PROVIDE FOR THEIS NEW CLASSIFICATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PUBLICATION." Motion was made by Councilman Brown and seconded by Councilwoman Young-Hector to approve an ordinance by the City of Willis, Texas amending the City Official Zoning Map and Title XV, Chapter 155 by reclassifying 3.50 acres of property in the F.K. Henderson Survey from Public designation to General Commercial designation. Mayor asked for further discussion. None was received. Motion passed unanimously.

- b. Consider approval of an ordinance by the City of Willis, Texas authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, at the Public Utility Commission of Texas in 2022

Mayor Reed recused himself from item 6b second reading due to conflict of interest. Mayor Pro-Tem Brown read the following caption: "AN ORDINANCE OF THE CITY COUNCIL 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 2022; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETING ACT; AND DECLARING AN EFFECTIVE DATE." Mr. Ipaye stated this would allow for the City of Willis to be represented by Lawton Law Firm with the PUC for any Entergy related matters. Motion was made by Councilwoman Young-Hector to approve an ordinance by the City of Willis, Texas authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, at the Public Utility Commission of Texas in 2022. Councilman Stone seconded the motion. Motion passed unanimously.

7. NEW BUSINESS

- a. Discuss and consider approval of entering into a fleet contract with Enterprise Fleet Management

Mr. Ipaye stated that he had reviewed the information presented to the City by Enterprise and is proposing to move forward with three utility trucks. Mr. Ipaye stated that the two Chevy Tahoe's currently on the agreement will be removed. Mr. Ipaye stated that the logic behind this is there are four brand new Chevy Tahoe's at the police department waiting to get outfitted. Mr. Ipaye stated he wanted to make sure that the City has enough money in the budget to move this forward and we cannot afford to bring in vehicles and let them just be sitting there. Mr. Ipaye stated that with the supply chain we have currently it slows everything down. Mr. Ipaye stated right now we would buy three utility trucks, two for community development and one for public works at the price stated in the packet. Mr. Ipaye stated we would lease for a year then we could buy it. Councilman Stone asked if any other quotes from other rental lease companies were received. Mr. Ipaye stated this was the only one. Jeff Koerner of Enterprise Fleet Management stated these were three vehicles that were already ordered by the city, and they are going to be putting them on lease, that is going to free up more capital for the City. Motion was made by Councilwoman Young-Hector to approve entering a fleet contract with Enterprise Fleet Management for the purchase of three utility trucks. Councilwoman Nixon seconded the motion. Mayor asked for questions or further discussion. None was received. Councilwoman Nixon, Councilman Luster, Councilman Brown and Councilwoman Young-Hector voted for the motion. Councilman Stone opposed the motion. Motion carried.

- b. Discuss and consider approval of a replat of Reserve at Montgomery And Kennedy, a subdivision of 1.67 Acres of land in the G.W. Lonis Survey

Mr. Cross stated this is several lots that have been replated at Montgomery and Kennedy where they intend on building a new shopping center. Mr. Cross stated they made access to it off Montgomery and Kennedy so it will not affect the street behind them. Motion was made by Councilmember Luster and seconded by Councilman Stone to approve a replat of Reserve at Montgomery and Kennedy, a subdivision of 1.67 acres of land in the G.W. Lonis Survey. Mayor asked for any further discussion. None was received. Motion passed unanimously.

- c. Discussion on classifying/naming the City property located on the corner of South Danville and East Mink Street.

Ms. Quintanilla stated that Councilwoman Nixon and Councilman Brown had met and discussed the property located south of the constable building and the parking lot behind Lagway's. Ms. Quintanilla stated they discussed and suggested names for the properties and different cost amounts for renting the property. Mr. Ipaye stated he spoke with Councilwoman Nixon and Councilman Brown concerning the property and what they are trying to do is a good thing for the City. Mr. Ipaye stated that if we are talking about parks the Willis Community Development Corporation should be apart of the discussion, and also discuss the area be used for a Veterans Memorial Park. Mr. Ipaye stated this was just for discussion and would be speaking with chairperson for the Willis CDC and Councilman Brown and Councilwoman Nixon and come back with a recommendation next month or in April. Mr. Ipaye asked for questions. None were received.

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. Lindley Park Improvements

Mr. Wind stated they have poured concrete for the sidewalks and the restroom building is up as well. Mr. Wind stated the pavilion going over the basketball court is still the long lead item, but they are indicating that they expect to be done by the end of the contract period, which is the first week of June.

2. CDBG Water Plant 3 Elevated Tank Recoating
Mr. Wind stated that the recoating is done but are still waiting on the electrical controls which are on backorder. Mr. Wind stated they are expected to come on March 21st, which is later than we were expecting, so he is expecting the contractor will likely request additional days.

b. City Manager's Report

1. Update regarding issues affecting the City
Mr. Ipaye stated that during his meeting with each of the City Council there was some issues raised and we are trying to improve. Mr. Ipaye stated there are numerous water leaks in the City and Public Works is doing an outstanding job, but we cannot continue to have unaccounted water losses. Mr. Ipaye also stated the dilapidated homes on Powell Street. Mr. Ipaye stated he met with Commissioner Walker, and he has promised to help with some of the City's streets. Mr. Ipaye spoke about community involvement, and with the Veteran Memorial Park can bring people together in the City.
2. Report regarding status of the City Audit
Mr. Ipaye stated he is in the process of bringing in a CPA to help with the audit so the City can get caught up on that.
3. Report regarding dilapidated or sub-standard structures within the City
Mr. Ipaye Code Enforcement will be going out to make sure everyone's yard is being kept up.
4. Report regarding unaccounted water loss and water meter replacement program
Mr. Ipaye stated that Cricket Hollow meter had to be changed out. Mr. Ipaye stated that the calibration is off on some meter, some meters are not reading, which means we are not collecting. Mr. Ipaye stated we would be working on this.
5. Report regarding establishment of Willis Veterans Memorial Park
Mr. Ipaye stated we would be discussing this with CDC and Council and decision will be made.

9. EXECUTIVE SESSION

- a. Convene into closed executive session as provided by the Texas Open Meetings Act under Section 551.072 (Deliberation about Real Property) and 551.074 (Personnel Matters) and of the Texas Government Code.

1. Real Estate
2. Personnel

Mayor closed open session at 7:03 p.m. and reconvened in 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 7:41 p.m. Mayor asked for any action coming out of executive session. There was no action.

10. ADJOURN

Motion was made by Councilwomen Young-Hector and seconded by Councilman Tom Luster to adjourn. Motion passed unanimously. The meeting adjourned at 7:42 p.m.

Leonard Reed, Mayor

Marissa Quintanilla, City Secretary