

**WILLOW PARK CITY COUNCIL REGULAR MEETING  
516 RANCH HOUSE ROAD WILLOW PARK, TEXAS 76087  
TUESDAY, AUGUST 14, 2012**

**MINUTES**

**I. Call to Order**

Mayor Neverdousky called the meeting to order at 7:01 P.M.

**II. Quorum Check**

Mayor 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

**III. Invocation**

Mayor Neverdousky gave the invocation

**IV. Pledge of Allegiance**

Mayor Neverdousky led the Pledge of Allegiance

**V. Approval of Minutes**

- A. Regular Council Meeting of June 11, 2012
- B. Regular Council Meeting of July 10, 2012

**\*\*Council Member Martin moved to approve the minutes of the Regular Council Meeting of June 11, 2012 and the Regular Meeting of July 10, 2012 as presented in the packets, seconded by Council Member Podany**

Aye votes: Council Members: Martin, Podany, Stalling  
Nay votes: None  
Abstained: Council Member Suchocki  
Motion passed with a vote of 3-0-1

**VI. Community Announcements**

Mayor Neverdousky announced that the City is in the process of drilling three (3) new wells. As a result of that we had to shut down one of the current wells so we would not to contaminate the aquifer, at this point the drilling of the new well is complete. That well still has to be wired for electricity, so it is not functioning at this time. The EPA recently had a meeting for all the concerned citizens regarding the chemical that was found in

several wells in the city. The EPA will look at it and at this point they don't have the funding to do what they need to do, but the City well is protected.

**VII. Citizens Presentations**

None

**VIII. Mayor's Update**

None

**IX. City Administrator's Update**

None

**X. New Business**

- A. Discussion/Action – Appointment by the City Council of an Eligible Person to the Place 1 vacancy to serve until the next General Election (Mayor Neverdousky)

Shawn Gilliland addressed the Mayor and Council with a statement of his qualifications for a position on the Council.

Brian Thornburg addressed the Mayor and Council with a statement of his qualifications for a position on the Council.

**\*\*Council Member Suchocki moved to appoint Shawn Gilliland as Council Member Place 1, seconded by Council Member Stalling**

Aye votes: Council Members: Suchocki, and Stalling

Nay votes: Podany and Martin

Abstained: None

Motion failed with a vote of 2-2-0

**\*\*Council Member Podany moved to appoint Brain Thornburg as Council Member Place 1, seconded by Council Member Martin**

Aye votes: Council Members: Martin and Podany

Nay votes: Suchocki, and Stalling

Abstained: None

Mayor Neverdousky voted with an aye vote breaking the tie

Motion passed with a vote of 3-2-0

Mayor Neverdousky administrated the oath of office to Council Member Thornburg.

- B. Discussion/Action – To elect an alderman to the office of President Pro Tempore until the next General Election (Mayor Neverdousky)

**\*\*Council Member Suchocki moved to appoint Mr. Gene Martin as the Mayor Pro-tem, seconded by Council Member Thornburg**

Aye votes: Council Members: Thornburg, Podany, Stalling and Suchocki  
Nay votes: None  
Abstained: Council Member Martin  
Motion passed with a vote of 4-0-1

- C. Discussion/Action – To consider and act on Ordinance No. \_\_\_\_ authorizing and ratifying a joint public hearing between the Municipal Planning and Zoning Commission and the City Council relating to certain zoning district changes.

**\*\*Mayor Pro-tem Martin moved to adopt Ordinance No. 651-12, an Ordinance providing authorization and ratification of a Joint Hearing between the governing body of the City of Willow Park, and the Planning and Zoning Commission relating to a proposed change in zoning classification and district boundaries; and, providing for an effective date, seconded by Council Member Podany**

Aye votes: Council Members: Martin and Podany  
Nay votes: None  
Abstained: Council Members: Thornburg, Stalling and Suchocki  
Motion passed with a vote of 2-0-3

- D. Discussion/Action – To consider and take action on Resolution \_\_\_\_\_ authorizing the City to enter into a Development Agreement with Aledo Realty Investments, L.L.C. relating to that certain 23.189 acre tract to be develop as an 88 lot, Single Family Residential Community (Mayor Neverdousky)

**\*\*Council Member Podany moved to amend the agenda and move item D after executive session, seconded by Mayor Pro-tem Martin**

Mayor Pro-tem Martin removed his second

Motion failed due to lack of a second

**\*\*Mayor Pro-tem Martin moved to adopt Resolution No. 13-12, a Resolution providing for the authorization to enter into a development agreement between Aledo Realty Investment, LLC, a Texas limited Liability company (Developer), And the City of Willow Park, Texas (Together “parties”), relating to 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 to be developed as an 88 lot single family residential community; providing for certain rights and responsibilities by and between the parties; and providing for and effective date, seconded by Council Member Thornburg**

**Council Member Podany made a friendly amendment to the motion that the numbers provided by Glen Breisch be reviewed and upon review approval of the Resolution be deemed complete, seconded by Mayor Pro-tem Martin**

Mayor Neverdousky called for the vote on the amendment to the motion

Aye votes: Council Members: Thornburg and Podany  
Nay votes: Council Members: Martin, Stalling and Suchocki  
Abstained: None  
Motion failed with a vote of 2-3-0

Mayor Neverdousky called for the vote on the original motion

Aye votes: Council Members: Martin and Thornburg  
Nay votes: Council Members: Podany, Stalling and Suchocki  
Abstained: None  
Motion failed with a vote of 2-3-0

- E. Discussion/Action – To consider and take action on Ordinance No. \_\_\_\_\_, an Ordinance granting the Annexation into the City 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 Neverdousky)

No action

- F. Discussion/Action – To consider and take action on Ordinance No. \_\_\_\_\_ authorizing a change in zoning classification for that certain 23.189 acre tract generally located in the Eliza Oxer Survey, Abstract No. 1034 and the John H. Phelps Survey, Abstract No. 1046, from Agriculture (AG) Zoning District to Class 1 – Residential R-5, Single Family, High Density (Chairman Fritz)

No Action

- G. Discussion/Action – To consider and take action on Resolution No. \_\_\_\_\_ authorizing the City to enter into a Development Agreement with Wilks Heritage Group LLC relating to that certain 26.16 acre tract to be developed as a Multi-Family Residential Community.

**\*\*Mayor Pro-tem Martin moved to adopt Resolution 14-12, a Resolution providing for the authorization to enter into a Development Agreement between Wilks Heritage Group, LLC, a Texas limited liability company (Developer), and the City of Willow Park, Texas (together “parties”), relating to that certain 26.16 acre tract of land situate in the Wesley Franklin Survey, abstract No. 468, City of Willow Park, Parker County, Texas and being all of lot 2, Block B Crown Pointe Addition, an addition to the City of Willow Park, Texas as recorded in Cabinet D, Slide 148, Plat Records Parker County, Texas; providing for certain Rights and responsibilities by and between the parties; and, providing for and effective date, seconded by Council Member Podany**

Aye votes: Council Members: Martin and Podany

Nay votes: Council Member Suchocki  
Abstained: Council Members: Thornburg and Stalling  
Motion passed with a vote of 2-1-2

- H. Discussion/Action – To consider and take action on Resolution No. \_\_\_\_ authorizing the City execute an Advance Funding Agreement and Escrow Recapitulation with the Texas Department of Transportation for the IH-20 at Westbound Exit to FM 5 Project (CSJ 0008-03-102)

**\*\*Mayor Pro-tem Martin moved to adopt Resolution 15-12, a Resolution providing authorization for the execution of an advance funding agreement for an on system project and related escrow recapitulation (agreement) by and between the City of Willow Park, Texas, and the state of Texas through the Texas Department of Transportation for a certain transportation improvement project; to wit; the relocation of the exit ramp on IH-20 at the westbound exit to FM 5 (Project); and, providing for and an effective date, seconded by Council Member Suchocki**

Aye votes: Council Members: Thornburg, Martin, Stalling and Suchocki  
Nay votes: Council Member Podany  
Abstained: None  
Motion passed with a vote of 4-1-0

- I. Discussion/Action – To consider Mitigation: Through a Local Mitigation Strategy to become eligible for certain loans or grants (Mayor Neverdousky)

No Action

- J. Discussion – To discuss the qualifications of, or criteria for selection and appointment of an Engineering Firm to the office of City Engineer (Mayor Neverdousky)

Mr. Derek Turner from Jacob's and Martin Engineering Firm addressed the Mayor and Council with the qualifications of his firm for the City Engineering position.

- K. Discussion/Action – To consider and take action to amend Municipal Code of Ordinances Chapter 10, §10.303, Special Speed Limits, to ensure and enable proper enforcement of prima facie speed limits for the I-20 main lanes and the I-20 Service Roads. (Council Member Martin).

No Action

- L. Discussion/Action – To consider and take action to reduce the duration of the current Water Rationing Stage in accordance with Chapter 11, *Public Utilities*, § 11.209, *Emergency Water Rationing Plan*, Subparagraph (e) Duration of Emergency Declaration. Subsection (2). (Council Member Martin)

**\*\*Mayor Pro-tem Martin moved to cancel the Stage 4 water rationing level and initiated Stage 3 and adopt a change in the definition of Criteria for entering water rationing levels by replacing the contents of the Drought Contingency Plan, Table 1 with the propose gallon criteria provided tonight, seconded by Council Member Podany**

Aye votes: Council Members: Thornburg, Martin, Podany and Stalling

Nay votes: Council Member Suchocki

Abstained: None

Motion passed with a vote of 4-1-0

- M. Discussion/Action – To authorize public notice of a date, time, and place for public review and comment concerning draft sections of the Willow Park Code of Ordinances and to authorize placement of the draft sections on the City maintained web site and to solicit public comment concerning codification of certain City Ordinances. (Council Member Martin)

Mayor Pro-tem Martin requested that Council allow the updated Chapters in the Code of Ordinances to be posted on the City web site as was done with Chapter 10 to allow for comments from the citizens.

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

This item was postponed until the Special Council meeting next week

- O. Discussion/Action – Consider and take action on placing the FY 2012-2013 Budgets for the General Fund, Water Fund and Wastewater Fund on file with the City Secretary (Mayor Neverdousky)

**\*\*Mayor Pro-tem Martin moved to adopt the draft Budget for the FY 2012-2013 General Fund, Water Fund and Wastewater Fund. The General Fund draft dated 08/10/2012 at 2:26 P.M. pages 1-6, the Water Fund draft dated 08/10/12 at 2:26 P.M. pages 1-4 and the Wastewater Fund draft dated 08-10-2012 at 4:31 P.M. pages 1-3 to be placed on file on the City Secretary's office, seconded by Council Member Suchocki**

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

Nay votes: None

Abstained: None

Motion passed with a vote of 5-0-0

## **XI. Recess To Executive Session**

**Mayor Neverdousky recessed to Executive Session at 11:25 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. Code Enforcement/Violations
  - 2. Personnel Polices and Procedures
  - 3. Administrative Personnel, Executive Search, Contracts, Strategic Government Resources proposal
  - 4. Engineering Contracts
  - 5. Objectives
- C. ....Section 551.072 – Real Property
  - 1. Developers agreement regarding Hunters Glen
  - 2. Developers agreement regarding The Villages at Crown Park

## **XII. Reconvene to Open Meeting**

**Mayor Neverdousky reconvened to the Open Meeting at 1:08 A.M.**

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

**\*\*Mayor Pro-tem Martin moved to authorized David Fritz as the Planning and Zoning Chair to coordinate with LAN Engineering to complete changes to the City Zoning Map at a cost \$250.00 per document change and obtain a copy of the deliverables that are currently available, seconded by Council Member Podany**

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

Nay votes: None

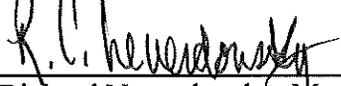
Abstained: None

Motion passed with a vote of 5-0-0

**XIII. Adjournment**

Mayor Neverdousky adjourned the meeting at 1:12 A.M.

APPROVED

  
\_\_\_\_\_  
Richard Neverdousky, Mayor  
City of Willow Park, Texas

ATTEST:

  
\_\_\_\_\_  
Yael Hoffman, City Secretary  
City of Willow Park, Texas