

**WILLOW PARK CITY COUNCIL REGULAR MEETING  
516 RANCH HOUSE ROAD WILLOW PARK, TEXAS 76087  
MONDAY, APRIL 18, 2011**

**I. Call to Order**

Mayor Hawkins called the Regular Meeting of the City Council to order at 6:35 P.M.

**II. Quorum Check**

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

**Also Present:**

City Administrator Candy Scott  
City Attorney Rider Scott

**Absent:**

Council Member Barry Tatum  
City Secretary Yael Hoffman

**III. Invocation**

Mayor Hawkins gave the invocation

**IV. Pledge of Allegiance**

Mayor Hawkins led the Pledge of Allegiance

**V. Community Announcements**

Mayor Hawkins announced the upcoming Election and encouraged everyone to go to the polls and vote on May 14, 2011.

City Administrator Scott announced that the email address [citizens@willowpark.org](mailto:citizens@willowpark.org) is now working. If citizens would like to get the agenda and other information they can register their email address and the staff will send the information to them.

Council Member Hickerson announced that the Ride for Heroes took place this past weekend. There was a great turnout for the Ride this year.

**VI. Citizens Presentation**

Tammy Waggoner of 176 overland Trail addressed the Council stating that she got a copy of the Comprehensive Plan and was very interesting reading even though it is old, being adopted in 2002. She said it led her to ask the Mayor and Council if they had read it lately. It would be good for the citizens of Willow Park to read the Comprehensive Plan with regards to apartments, town homes, roads, certificates of obligation and with regards to anything that the city faces. Ms. Waggoner stated that on page 2-1 in Section 2 "Goals and Objectives" it is clearly stated that "General ideas of Citizen's views regarding the City of Willow Park were derived from the workshops, in addition to a citizen survey conducted by

the City of Willow Park. This input, as well as dialogues with the city staff, assisted in formulating these goals and objectives for the City's Comprehensive Plan". Ms. Waggoner stated that this discussion clearly indicated the views expressed concerning the quality of life in Willow Park, as well as Willow Park" She said that she would think that the petition that the citizens signed would have been a clear indicator that "we" the citizens don't want an automatic tax increase. She also stated that all through the City Comprehensive Plan there were these words used "The Mayor and the City Council should use the most equitable and responsible manner as possible". This language is also written through out the plan "equitable and fiscally responsible" many times. I am wondering if some of this has been forgotten since the City plan is so old. Ms. Waggoner stated that she would like to remind the Mayor and Council if they have forgotten. The Citizens of Willow Park were included in the plans in 2002, and there is proof of that (the comprehensive plan), and it is a good form of government, that is how it should be. An automatic tax increase was never part of that. Ms. Waggoner stated that "We signed the petition asking that you not impose the automatic tax increase, we asked that it be put on the ballot for all of us to have the opportunity to vote on it, and the reason that we did that is because we believe that we are taxed enough already and that we don't have the money. We are going to have an election in just few weeks so I wonder what the hurry is. One has to wonder why the hurry. The action of our leaders in Austin and especially in Washington DC has suggested that the Fed's raise our taxes for the continuance of out of control spending. Even though we don't have the money to pay for there socialist utopia and I am wondering why they are not listening to us when we say that we don't want that. We asked our city not to impose an automatic tax increase and according to this agenda that is exactly what we are going to get, so we are not being listened to on the local lever either. Why? No one listen to us. And you, the Mayor and Council are following in their footsteps with not listening to us. We signed a petition asking that this will be put on the ballot that is all. Our country is in serious trouble, the dollar is collapsing and our government is under assault, we can not afford an automatic tax increase of any kind.

Dan Staling of 200 squaw Creek addressed the Council on the curve at Ranch House Road. Mr. Staling stated that it is a safety issue and suggested that the city talk to the power company and see if they will move the power pole that is so to the road, then take the out side guard rail down and replace it with the cable system like you see on state highways. Once you replace those, it will hold any vehicles that may have a minor incidence. They do slow you down and keep you captive in there. Mr. Staling stated that he thinks the cable from the out side will be more economic. He thinks that should be considered before anything id done. Mr. Staling stated that he had visited the area where the Pitchfork Road would be. He stated that there is a nice little mosquito pond there. But he didn't see the value to the property of putting a road there right now, because there is a big hole there to fill up. He thinks this project needs to be tabled for a few more years. He stated that he also didn't understand how the City ended up with a fire hydrant in the middle of a ditch when a million dollars was spent on this road. Mr. Staling stated that he didn't think it justifies spending money or issuing a bond for the other roads improvements, the people have said "we want to stop the spending we need to stop the borrowing and get ready for the future".

David Fritz of 144 Overland Trail addressed the Council on the Code of Ordinances, Chapter 12, stating that the State of Texas has offered an option in the legislation stating "The Governing Body by Ordinance may provide (it does say may) that a vote of at least ¾ of all Members of Council is required to overrule a recommendation of Municipalities' Zoning Commission that a proposed change in regulation or boundary be denied." Mr. Fritz stated "You have serious issues to address and I don't relish the tasks before you. But this is an offering from the State to help the City Council and the P&Z. I think the City did right by adopting it in the past. This is a safety net; it is really to the benefit of the City to keep this Ordinance in place."

Richard Neverdousky of 504 Queensway addressed the Council on item D with the following statement: I would like to refer to the email I sent to you, as I stated in the letter this ordinance is one of the checks and balances that are suggested by state law. Re-modification of the Council overweighing a Comprehensive Plan and Zoning Change creates a three year window for potential litigation which may be filed to block the overwritten change. The City can not afford more litigation or the potential of losing litigation of any kind. I urge you to leave the ordinance as it is currently written. It is my belief that supporting the will of the tax payer is the city's responsibility and re-peal a well thought ordinance is irresponsible. Citizen of Willow Park do not deserve a Washington DC type of government, they deserve a government that listen to the voters and response accordingly.

**VII. Approval of the minutes**

Regular City Council Meeting of March 21, 2011

Special City Council Meeting of April 11, 2011

**\*\*Council Member Brown moved to accept and approve the minutes of the Regular Council meeting of March 21, 2011 and the Special Council Meeting of April 11, 2011, seconded by Council Member Hickerson**

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

Nay votes: None

Abstained: None

Motion passed with a vote of 4-0-0

**VIII. Mayor's Update**

Mayor Hawkins updated the Council on the Water Agreement with Fort Worth stating that there is nothing new to report at this time. The next thing that is going to happen is a joint workshop with Fort Worth, Weatherford, Willow Park and probably Hudson Oaks. The Master Plan is in place and Mayor Hawkins said he will provide documents to the Council within the next month.

Mayor Hawkins stated that the staff is doing everything that they can to comply with the requests of the auditor and are very cooperative. He said he appreciates all that they are doing in this regard.

**IX. Old Business**

- A. Discussion/Action – To consider and take action on all matters incident and related to the issuance and sale of certificates of obligation in the aggregate principal amount of \$1,620,000 to be designated and bear the title “City of Willow Park, Texas, Tax and Sewer System (Limited Pledge) Revenue Certificates of Obligation, Series 2011”, including the adoption of an ordinance authorizing the issuance of such certificates of obligation (Mayor Hawkins)

**\*\*Mayor Pro-tem Alderman moved vote to disapprove ordinance No. 633-11, seconded by Council Member Hickerson**

Aye votes: Council Members: Martin, Hickerson & Alderman

Nay votes: None

Abstained: Council Member Brown

Motion passed with a vote of 3-0-1

- B. Discussion/Action – To discuss possible issuance of a different, limited 2011 Series Certificates of Obligation or other financing options (Mayor Hawkins)

**\*\*Mayor Pro-tem Alderman moved to table item B until June 2011, there was no second**

**Motion failed**

**\*\*Council Member Hickerson moved to defer this topic to the next Council meeting and take action to preserve the option for Tax Notes not to exceed \$500,000 as an option to the 2011 Series Certificates of Obligation, there was no second**

**Motion failed**

Mayor Hawkins directed the City Administrator to publish a notice for a Public hearing for Tax Notes.

Mayor Hawkins called for a break at 8:20 P.M.

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

- C. Discussion/Action – To consider and authorize a Change Order to the Stagecoach Trail Construction Contract for the purpose of improving the drainage on the west side of the roadway with monies from the issued road bonds or other available funds (Mayor Hawkins)

**\*\*Council Member Brown moved to task the City Administrator with the responsibility working with the Contractor and the Public Works Director to find the most economic way to backfill the ditches and provide stable support of the HOA wall at Stagecoach Estates,**

**Council Member Brown removed his motion.**

**\*\*Council Member Hickerson moved to authorize the City Administrator to work with the contractor to move forward with the proposed changes in the southern portion of the drainage ditch that is adjacent to Stagecoach Estates and to continue working with the contractor to identify other options for the proceeding safety issues noted adjacent to the Saddle Ridge Subdivision, with a not to exceed of \$23,050.00 in total, there was no second**

**Motion dies**

Mayor Hawkins instructed the City Administrator to work with the contractor to see if they can identify the least expensive alternative to address the safety issues on the Southern most part of the Western drainage ditch that is right next to Stagecoach Estates and get with the Public Works Director and the Engineer on this discussion with the contractor and if it is moderately priced to alert him on this price.

**X. New Business**

- A. Discussion/Action – To consider and authorize a change in scope of the contract providing for an annual Fiscal Year audit to include a partial year audit and internal controls evaluation (Mayor Hawkins)

**\*\*Council Member Martin moved to authorize the Mayor and the City Administrator to negotiate an agreement with the current Auditor with a “not to exceed” of an additional \$7,500.00 to audit the books for the first half of 2010-2011 fiscal year, seconded by Council Member Hickerson**

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

Nay votes: None

Abstained: None

Motion passed with a vote of 4-0-0

- B. Discussion – To discuss Article 1.1100 “Official Newspaper” of the Municipal Code of Ordinances, any Ordinances related thereto and relevant policies of compliance by the City (Council Member Hickerson)

Mayor Hawkins stated that his email to the City Administrator not to use the Community News for publication is now expired and the he trusts the City Administrator’s judgment to use which ever newspaper that she see fit for the needed publication.

- C. Discussion/Action – To consider and take action to authorize a municipal survey to verify the number if municipal residents through use of a questionnaire enclosed with the utility bill (Mayor Hawkins)

**\*\*Council Member Martin moved to authorized the City Administration to prepare an insert for the water and solid waste collection bill to solicit from each resident the number of people living in their household, seconded by Mayor Pro-tem Alderman**

Aye votes: Council Members: Martin, Hickerson & Alderman

Nay votes: None

Abstained: Council Member Brown

Motion passed with a vote of 3-0-1

- D. Discussion/Action – To discuss possible action and requirements to enact an ordinance amending the Code of Ordinances Chapter 12, Article 12.2000, § 12.2004 requiring a ¾ vote of the Council to override a disapproval by the Planning & Zoning Commission (Mayor Hawkins)

**\*\*Council Member Hickerson moved to no action item D, seconded by Mayor Pro-tem Alderman**

Aye votes: Council Members: Martin, Hickerson & Alderman

Nay votes: None

Abstained: Council Member Brown

Motion passed with a vote of 3-0-1

- E. Discussion/Action – To consider and take action on Ordinance No. \_\_\_\_\_, an ordinance approving the request to change rate in the City of Willow Park by Texas Gas Service (Mayor Hawkins)

**\*\*Council Member Martin moved to table this item until such time that a full packet is available, seconded by Council Member Hickerson**

Council member Hickerson withdrew his second

Council member Martin withdrew his motion

Mayor Hawkins called for a break at 10:00 P.M.

Mayor Hawkins reconvened to open meeting at 10:03 P.M.

**\*\*Council Member Martin moved to adopt Ordinance No. 634-11, an Ordinance establishing the rates, tariffs, and charges of Texas Gas Service Company, a division of Oneok, INC. for natural gas service within the City of Willow Park, Texas and declaring this Ordinance to be a final determination of rates, seconded by Council Member Brown**

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

Nay votes: None

Abstained: None

Motion passed with a vote of 4-0-0

**XI. Recess To Executive Session**

Mayor Hawkins recessed to executive session at 10:04 P.M.

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. Review of Staff Reductions
2. Discussion of Personnel Performance

**XII. Reconvene to Open Meeting**

Mayor Hawkins reconvened to open meeting at 11:23 P.M.

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

No action

**XIII. New Business (continue)**

F. Discussion/Action - To Consider and Take Action on Evaluation and or Solicitation of Administrative personnel applications for comparison or interview purposes (Mayor Hawkins)

No action

**XIV. Adjournment**

**\*\*Mayor Pro-tem Alderman moved to adjourn the meeting, seconded by Council Member Martin**

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

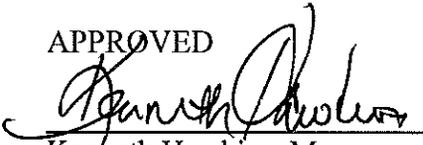
Nay votes: None

Abstained: None

Motion passed with a vote of 4-0-0

Mayor Hawkins adjourned the meeting at 11:25 P.M.

APPROVED

A handwritten signature in black ink, appearing to read "Kenneth Hawkins", written over a horizontal line.

Kenneth Hawkins, Mayor  
City of Willow Park, Texas

ATTEST:

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Yael Hoffman City Secretary  
City of Willow Park, Texas