

MINUTES

WILLOW PARK CITY COUNCIL REGULAR MEETING 516 RANCH HOUSE ROAD WILLOW PARK, TEXAS 76087 MONDAY, MAY 16TH, 2011 AT 6:30 PM

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 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

Mayor Hawkins gave the invocation

IV. Pledge of Allegiance

Mayor Hawkins led the Pledge of Allegiance

V. Community Announcements

Mayor Hawkins congratulated the Marvin Glasgow, Richard Neverdousky and Gene Martin for their win in May 14th General Election. Mayor Hawkins acknowledged Tim Koirtyohann and thanked him for his service to the City, his volunteering and complemented him on a good campaign.

Mayor Hawkins read a letter of commendation for the record on Willow Park Building Inspector Jason Peninger; the letter has been attached as Exhibit A to the minutes.

Mayor Hawkins announced the East Parker County Library's Garden Party that will take place at Saturday, May 21st from 11:00 am – 2:00 pm; it is the 8th annual event and is a fun function, everyone is invited to attend.

VI. Citizens Presentation

Amy Podany of 167 Overland Trail addressed the Council and read for the record a statement regarding the "In the Red" article in the Weatherford Democrat. Mayor Hawkins informed Ms. Podany that her time was up before she could finish her comments; the comments are attached as Exhibit B to the minutes.

Richard Neverdousky of 504 Queens Way Road addressed the Council on the upgrades to the Wastewater system and the lift stations. Mr. Neverdousky stated that he agreed that the lift

stations, especially the one in Willow Park Village, need upgraded. He stated however that he didn't think the tax payers money should pay for those upgrades but instead the developers in should be responsible for those costs.

Mr. Neverdousky finished reading Ms. Podany's letter.

Mayor Hawkins did not recognize the Citizen's Speaker Request form handed in by Terry Skaggs during Citizen's Presentations stating that it had been turned in after the meeting had started.

VII. Approval of the minutes

Regular City Council Meeting of April 18, 2011

****Council Member Hickerson moved to approve the minutes of the Regular Meeting of the City Council on April 18, 2011 as included in the package, seconded by Council Member Martin**

Aye votes: Council Members: Martin, Brown & Hickerson

Nay votes: None

Abstained: Council Members Tatum & Alderman

Motion passed with a vote of 3-0-2

VIII. Mayor's Update

Mayor Hawkins stated that he would hold his update until Item J. under New Business was addressed.

IX. New Business

A. Discussion/Action – To consider and schedule a date for a Special Council Meeting to Canvass the Results of the May 14, 2011 General Election and swear in municipal officers (Mayor Hawkins)

****Council Member Brown moved that to scheduled a Special City Council meeting to canvass the results of the May 14th General Election and swear in Municipal Officers on Monday, May 23, 2011 at 6:30 pm, 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

Council Member Brown asked to be recognized by Mayor Hawkins. Mayor Hawkins asked Council Member Brown what he would be discussing so he would know whether or not he would recognize him.

****Council Member Brown moved to move item I and Item K to be addressed before Item B.**

Mayor Hawkins did not recognize Council member Brown motion.

- B. Discussion/Action – To receive a report from the municipal auditor concerning the 2009-2010 FY Budget, the mid year 2010-2011 FY Budget, any personnel evaluations and materials related thereto (Mayor Hawkins)

Council Member Martin asked for a Point of Order. Mayor Hawkins stated that he would not recognize Council Member Martin. City Attorney Scott stated that a Point of Order is a privileged question and should be recognized.

Council Member Martin stated that the Mayor and Council got a draft copy of the Audit a week ago. Since then the auditor has worked with the City Administrator and made amendments. Council Member Martin stated that it might be reasonable for Mr. Wiley to lead the Council through the amendments before going through the supplemental information. Mayor Hawkins agreed to that point of order and requested Mr. Wiley present the Audit.

Mr. Wiley presented to the Mayor and Council the Audit for the 2009-2010 FY and mid year review ending March 31, 2011. Mr. Wiley answered the Mayor and Council's questions. Mayor Hawkins asked Mr. Wiley if the Personnel Evaluation report was completed. Mr. Wiley's stated that it was not.

- C. Discussion – To receive a report or comments from the citizen Ad Hoc Citizen Committee concerning the City's municipal fund balances and budget projections (Mayor Hawkins)

Mayor Hawkins recognized the four members of the Ad Hoc committee, on the recommendation of city counsel Mayor Hawkins stated he had appointed an Ad Hoc committee to review the auditing information and the finical state of the city. This Committee would report its findings and make recommendations to the City Council. Mayor Hawkins asked the Committee Members to appoint a before the next Council Meeting.

The members introduced themselves and are:

Brandy McIntire of 313 Scenic Trail, a citizen of Willow Park for 6 years, she is an attorney in real estate law and oil and gas law.

Janis Burns, she has been a citizen of Willow Park for 30 years, she served on the Council from 1984 to 1986, and she is a small business owner.

Darla Chisholm of 1215 Fox Hunt Trail has been a resident of Willow Park for 7 years and looks forward to serving on this committee.

Tara Stark was not present.

Mayor Pro-tem Alderman asked Mayor Hawkins what his charge was for the committee. Mayor Hawkins answered that his charge for them is to investigate what ever they want to, ask any questions of anybody, it is completely open, he then stated that he wants them to review the same accounting information that the Council is looking at and make their recommendations to the Council.

- D. Discussion/Action – To consider and accept the Fiscal Year 2009-2010 Audit; and the Fiscal Year 2010-2011 mid year Audit, and personnel evaluation of staff from KSW CPA, P.C (Mayor Hawkins)

****Council Member Martin moved to accept the audit reports submitted by KSW, CPA including the report for FY 2009-2010 and the mid year report 2010-2011 ending March 31 2011, seconded by Council member Brown**

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

Nay votes: None

Abstained: Mayor Pro-tem Alderman

Motion passed with a vote of 4-0-1

Mayor Hawkins asked the Council to make adjustments to the agenda to consider moving the Executive Session to the next item agenda.

Mayor Hawkins called for 5 minute break at 8:30 P.M.

Mayor Hawkins reconvened the open meeting at 8:44 P.M.

- E. Discussion/Action – To consider Bookkeeping adjustments to combine the Water and Waste Water Funds into a single account, and all matters pertaining thereto (Mayor Hawkins)

No action was take on this item, it will be placed in the next City Council regular meeting agenda

****Council Member Brown made the motion to move to the Executive Session item immediately, seconded by Council member Hickerson**

Aye votes: Council Members: Brown & Hickerson

Nay votes: Council Members Tatum, Martin & Alderman

Abstained: None

Motion failed with a vote of 2-3-0

- F. Discussion/Action – To Consider an agreement between the City of Willow Park and Republic Waste Services of Texas, Ltd. to construct a water line extension along Bankhead Highway to the Republic tract and to provide water utility service thereto (Mayor Hawkins)

****Council Member Martin moved to adopt Resolution 03-11, a Resolution providing authorization for the execution of an amended water service agreement by and between the City of Willow Park, Texas and Republic Waste Service of Texas, LTD. For extension of a water transmission line to provide service and cost allocation; and, providing for an effective date with the contingency of making sure there is no conflict of the boundaries between the Fort Worth ETJ and The City of Willow Park, seconded by Council Member Brown**

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

Nay votes: Council Member Tatum

Abstained: None

Motion passed with a vote of 4-1-0

- G. Discussion/Action– To consider and take action on certain Water and Wastewater improvements including Lift Station upgrades (Council Member Hickerson)

****Council Member Hickerson moved to approve the Public Works Department to proceed with initiating engineering studies not to exceed \$90,500.00 for assessing the upgrades to the Beavers Creek, Willow Park Village and Kingsgate lift stations using existing water and wastewater improvement funds, 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

- H. Discussion/Action – To consider and take action on appropriating funds to complete Stage Coach Trail and Ranch House Road and to review the relevant fund balances in TexStar or other road accounts (Council Member Hickerson)

****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 proceeding with resolving safety issues noted adjacent to the Saddle Ridge Subdivision, with a not to exceed of \$23,000.00 in total, Council Member Brown**

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

Nay votes: None

Abstained: Council Member Tatum

Motion passed with a vote of 4-1-0

Mayor Hawkins called for 5 Minute Break at 9:44 P.M,
Mayor Hawkins reconvened the open meeting at 9:52 P.M.

- I. Discussion/Action – To Discuss the Status or Removal from City Hall of certain items purchased with municipal funds (Mayor Pro-tem Alderman)

Mayor Pro-tem Alderman asked Mayor Hawkins if he removed the Tomahawks and Peace Pipes from the City Hall. Mayor Hawkins stated that he removed those items to have them mounted on plaques and then and give them to the other cities as discussed in the past. Mayor Pro-tem Alderman asked if this will required addition funds for the plaques. Mayor Hawkins stated that it would, but he did not know how much more and that the funds will come from the Water Fund as discussed in the past.

- J. Discussion – An update on the status of negotiation with the City of Fort Worth for acquisition of surface water rights

Mayor Hawkins updated the Council on the progress on the Surface water. Mayor Hawkins stated that completion of the negotiations is very very close. This is a master plan to provide surface water out of Fort Worth to the high point which is Willow Park, where we can build storage capacity and act as an emergency hub for the regional water plant. If there is a failure in the Weatherford Water System with this network Fort Worth could provide water to the City of Weatherford. If this had been in place last year when Weatherford lost its water the City of Willow Park could simply have turned the switch and we could have provided all the water the City of Weatherford would have needed. The same principal would apply to Fort Worth going backwards, so both of those cities have the best interest in us to proceed. Weatherford currently provides water to the city of Hudson Oaks and Weatherford and Fort Worth have issues with the ETJ boundaries. Fort Worth five years ago, three years ago, two years ago had a policy not to provide water to Parker County, except for what they had agreed to with the city of Aledo. Last Monday the technical people of the cities got together to make sure that they are talking the on same subject as to the size of the line and methodology that they are using as to how much water the City of Willow Park will need for the next 60 years. This master plan will provide us an adequate amount of water for all of our future growth needs. The reason that this it important is that we are going to grow as a city when the economy turns around, and at the same time the state of Texas is discouraging ground water usage which we are currently 100% dependent on. Long term surface water it is the most important thing that we can do as a city. We are going to meet later this week and the staff of Fort Worth is going to prepare documents for the Council, once we see the documents and approve the documents, then it will go to the City of Fort Worth Council which meets every week for their approval, then it will be up to us to see if we approve it. The costs at time of the signing of the contract to guarantee 2 million gallons of water everyday for the next 60 years is about \$2,700,000, after that at some point when we actually tap into or when the pipe will be built there will be an additional \$3,900,000 required. So the total cost to have forever surface water from Fort Worth is \$6,600,000. This is not including the pipe or the storage. The City of Fort Worth will pay a portion of the pipes. Council Member Tatum asked if there any thing in writing other than verbal agreements. Mayor Hawkins stated there was not. The purpose of the meeting later this week is to move to written documents. There is a draft contract that Fort Worth used with other cities.

- K. Discussion/Action – To consider the duration of a “hold-over” term for any municipal officer not re-elected and any action related thereto (Council Member Tatum)

Council Member Tatum asked City Attorney Scott to explain what an official not re-elected can or can not do. Mr. Scott stated that in the case of a General Law type A Municipality newly elected officials can not be sworn in until five days after the municipal election excluding Sundays. That would be the 20th, the Council earlier this evening scheduled a meeting for the 23rd to canvass the election. The constitution has a “hold over” provision, which means that until the newly elected officials have received the Oath of Office and been sworn in the incumbent retains the office. The incumbent will serve from now through the 23rd with all the authority that he has had. Mr. Tatum stated that his motivation for asking this was to remind the Mayor that this is his last week, and that he would remind him that he still has full authority as the incumbent Mayor, but also to gently warn him not to take advantage of this last week of his tenure, as in the signing of contracts, unbudgeted expenditures, or staff reductions without consent of the Council. Council Member Tatum stated “Short of calling for his resignation this week I will gently remind him to use caution and use discretion”.

X. Recess To Executive Session

Mayor Hawkins Recessed to Executive Session at 10:17 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

B ...Consultation with Attorney – Pending or Contemplated Litigation

XI. Reconvene to Open Meeting

Mayor Hawkins reconvened to open Meeting at 11:44 P.M.

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

XII. New Business (continue)

- A. Discussion/Action - To Consider and Take Action on Personnel Evaluation and or Solicitation of applications for Administrative personnel (Mayor Hawkins)

****Mayor Pro-tem Alderman moved to take no action on this item 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

XIII. Adjournment

****Council Member Brown moved to adjourned the meeting, 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

Mayor Hawkins adjourned the meeting at 11:44 P.M.

Kenneth Hawkins, Mayor
City of Willow Park, Texas

ATTEST:

Yael Hoffman City Secretary
City of Willow Park, Texas