

**WILLOW PARK CITY COUNCIL REGULAR MEETING  
516 RANCH HOUSE ROAD WILLOW PARK, TEXAS 76087  
TUESDAY, JULY 10, 2012**

**MINUTES**

**I. Call to Order**

Mayor Pro-tem Neverdousky called the meeting to order at 7:00 P.M.

**II. Quorum Check**

Mayor Pro-tem Richard Neverdousky  
Council Member Gene Martin  
Council Member Amy Podany  
Council Member Dan Stalling  
Council Member Bernard Suchocki

**Also Present:**

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

**Absent:**

Mayor Marvin Glasgow

**III. Invocation**

Mayor Pro-tem Neverdousky gave the invocation

**IV. Pledge of Allegiance**

Mayor Pro-tem Neverdousky led the Pledge of Allegiance

**V. Community Announcements**

None

**VI. Citizens Presentations**

None

**VII. Mayor's Update**

Mayor Pro-tem Neverdousky reported that there will be a ribbon cutting ceremony to reopen the Ranch House Road Bridge on Thursday, July 12, 2012 at 10:00 A.M.

**VIII. City Administrator Update**

City Administrator Scott reported that the Parkfest Committee had its first meeting and set the date for Parkfest 2012 for October 20<sup>th</sup> from 10:00 am to 4:00 pm.

She also informed Council that the 2011 Water Quality Report had been completed and will be mailed out with the next utility bill. The report has been posted on the city's web site and can be found on the Community Announcements page and on the Public Works page.

**IX. Recess to Public Hearing**

Mayor Pro-tem Neverdousky recessed to public hearing at 7:10 P.M.

- A. Public Hearing – To hear the Petition arguments for or against the Annexation of that certain 23.189 acre tract, more or less, situated in the Eliza Oxer Survey, Abstract Number 1034 and the John H. Phelps Survey, Abstract Number 1046, Parker County, Texas

**X. Reconvene to Open Meeting**

Mayor Pro-tem Neverdousky closed the public hearing and reconvened to open meeting at 7:15 P.M.

**XI. Old Business**

- A. Discussion/Action - To consider and take action on a Site Plan for the Villages of Crown Park, Lot 1, Block A, City of Willow Park, Parker County, TX (Chairman Fritz)

**\*\*Council Member Martin moved to approve and accept the Site Plan for the Villages of Crown Park, Lot, Block A, City of Willow park, Parker County TX as stamped on June 29, 2012 at 12:00 P.M. contingent upon completion and authorization by both the Developer and the City of Willow Park of the Development Agreement that is authorized for agreement by the City Council, seconded by Council Member Podany**

Aye votes: Council Members: Martin & Podany

Nay votes: Stalling & Suchocki

Abstained: Council Members: None

Mayor Pro-tem Neverdousky broke the tie vote with a vote of aye.

Motion passed with a vote of 3-2-0

Council Member Suchocki asked to includes his written comments for the record in the minutes. These comments are attached.

**XII. New Business**

- A. Discussion/Action – To Consider and receive and approve the written resignation of The Honorable Marvin Glasgow from the office of Mayor (Mayor Pro-tem Neverdousky)

**\*\*Council Member Podany moved to regrettably received and approve the written letter of resignation of the Honorable Marvin Glasgow from the office of the Mayor, seconded Council Member Martin**

Aye votes: Council Members: Martin, Podany, Stalling, Suchocki

Nay votes: None

Abstained: None

Motion passed with a vote of 4-0-0

- B. Discussion/Action – To consider and take action to fill a single vacancy on the governing body, to wit the office of Mayor by appointment made by the City Council (Mayor Pro-tem Neverdousky)

**\*\*Council Member Podany moved to fill a single vacancy of the Governing Body by appointing Mayor Pro-tem Richard Neverdousky as the Mayor of the City of Willow Park, seconded by Council Member Suchocki**

Aye votes: Council Members: Martin, Podany, Stalling, Suchocki

Nay votes: None

Abstained: None

Motion passed with a vote of 4-0-0

- C. Discussion/Action – To consider and take action on a request for funding for new Junior High Football helmets from Tourism Fund (Mayor)

**\*\*Council Member Suchocki moved to approve a donation of \$2,000.00 for the Trinity Christian Academy Junior High Football team for helmets, seconded by Council Member Martin**

Aye votes: Council Members: Martin, Podany, Stalling, Suchocki

Nay votes: None

Abstained: None

Motion passed with a vote of 4-0-0

- D. Discussion/Action: To consider or act on Resolution No. \_\_\_\_ authorizing execution of a contract or agreement with Strategic Government Resources for certain professional services (Council Member Suchocki)

**\*\*Council Member Suchocki moved to defer item D until after Executive Session, seconded by Council Member Martin**

Aye votes: Council Members: Martin, Podany, Stalling, Suchocki

Nay votes: None

Abstained: None

Motion passed with a vote of 4-0-0

- E. Discussion/Action – To consider and/or take action to grant or refuse the Petition for Annexation of that certain 23.189 acre tract, more or less, situated in the Eliza Oxer Survey, Abstract Number 1034 and the John H. Phelps Survey, abstract Number 1046, Parker County, Texas (Mayor)

**\*\*Council Member Martin moved grant the Petition for Annexation of that certain 23.189 acre tract, more or less. Situated in the Eliza Oxer Survey, Abstract Number 1034 and the John H. Phelps Survey, abstract Number 1046, Parker County TX, seconded by Council Member Podany**

Aye votes: Council Members: Martin, Podany, stalling, Suchocki

Nay votes: None

Abstained: None

Motion passed with a vote of 4-0-0

- F. Discussion – Monthly update on FY 2011-2012 Budget, assumptions, projections and actual revenues and expenditures incurred (City Administrator Scott)

City Administrator Scott updated the Mayor and Council on the status of the 2011-2012 Budget.

- G. Discussion – Monthly update on Engineering Projects (Mayor)

City Administrator Scott gave the Council the following update on the current Engineering Projects that are being done:

**LIFT STATION PROJECT:**

The schedule for the completion of Kings Gate, Beavers Creek, and Willow Park Village lift stations has been moved up! We have completed plans and specifications and have submitted same to Mr. Petty for his department's review and comment. Depending upon the time frame to receive comments, we anticipate completion of plans and specifications suitable for bidding purposes on or before August 01, 2012.

**ZONING MAP PROJECT:**

The schedule for the completion of the updated zoning map continues to be July 31, 2012.

**WATER WELL PROJECT:**

The well contractor tentatively plans to move on-site late next week and start drilling on or about July 16, 2012.

**CAPITAL IMPROVEMENTS PLAN:**

They are inspecting and gathering data with pictures for each pump station/well site starting today (Tuesday, July 10, 2012). They anticipate it will take two to three days

to gather and verify all required site information and should finish on-site work by the week ending July 13, 2012.

- H. Discussion/Action – To Consider and take action on Adopting of a Standard Procedure for Procurement of Services or Deliverables by written contract (Council Member Suchocki)

Council Member Suchocki the need for adopting a standard procedure for Procurement of Services or Deliverables by written contract. He volunteered to come up with a first draft with the approval of Council.

- I. Discussion – Objectives (Council Member Suchocki)

A workshop was been scheduled for July 31, 2012 at 6:00 P.M. to discussed the Objectives, the Development Planning, and the FY 12-13 Budget.

- J. Discussion/Action – To consider and take action on setting a workshop to discuss new Policy and Procedures for staff regarding Development Planning (Council Member Podany)

This item will be discussed at the July 31, 2012 workshop. There was no action taken on this item.

- K. Discussion/Action: Water Update Report (Council Member Podany)

Council Member Podany gave a report to Council on the meeting of the Groundwater Sub-Committee. There was no action taken on this item.

### **XIII. Recess To Executive Session**

Mayor Neverdousky recessed to Executive Session at 9:05 P.M.

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

- A. ....Section 551.071 – Consultation with Attorneys: Legal Advice and Pending or Contemplated Litigation

1. Republic Waste Services; TCEQ Docket No.: 2009-2058-MSW
2. *ES&CM v. Willow Park*, No CV11-1093, 43<sup>rd</sup> District Court, Parker County
3. Contracts: Land, Personnel, Future and Past Development Agreements

- B. ....Section 551.074 – Personnel Matters

1. Fire Department Personnel
2. Department Head Personnel

3. Personnel Review, Job Performance, City Administrator
4. Code Enforcement/Violations: Update, Policy and Procedures, Personnel Review
5. Administrative Personnel, Executive Search, Contracts, Strategic Government Resources proposal

C. ....Section 551.072 – Real Property

1. Developers agreement regarding Hunters Glen

**XIV. Reconvene to Open Meeting**

Mayor Neverdousky reconvened to the open meeting at 11:42 P.M.

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

**\*\*Council Member Martin move to adopted Resolution 12-12, a resolution providing authorization for the execution of contract by and between the City of Willow Park, Texas and Strategic Government Resources for certain professional services; to wit; conduct an executive search for a Municipal officer; and, providing for an effective date, seconded by Council Member Suchocki**

Aye votes: Council Members: Martin, Podany, Stalling, Suchocki

Nay votes: None

Abstained: None

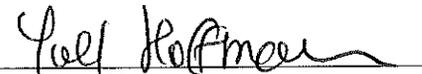
Motion passed with a vote of 4-0-0

**XV. Adjournment**

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

APPROVED  
  
Richard Neverdousky, Mayor  
City of Willow Park, Texas

ATTEST:

  
Yael Hoffman, City Secretary  
City of Willow Park, Texas

Statement of Bernard R. Suchocki  
Council Member, Place 5  
July 10, 2012

In my opinion, the re-zoning of the Crown Point area to multi-family for the apartments was not done in the best interest of the majority of the citizens of Willow Park:

1. There was a large outcry from Willow Park Citizens opposing the re-zoning of the area in back of Brookshire's for apartments. As such the re-zoning was defeated.
2. Afterwards, the rezoning for Crown Point was presented during a specially scheduled meeting of the P&Z on August 18, 2011 without coordination with P&Z commissioners.
3. The meeting was packed with persons who were advocates for the applicant, including engineers and at least one attorney.
4. A day prior to the meeting, an email was sent pursuant to the former Mayor's request representing that the preliminary plat for Crown Point showed the property as being proposed to be zoned commercial and R-3. (Exhibit A).
5. A preliminary plat was produced which showed the area proposed as R-3 (Exhibit B).
6. However the official plat filed with the ordinance 593-09 on March 16, 2009 did not show the area designated as an R-3 (Exhibit C).
7. Nonetheless, there were statements made at the P&Z that the City should not renege on a promise.
8. A 23 page document designated "Development Agreement" was not provided to the P&Z Commissioners until the meeting of August 18, 2011. However, the purported development plan was an agreement for:

"This Agreement provides for (i) the relocation of an Interstate 20 exit ramp as more fully described in Section 3.A of this Agreement, (ii) the installation of certain public improvements (both on-site and off-site which benefit the Development and the THR Tract) as more fully described in Sections 3.B - 3.F of this Agreement (such improvements (but not the exit ramp referred to in (i) above) are referred to collectively as the "Public Improvements"), (iii) the dedication of certain easements located in the Development; and (iv) the assurance of completion and maintenance of the Public Improvements."

*[Extract from Development Agreement, July 1, 2010]*

9. Given that it was admitted that the City of Willow Park did not have the capability to supply water to the apartments, a representation was made by the applicant that \$250,000 would be placed in escrow to drill a well down to the Trinity aquifer. In addition, a statement was also made that the applicant would even let the City locate where the well would be drilled, thus placing the risk of an underproductive well on the City of Willow Park and allowing the applicant to avoid the requirements of Local Government Code Section 212.0101.
10. In addition, it was represented that the well could produce 1 ½ times the amount of water for the apartment complex and that in the Developer's Agreement they agreed to fund up to \$250,000 to drill a water well and storage facilities:

"Mr. Chuck Stark addressed the water situation explaining that in the Developer's Agreement they agreed to fund up to \$250,000 to drill water well and storage facilities. The well could produce 1 1/2, times the amount of water the apartment complex would use so this would not be a negative draw for the City of Willow Park but would be a positive impact and would be a net increase for the overall system.

Commissioner Bradley spoke of his concerns that the well would produce 1 1/2, times the water for the apartments but that there would be a hospital nearby that would need a large quantity of water.

Mr. Stark explained that the well does not necessarily have to go on this development site therefore several wells could be drilled on this acreage if needed for the hospital. He said that actually it would probably produce more water if drilled south of the railroad."

*[Extract from P&Z minutes of August 18, 2012]*

11. However, Mr. Kerry Maroney of Biggs & Mathews, Inc., represented at a City Council meeting that the only way to know the production capacity of a well is after it is drilled and placed in operation.
12. It is my understanding that the \$250,000 in escrow is for the drilling of one well to the Trinity Aquifer and does not include any costs for on-site storage facilities.
13. Both superintendants from Aledo ISD advised against the apartments:

I am not here to address the merits or burdens that apartment complexes create for the city. Rather I am here to share information concerning the impact an apartment complex will have on the Aledo ISD. Single family yields in the Aledo ISD, have ranged from 0.7 to 0.95 students for house hold since 2002. The projected yield for a 160 apartment unit complex is 80-100 students. Unlike a similar size single family development which spreads the student yield out over 3-5 build up period the yield from an apartment complex is 2-3 months. In addition 40%-60% of the students will be classified as economically disadvantaged or limited English speaking. The most difficult and costly population to educate. While the Aledo ISD welcomes all learners, and dedicated helping all children to reach their maximum potential, the rapid influx 80-100 students at the same time the legislator is reducing state funding by 14%, would make it difficult if not impossible for the district to maintain its current level of student service. Your decision will have a major impact on every student in the Aledo ISD. Thank you for allowing me to speak.

***Statement by Don Daniel, former Aledo ISD Superintendent to City Council. City Council Meeting of February 23, 2011***



## ALEDO INDEPENDENT SCHOOL DISTRICT

**DAN MANNING**  
Superintendent

Adding a multi-family housing complex during a season of state cuts to public education would put an immediate strain on district resources. In the current state recession, Aledo ISD will be losing \$5.2 million dollars of state funding. Adding a multi-family complex during this time of financial strain would present the following immediate challenges:

- Multi-family housing has a much faster impact on facility capacity. A large complex could infuse student numbers that would immediately cause our building capacities to bulge faster than previously planned, thus causing the district to plan to build new school buildings earlier than expected.
- Single Family housing is usually easier to prepare for growth because it has a smaller immediate impact unless wholesale neighborhoods spring up at one time.
- Increased student numbers require increases in staff to handle the growth in class sizes. This year have already gone up in several grade levels because of the state's funding cuts.
- A new multi-family complex in Willow Park would impact McCall Elementary, which is already one of our fastest growing schools.
- Creates challenges for traffic near schools and where traffic is already an issue.
- Unlike cities and counties, property taxes from new property in our district would not produce any appreciable increase in revenue for us through property taxes because of the way the state funds school districts. Aledo ISD has been classified as "property wealthy" school district for 2011-12 (also known as Chapter 41). Again, we would not receive any appreciable additional revenue for new property.
- If adding this type of property could be postponed for a couple of years, it would help the district better weather this current financial storm.

*Except from letter of Dan Manning of August 24, 2011*

With all due respect to the Willow Park Fire Department and the men and women volunteers, it is my opinion that the apartments pose an high risk and unreasonable burden to the Willow Park Fire Department in providing fire protection for life and property:

1. The fire department has to rely on the appearance of at least one firefighting volunteer to man the fire engine.
2. The fire department has to rely on at least three firefighting volunteers to man a second fire engine.
3. The fire department is dependent upon aid from nearby cities to adequately protect apartment residents, including Aledo which is a volunteer Fire Department. In addition, there are purportedly written agreements with nearby cities for mutual aid, but they have never been produced.
4. There is no assessment as to the risk of whether sufficient water or water pressure would be available to fight an apartment fire, especially in the event of emergency water rationing.
5. Based on information obtained from a workshop, there is no standard operation procedure for fighting a apartment fire.
6. As a point of contrast, the City of Fort Worth has four firefighters assigned to each engine and it sends 5 engines and two aerial trucks to every apartment fire, including two story apartments.

Bernard R. Suchocki

---

From: Candy Scott [CScott@willowpark.org]  
Sent: Wednesday, August 17, 2011 4:43 PM  
To: [REDACTED]  
Cc: Mayor Glasgow  
Subject: RE: Preparation for Hearing

At Mayor Glasgow's request I researched for supporting data on the major event timeline for the preliminary plat for Crown Point Phase 1. I have found a copy of the preliminary plat and the minutes from the P & Z Meeting and the Council Meeting approving this plat.

The plat does show the property as being proposed to be zoned commercial and R-3. Copies of this plat and the minutes will be available at the meeting tomorrow night. I have a copy in my office from my 2009 Council packet if you would like to stop in and look at it tomorrow before the meeting.

Candy

**EXHIBIT A**

# PROPOSED ZONING

123.67 ACRES SITUATED IN  
THE WESLEY FRANKLIN SURVEY,  
ABSTRACT NO. 468, ISAAC HEADLEY  
SURVEY, ABSTRACT NO. 619, AND  
DAVID ADDINTON SURVEY, ABSTRACT NO. 21  
PARKER COUNTY, TEXAS

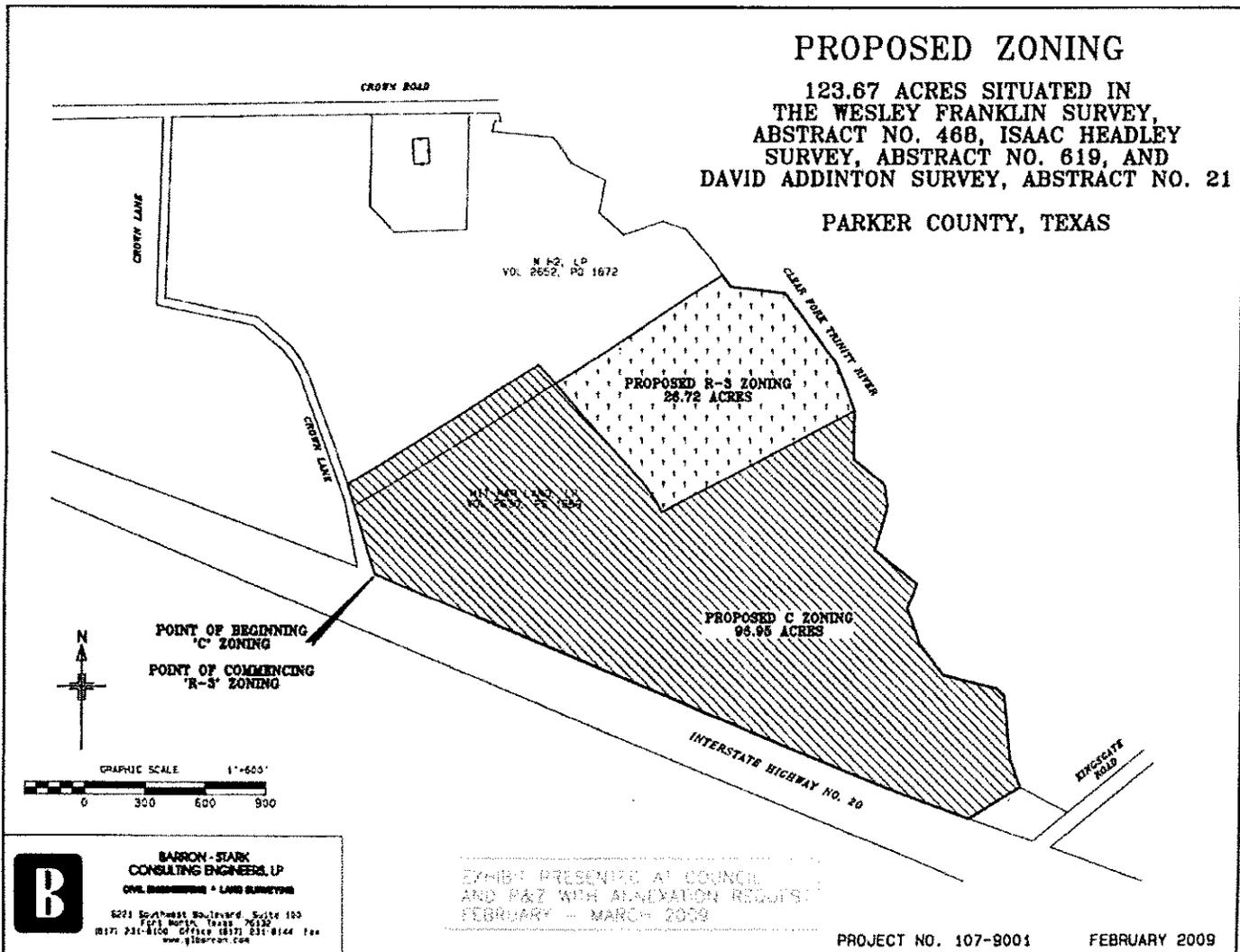


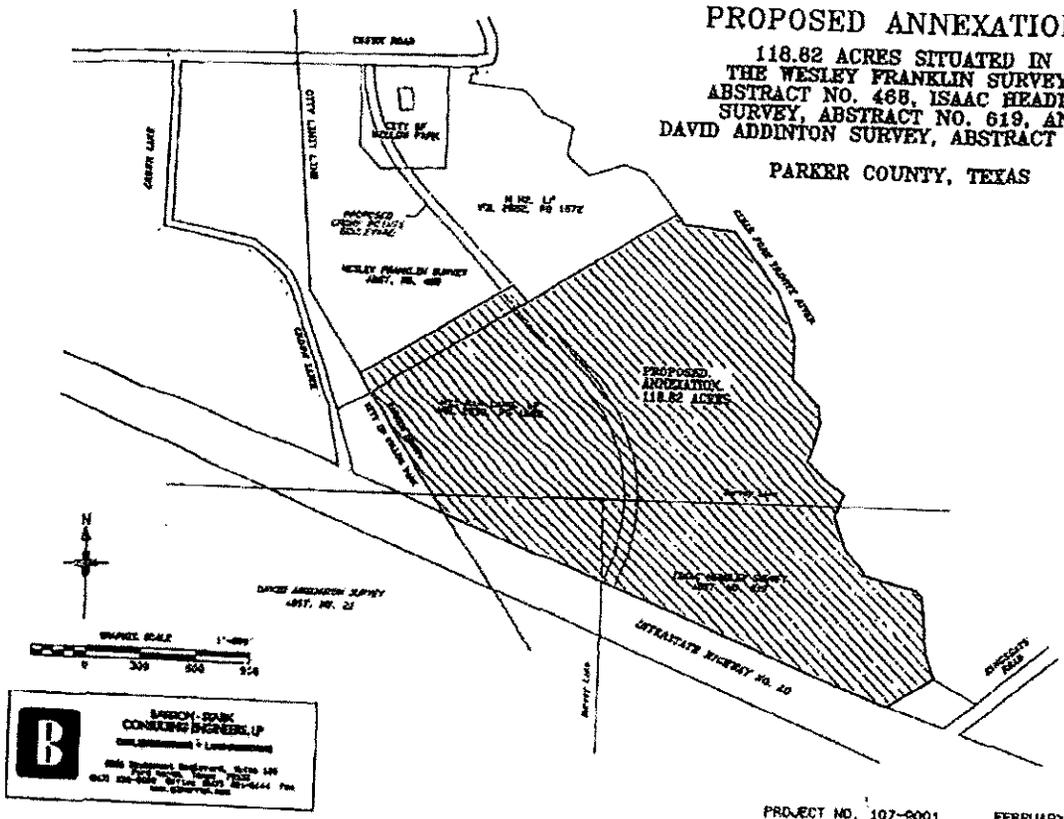
EXHIBIT PRESENTED AT COUNCIL  
AND P&Z WITH ANNEXATION REQUEST  
FEBRUARY - MARCH 2009

PROJECT NO. 107-9001

FEBRUARY 2009

# EXHIBIT B

**PROPOSED ANNEXATION**  
**118.82 ACRES SITUATED IN**  
**THE WESLEY FRANKLIN SURVEY,**  
**ABSTRACT NO. 468, ISAAC HEADLEY**  
**SURVEY, ABSTRACT NO. 619, AND**  
**DAVID ADDINTON SURVEY, ABSTRACT NO. 21**  
**PARKER COUNTY, TEXAS**



PROJECT NO. 107-9001      FEBRUARY 2009

**EXHIBIT C**