

**WILLOW PARK CITY COUNCIL REGULAR MEETING
516 RANCH HOUSE ROAD WILLOW PARK, TEXAS 76087
TUESDAY, NOVEMBER 13, 2012**

I. Call to Order

Mayor Neverdousky called the meeting to order at 7:00PM

II. Quorum Check

Mayor Richard Neverdousky
Council Member Brian Thornburg
Mayor Pro-tem 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. Special Council Meeting of October 16, 2012

B. Special Council Meeting of November 8, 2012

*****Mayor Pro-tem Martin moved to approve and accept the minutes of the Special Council Meeting of October 16, 2012 as presented, 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

Corrections to the November Minutes were noted as follows: remove the word agenda from the heading and replace with the word **minutes**, remove the word adjournment under Item VII and replace with the word **adjourned**.

*****Mayor Pro-tem Martin moved to approve and accept the minutes of the Special Council Meeting of November 8, 2012 with the corrections noted, seconded by Council Member Thornburg**

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

Nay votes: None

Abstained: None

Motion passed with a vote of 5-0-0

VI. Community Announcements

Mayor Neverdousky read a thank you letter to the city that was received from East Parker County Library for the donation made to them

VII. Citizens Presentations

Michael Lyons addressed the Council with a request to assist him with his Eagle Scout Project. He would like to build a gazebo in the Memorial Garden.

VIII. Mayor's Update

None

IX. City Administrator's Update

City Administrator Scott reported that the auditor has begun work on the 2011-2012 audits.

X. New Business

A. Discussion/Action – To consider and take action on the Site Plan submitted for Willow Park Eye Clinic, Lot 1-R, Block 9, El Chico Addition (Chairman Fritz).

*****Mayor Pro-tem Martin moved to move this item to the next Regular Council meeting to allow time for the Flood Plain Administrator to resolve the drainage issues that were discussed on the site plan, seconded by Council Member Thornburg**

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

Nay votes: None

Abstained: None

Motion passed with a vote of 5-0-0

B. Discussion/Action - To consider and take action on the appointment of Marvin Glasgow as an Alternate Member of the Planning and Zoning Commission, with certain conditions to said appointment (Chairman Fritz).

No Action

C. Discussion/Action – To consider and take action on the recommendation of the Planning and Zoning Commission to negotiate with Freese and Nichols, Inc. to be the engineering firm to update the municipal Comprehensive Plan (Chairman Fritz)

*****Mayor Pro-tem Martin moved to adopt the recommendation of the Planning and Zoning Commission to select Freese and Nichols as the initial engineering firm choice for the purpose of negotiating the scope of activates required to build a current comprehensive plan resulting in a draft contract for Council approval, seconded by Council Member Thornburg**

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

Nay votes: None

Abstained: None

Motion passed with a vote of 5-0-0

- D. Discussion/Action – To consider and take action on Resolution No. _____, authorizing the City to negotiate and enter into an easement for underground facilities with Southwestern Bell Telephone Company, d/b/a AT&T Texas for a certain defined area within Lot J, Laguna Vista Estates, an Addition to the City (Mayor Neverdousky)

*****Mayor Pro-tem Martin moved to adopt resolution No. 17-12, a Resolution providing authorization for the negotiation and execution of an easement agreement by and between the City of Willow Park, Texas and Southwestern Bell Telephone Company D/B/A AT&T Texas, for underground communication, data video and other facilities in and for the City; and, providing for an effective date and further stipulate that prior to the Mayor finalizing any contract with AT&T Texas that the draft contract will be provided to the Council Members for review and comments**

There was no second to this motion; Mayor Pro-tem Martin withdrew his motion

*****Council Member Thornburg moved to approve resolution No. 17-12, a Resolution providing authorization for the negotiation and execution of an easement agreement by and between the City of Willow Park, Texas and Southwestern Bell Telephone Company D/B/A AT&T Texas, for underground communication, data video and other facilities in and for the City; and, providing for an effective date**

There was no second to this motion

Council Member Thornburg amended his motion to include “that the city Council review and approved the agreement” 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

Mayor Neverdousky called for break at 9:15 P.M.

- E. Discussion/Action – To consider and discuss the authority to of the City act without approval of City Council, specifically including such actions as: (1) the hiring of Brazos Paving to “repair” city roads; (2) the authority to enter into a contract with Brazos Paving; and (3) the use of City funds to pay Brazos Paving (Council Member Suchocki)

No action

- F. Discussion/Action – To consider and discuss the authority of the City to submit legal notice or a Request for Qualifications for publication in the *Community News* or other newspaper on or about October 19, 2012, and October 26, 2012, for Qualifications Statements from Bond Counsel, Engineering firms or Financial Advisors relating to an application filed by the City with the Texas Water Development Board and the payment of any costs associated therewith (Council Member Suchocki)

No Action

- G. Discussion – To consider and discuss the status of any and all engineering studies or work authorized by the City that is pending completion or has been tendered to the City for review or acceptance in 2012, including any engineering relating to the modification, improvement or expansion of any lift station that is part of the City Sanitary Sewer System (Council Member Suchocki)

No action

- H. Discussion/ Action – To consider and take action Ordinance No. _____, an Ordinance authorizing the amendment of the Municipal Code of Ordinances to require commercial general liability insurance, in a specified amount, as a condition precedent for registration with the City or performing any work or service within the corporate limits of the City (Council Member Stalling)

*****Council Member Stalling moved to adopt Ordinance No. 657-12, an Ordinance amending Chapter 3, “Building and Construction” Article 3.600 “Licenses” of the Municipal Code of Ordinances of the City of Willow Park, Texas, to require the proof of General Liability Insurance coverage for a contractor as a condition for registration to perform work within the Corporate Limits of the City; providing for publication and effective date, seconded by Mayor pro-tem Martin.**

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

Nay votes: None

Abstained: None

Motion passed with a vote of 5-0-0

- I. Discussion/Action – To consider and take action on designating or contracting with a person or entity to serve as City Engineer for certain defined interim and long term projects (Council Member Podany)

No action

- J. Discussion/Action – To consider and take action on Resolution No _____, authorizing the negotiation and execution of a Lease-Purchase or similar Financing Agreement with Government Capital Corporation for acquisition of certain police vehicles for use by and for the City ” (Mayor Neverdousky).

*****Council Member Thornburg moved to approve Resolution No. 18-12, a Resolution providing authorization for the City of Willow Park, Texas to enter into and execute a financing agreement with Government Capital Corporation for certain business personal property (Police Vehicles) necessary, useful or appropriate to the operation of the City; and providing for an effective date, seconded by Mayor Pro-tem Martin**

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

Nay votes: None

Abstained: None

Motion passed with a vote of 5-0-0

- K. Discussion/Action- To consider and take action on Ordinance No. _____ , authorizing Nun Pro Tunc corrections to Ordinance 651-12 to correct an error in an abstract number referenced and a default land sue listed and ratifying the substantive provisions thereof. (Mayor Neverdousky).

This item was postponed to the next Regular Meeting agenda

- L. Discussion/Action – To consider and take action on Ordinance No. _____, authorizing the abandonment of that certain portion of Tyla Lane as shown on Lot 2, Block 1, Martin Addition, an addition to the City of Willow Park (Mayor Neverdousky)

*****Mayor Pro-tem Martin moved to approve Resolution 19-12, a Resolution authorizing abandonment of that remaining portion of Tyla Lane as dedicated to the City in that certain plat entitled Martin Addition, Lot 1, an addition to the City of Willow Park, Texas, portion of Tyla Lane as dedicated to the City in that certain plat filed of record in the Real Property Records Parker County, Texas, Plat Cabinet C, slide 680, 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

- M. Discussion – Monthly update on FY 2012-2013 Budget, assumptions, projections and actual revenues and expenditures incurred (City Administrator Scott).

City Administrator Scott gave an update to the Mayor and Council on the budget performance

XI. Recess To Executive Session

Mayor Neverdousky recessed to Executive Session at 11:02 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, 43rd District Court, Parker County
3. Legal issues associated with property or structures that are unsafe or have become a nuisance

B.Section 551.074 – Personnel Matters

1. Personnel Policies and Procedures
2. Contracts
3. Objectives
4. Status of suggested action item relating to comp time recommendations
5. Policy and Procedures Manual for the City of Willow Park

XII. Reconvene to Open Meeting

Mayor Neverdousky reconvened to open meeting at 12:00 A.M.

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

XIII. Adjournment

Mayor Neverdousky adjourned the meeting at 12:01A.M.

APPROVED

Richard Neverdousky, Mayor
City of Willow Park, Texas

ATTEST:

Yael Hoffman, City Secretary
City of Willow Park, Texas