

**WILLOW PARK CITY COUNCIL REGULAR MEETING
516 RANCH HOUSE ROAD WILLOW PARK, TEXAS 76087
MONDAY, NOVEMBER 15, 2010**

I. Call to Order

Mayor Hawkins called the Regular Meeting of the City Council to order at 6:38 P.M.

II. Quorum Check

Mayor Ken Hawkins
Council Member Barry Tatum
Council Member Gene Martin
Council Member Barry Brown
Council Member Mark Hickerson
Mayor Pro-tem Hale Alderman

Also Present:

City Administrator Candy Scott
City Secretary Yael Hoffman
City Attorney Rider Scott

III. Invocation by

Mayor Hawkins gave the invocation

IV. Pledge of Allegiance

Mayor Hawkins led the Pledge of allegiance

V. Community Announcements

Council Member Brown announced the football game Friday at 7:30 P.M. between Aledo and Waco and invited everyone to attend.

VI. Approval of minutes

Regular City Council Meeting of October 11, 2010

There was a short discussion on amending the minutes page 5, paragraph C to remove the word "and" and to correct the word "exceed" before the amount of \$36,000.00.

****Mayor Pro-tem Alderman moved to approve the minutes as amended,** seconded by Council Member Brown

Aye votes: Council Members: Tatum, Brown, Hickerson & Alderman

Nay votes: None

Abstained: Council Member Martin

Motion passed with a vote of 4-0-1

VII. Citizen Presentations

David Fritz of 144 Overland Trail addressed the Council asking for the continued use of the local press and not the Weatherford press or Fort Worth press. Mr. Fritz stated that we as

Council and P&Z get it right and the media present it right. He stated that he is basically hoping that the City is going to continue to do business with the "Community News"

Esta Austin of 1185 Fox Hunt Trail addressed the Council on the item M of the Agenda. She stated that she has been reading the Community News for many years; she reads about Willow Park and Aledo in the newspaper and not in other local newspapers. The articles are very informative and interesting. She has seen corrections that have been made if there were errors made. Mrs. Austin stated that she does not want to subscribe to a different newspaper in order to view public hearing notices from the City. She stated that she supports the Community News as the official newspaper of the City of Willow Park and hopes all the members of the Council will do the same.

Lee Miller of 105 Willow Crest Drive asked the Council if they knew about letter that was sent to the citizens in the water bill regarding of the newspaper.

Paula Malaspina of 3000 Mesa Road addressed the Council on the item M of the Agenda. Mrs. Malaspina stated that she feels that the Community News should stay the City newspaper.

Tim Koirtyohann of 138 Overland Trail addressed the Council on the items E and item H of the Agenda. Mr. Koirtyohann stated that he thinks the Council should move forward with the comprehensive plan and to strongly consider adoption of the R-3 Zoning changes in order allow development in the city in a positive way.

Judy Ratzlaff of 130 North Chase addressed the Council and read for the record a letter written by Randy Keck, owner of the Community News. The letter that was read as follows:

For more than 15 years *The Community News* has proudly served the residents of Willow Park, working harder and longer than any other news source to bring news and information about the city to its residents.

During those years there have been times when the relationship between the newspaper and the city council and/or mayor has been good, and other times when the relationship has been bad. The one thing that has never changed during those years, and never will change as long as I am the owner of this newspaper, is our commitment, not to the members of the city council, but to the residents and readers in Willow Park.

We feel that commitment has been rewarded by the overwhelmingly positive response we have received from the citizens of Willow Park over the last few weeks.

As the city council prepares to discuss the official newspaper of record for the city, the following points should be at the forefront of the discussion:

1. The official newspaper of record is designated for the publishing of legal notices. From time to time, the law requires that residents be notified of pending actions of the

city so that the residents have an opportunity to provide input to the council. It goes without saying that the public's interest is best served by having legal notices published where they will be seen by the most people. Without question, in Willow Park that venue is *The Community News*. Any formal or informal survey of residents will show that more of them read *The Community News* than any other legal county newspaper.

2. The fiduciary duty of the city is also to publish legal notices in the most cost-effective manner possible. Comparing "apples to apples," it costs almost twice as much to run notices in the *Weatherford Democrat* as it does to publish them in *The Community News*. Over the last 12 months, the city has spent less than \$1,000 on legal notices in *The Community News*.

3. Finally, the council should look at the commitment a newspaper shows to be present and report what is happening at council meetings. I realize the members of the city council work for free. My reporter does not. He is paid to be at the meetings from beginning to end. This is a significant financial commitment to the residents of the city. The biggest commitment we have seen from any other newspaper is to send a reporter for an hour or so occasionally. □ In terms of accuracy, we will happily submit our coverage of the city council's meetings the last few months against our competitor's, and allow anyone to view the unedited video of the meetings to decide whose coverage better reflects what was said and done at those meetings.

While there is probably more than enough rancor between myself and several members of the city council, our personal feelings or anger should not prevent any of us, *The Community News* or the city council, from doing our jobs to the best of our abilities. We owe it to the residents of the city to do no less.

Regardless of the outcome of the vote, we wish to assure our readers that we will continue to cover the city to the best of our abilities. As always, when elected officials' actions call themselves into question, we'll report it. When positive events happen, we'll report them. And when we inevitably make a mistake, we'll admit it. We always have, and we always will. And should this vote not go our way, we will be even more vigilant to ensure that the residents are informed of upcoming council actions, so that our loss of legal notices will not have a negative impact on our readers.

Randy Keck
Publisher

VIII. Mayor's Update

Mayor Hawkins updated the Council on the negotiations with Fort Worth on the ETJ boundary adjustments and surface water. He stated that he believes that they are about 90 days to completion Mayor Hawkins told the Council as soon as he got the terms of the agreement completed he would bring it to them for consideration.

Mayor Hawkins asked for a joint workshop to be scheduled with the Planning and Zoning Commission regarding the R3 zoning.

Mayor Hawkins stated that he appreciates all the comments from the citizens tonight on the local press and it will be discussed later in the agenda.

IX. Old Business

- A. Discussion/Action – To discuss and initiate appropriate action necessary to prepare content of Chapter One of the Code of Ordinances of the City of Willow Park for incorporation into a new consolidated codification of the cumulative approved ordinances. (Council Member Martin)
- B. Discussion/Action - To discuss and initiate appropriate action necessary to prepare content of Chapter Two of the Code of Ordinances of the City of Willow Park for incorporation into a new consolidated codification of the cumulative approved ordinances (Council Member Martin)
- C. Discussion/Action- To discuss and initiate appropriate action necessary to prepare content of Chapter Three of the Code of Ordinances of the City of Willow Park for incorporation into a new consolidated codification of the cumulative approved ordinances (Council Member Martin)

****Council member Martin made a motion that relevant to the Chapter 1, 2 and 3 of the Code of Ordinances of City of Willow Park that we authorize the Administration to support the needs for a Review Committee to establish the base line of the individual chapters, seconded by Council Member Hickerson**

Council Member Hickerson withdrew his second

****Council Member Martin amended his motion to allow for the addition of all the Chapters of the City Code as they become available for review by this Committee, seconded by Council Member Hickerson**

Aye votes: Council Members: Tatum, Martin Brown Hickerson & Alderman

Nay votes: None

Abstained: None

Motion passed with a vote of 5-0-0

****Council member Tatum moved to move items F and G to the front, there was no second**

The Motion died

X. New Business

- A. Discussion/Action – To consider and take action on the resignation of John Justice as Fire Chief and appointing Jim Witherow to the Fire Chief position (Jim Witherow)

****Mayor Pro-tem Alderman moved to accept the resignation of John Justice from the position of Fire Chief, seconded by Council Member Tatum**

Aye votes: Council Members: Tatum, Martin Brown Hickerson & Alderman

Nay votes: None

Abstained: None

Motion passed with a vote of 5-0-0

****Council Member Tatum moved to appoint Jim Witherow as the Fire Chief, seconded by Mayor Pro-tem Alderman**

Aye votes: Council Members: Tatum, Martin Brown Hickerson & Alderman

Nay votes: None

Abstained: None

Motion passed with a vote of 5-0-0

- B. Discussion/Action – To consider and take action on Fire Department recommendation to appoint Brent Sauble as City Fire Marshall (Jim Witherow)

****Mayor Pro-tem Alderman moved to appoint Brent Sauble as the City Fire Marshall, seconded by Council Member Brown**

Council Member Brown withdrew his second

Mayor Pro-tem alderman withdrew his motion

****Council Member Tatum moved to declare a vacancy in the Fire Marshall position, seconded by Council member Brown**

Aye votes: Council Members: Tatum, Martin Brown Hickerson & Alderman

Nay votes: None

Abstained: None

Motion passed with a vote of 5-0-0

Mayor Hawkins appointed Brent Sauble as the City Fire Marshall

****Council Member Brown moved to concur with the appointment of Bret Sauble as the City Fire Marshall, seconded by Council Member Tatum**

Aye votes: Council Members: Tatum, Martin Brown Hickerson & Alderman

Nay votes: None

Abstained: None

Motion passed with a vote of 5-0-0

- C. Discussion /Action – To consider an ordinance allowing the Willow Park Fire/Rescue to charge for emergency responses to non-residents for reimbursement of their costs involving in those responses. (Jim Witherow)

This item was postponed to the next Council meeting

- D. Discussion/Action – To Consider and take action on selection of most qualified engineering firm to provide engineering services for the relocation of the I-20 Ranch House Road Exit Ramp and enter into negotiations with said firm for the scope and costs of professional services to be contracted (Mayor Hawkins)

Mayor Hawkins called for a workshop on Monday, November 22, 2010 at 6:30 and a Council meeting immediately following the workshop.

****Mayor Pro-tem Alderman moved to authorize LAN to review both of the Engineering firms and report to council by the next meeting, the cost of review is not exceed \$1,000.00, seconded by Council Member Brown**

Aye votes: Council Members: Tatum, Martin Brown Hickerson & Alderman

Nay votes: None

Abstained: None

Motion passed with a vote of 5-0-0

This item was postponed to the Special council Meeting on Monday.

- E. Discussion/Action – To consider and take action on authorization to move forward with the completion of the Comprehensive Plan (Mayor Hawkins)

This item was postponed to the next Council meeting

Mayor Hawkins called for a break at 8:19 P.M.

Mayor Hawkins reconvened to open meeting at 8:30 P.M.

- F. Discussion/Action – To consider and take action on request for funding from the Tourism fund for “Aledo Stadium” (John Branson)

****Council Member Hickerson moved to donate the amount of \$2,500.00 from the Tourism Fund to the Aledo Stadium, seconded by Council Member Martin**

Aye votes: Council Members: Tatum, Martin Brown Hickerson & Alderman
Nay votes: None
Abstained: None
Motion passed with a vote of 5-0-0

- G. Discussion/Action – To consider and take action on request for funding from the Tourism fund for “Ride for Heroes” (Donna Smith)

****Council Member Hickerson moved to donate amount of \$5,000.00 from the Tourism Fund to the Ride for Heroes, seconded by Mayor Pro-tem Alderman**

Aye votes: Council Members: Tatum, Brown Hickerson & Alderman
Nay votes: None
Abstained: None
Motion passed with a vote of 5-0-0

- H. Discussion/Action – To consider and take action on Planning and Zoning recommendations for changes to Chapter 12 of the Code of Ordinances “R-3 Zoning” (Richard Neverdousky)

Chairman Neverdousky informed the Council that a Special Planning & Zoning meeting has been scheduled for December 7, 2010 for a Public Hearing to be held on the recommendations for changes to Chapter 12 of the Code of Ordinances “R-3 Zoning”

No Action

- I. Discussion/Action – To consider and take action on a recommendation from the Planning and Zoning Commission for a Resolution that would provide the Commission with Legal Counsel at all meetings (Richard Neverdousky)

****Council Member Hickerson moved to provide legal Council in Planning & Zoning meetings on an as needed basis as determined by the Planning & Zoning Chair, seconded by Mayor Pro-tem Alderman**

Aye votes: Council Members: Tatum, Martin, Brown, Hickerson & Alderman
Nay votes: None
Abstained: None
Motion passed with a vote of 5-0-0

- J. Discussion/Action – To discuss and initiate appropriate action necessary to prepare content of Chapter Four of the Code of Ordinances of the City of Willow Park for incorporation into a new consolidated codification of the cumulative approved ordinances (Council Member Martin)

No Action

- K. Discussion/action – To discuss and initiate appropriate action necessary to prepare

content of Chapter Five of the Code of Ordinances of the City of Willow Park for incorporation into a new consolidated codification of the cumulative approved ordinances (Council Member Martin)

No Action

- L. Discussion– To discuss and review the year end closeout of the 2009-2010 Fiscal Year Budget and review the format of the budget monthly report (Mayor Hawkins)

No Action

- M. Discussion/Action – To consider and take action on an Ordinance amending Chapter 1 Article 1.1100(a)(1) official Newspaper of the Code of Ordinances for the City of Willow Park, Texas if determined by the governing body to be appropriate (Mayor Hawkins)

Mayor Hawkins asked the Council Members if they had comments on this item.

Mayor Hawkins made the following statement:

I would advocate for switching the newspaper. I believe that it is in the best interest of the City to switch away from the Community News because I don't believe that we have been getting a well balance presentation of the events that are happening in the city. In defense of the Community News I think that most of the 4-5 years that I have served on this Council I really thought that most of the reports that we have been covered by from the Community News were mostly out standing. I have a very high regard for Erin and Lorie and for their balance and how they reported the news. There were many times there were inflammatory things that were talked about by people in the heat of the moment, that didn't even make the press. Both of them received awards in their field and did an excelled job. That is my opening comment; I think it would the right action from us to move away from the Community News and support anther local newspaper, either the Weatherfod Democrat or the Star Telegram.

Mayor Hawkins opened the floor for Council discussion.

Council Member Brown made the following statement:

I miss Erin Cooper greatly. After she left the Community News there was a reporter that made the comment that "if it bleeds it is reeds" A question was raised as to why a cretin article was printed and the comment that came back was that it is not the standard, but this should be the standard. I fed up with it.

Mayor Hawkins stated that he fed up with it as well.

Council Member Hickerson made the following statement:

It is my decision and my personal decision whether I'll take the paper or not and in my opinion that should be everybody's decision that they should come up on their

own including Mayors and Police Chiefs and everybody else. I think it is your opinion that the paper is slanted, and I am not going to argue with a you, it is an opinion and I didn't think that the water bill approach was a wise way to express your opinion verses what is going on tonight which will be the City's business of using this paper or not using this paper. I respect your views, I think the paper regardless of whether we are using them to publish locally or not will continue doing what it does and enough people feel that it is not fair and that is going to reflect in the circulation counts, so be it. That shouldn't have anything to do whether we publish local notices to residents that live in East Parker County.

Mayor Pro-tem Alderman made the following statement:

I feel that the Community News in promotion of School events is very important to the City and quite valuable to the community. I would like to call your attention to the fact that the other paper that we considering has no representation here. You saw when that reporter left, but you see where the Community News reporter is.

Council Member Martin made the following statement:

I had a conversation with you Mr. Mayor a few days ago, and I had a conversation with Mr. Keck earlier today in which I explained to Mr. Keck that I am not happy with either of you. In line with what Council Member Hickerson said I don't think the letter that was sent out in the utility bill was appropriate. I don't think it is the City's business to recommend to any of the citizens how they interface with any commercial agency including the newspaper. On the other hand I thought Mr. Keck was equally arrogant in predicting what the Council is going to do tonight on this subject, and putting an argument on the website of what we should do and what he is predicting what we are going to do. Some of those were read earlier this evening. He had three points that he enumerated. Number 1, factual is designed to official legal notice. No. 2, the fiduciary duty of the city is also to publish legal notes in most cost effective manner possible. I think there is truth in that. It is actually not our only responsibility; I think our responsibility is to insure that legal notices are published in a way in which get the best coverage to the citizens, and as inexpensively as possible in doing so. His 3rd point, the Council should look at the commitment a newspaper shows to be present and report what is happening at Council meetings. Complimentary they are here every minute, every time, and I appreciate that. The distinction on your opinion Mayor is whether or not they are reporting well what is happening in the meetings, and in that part we end up potentially with an emotional bases for your decision. I think that the coverage aspect and the cost aspect should be our primary focus and guide what we do. Mr. Keck made a statement in his message; he basically said that any formal or informal survey would show more Willow Park residents read the Community News. I don't think that someone conducted a poll to do that. Maybe we should conduct a survey; we could send it out in the utility billing.

Mayor Hawkins stated that one of our responsibilities as government officials is to communicate as broadly and as effectively as we can. It is very difficult to do that. Not all of the citizens attend the meeting, not all the citizens read the local newspaper.

There are some citizens that are really never aware of all the things that we are doing in the City. It took me a couple of months of thinking whether or not I would utilize the utility bills, and I would like to express in seriousness that to utilize the utility bills for City Government to communicate with the citizens is by in nature a good thing. We could do a survey; it is a means that we can communicate with our citizens.

Council member Martin presented a draft survey that could be mailed to the citizens. Mayor Hawkins stated that he thinks it is a good idea.

Council Member Tatum made the following statement: **Council Member Tatum's Statement will be inserted**

Council Member Brown stated the reason that he was fed up was because of the attitude "if it bleeds it reads" As for Mr. Keck's argument regarding the cost of posting one paper verses the other paper. The legal notices that we are going to post are reimbursable by the developer. One of the front page articles that was published in the newspaper and the website on possible illegalities of this Council also published one of our Council Members private information and that is wrong.

Mayor Hawkins commented: I had 43 responses from citizens that were positive in response to the letter that I sent and I had one response that was negative. I have received in my box four letters from citizens that were negative. And some of them are not here tonight to speak. I want the Council to know that there were a large number of citizens who were very appreciative, and I have provided to you ten letters for you to consider. I have also talked to public officials in the County, two County Officials, two former Mayors out of the city, three current Mayors in surrounding cities and two Council members of other cities who were all very supportive of my attempts to have some of accountability in the press. All of this turmoil that we have had would mostly be unnecessary if, in my opinion, there was more balanced presentation of the events that transpired in our Council Meeting and our recent workshops. But I recognize the right of the press to be free to do what ever they want to do. I recognize Mr. Tatum's comments about the business that he has the right to do what ever he wants to do. Perhaps it is the only institution in our country that has no check and balances. It is suppose to be a watch dog for the peoples interest, but if is not being well balanced it presents a problem. Our responsibility as government officials is to inform the citizens of what is happening and keep them informed of events and that requires a balanced presentation in the news.

****Council Member Martin moved to authorize the City Administrator to conduct a poll of the residents of Willow Park to answer the following questions:**

1. Do you or members of your house hold read the community news, the weatherford democrat or other newspaper?
2. Which of this publication you are check for legal notices
3. Which publication would you select for the official publication of Willow Park

This survey will be distributed in the next available water bill, the results should be compiled and given to the City Council early as possible not later than January 10, 2011, seconded by Council Member Hickerson

Aye votes: Council Members: Martin, Hickerson
Nay votes: Council member Tatum, Alderman
Abstained: Council member Brown
Motion passed with a vote of 2-2-1

The motion fails

Mayor Pro-tem Alderman informed the Council and the Citizens that at the next Council Meeting he will submit his resignation. Mayor Pro-tem Alderman submitted his letter to the city secretary. This item will be placed on the next agenda.

Mayor Hawkins recessed to Executive Session at 9:30 P.M.

XI. Recess To Executive Session

Pursuant to the Provision of Chapter 551, Government Code, Vernon's Texas Codes Annotated, in Accordance with Authority contained in...

A ...Section 551.074 – Personnel Matters

1. Filling of the vacancy in Municipal Court
2. Review of Staff Reductions
3. Discussion of Personnel Performance

XII. Reconvene to Open Meeting

Mayor Hawkins reconvened to open meeting at 10:10 P.M.

A ...Discussion/Action – To consider and take action on any item discussed in Executive Session (Mayor Hawkins)

No Action

XIII. Adjournment

Mayor Hawkins adjourned the meeting at 10:12 P.M.

APPROVED

Kenneth Hawkins, Mayor
City of Willow Park, Texas

ATTEST:

Yael Hoffman City Secretary
City of Willow Park, Texas