



City of Willow Park
City Council
Regular Meeting
516 Ranch House Road, Willow Park, TX 76087
Tuesday, February 12, 2013 at 7:00 p.m.
Minutes

Section I – Presentations

1. Call to Order

Mayor Neverdousky called the meeting to order at 7:02 PM

2. Determination Of Quorum

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

Staff Present:

City Administrator Matt Shaffstall
City Secretary Yael Hoffman
City Attorney Rider Scott

3. Invocation & Pledge of Allegiance

Mayor Neverdousky gave the invocation and led the Pledge of Allegiance

4. Special Recognitions

None

4B. Consider a motion to schedule a second monthly City Council Meeting and table certain items until Tuesday, February 26, 2013. (Mayor Neverdousky & Council Member Podany)

*****Mayor Pro-tem moved to schedule a second monthly city Council Meeting and table certain items until Tuesday, February 26, 2013 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

5. Citizen Presentations & Public Comment

An opportunity for citizens to address the Mayor and City Council on matters which are not scheduled for consideration by the City Council or another City Board or Commission at a later date. In order to address the Council, please complete a Public Meeting Appearance Card and present it to the City Secretary prior to the start of the Council meeting. The Texas Open Meeting Act prohibits deliberation by the City Council of any subject which is not on the posted agenda, therefore the Council will not be able to discuss or take any action on items brought up during the citizen presentations.

Section II – Consent Agenda

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items unless a Council Member so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.

6. Approve and Act on Consent Agenda

- A. Regular Meeting Minutes – January 8, 2013**
- B. Special Meeting Minutes – January 29, 2013**
- C. Accept City of Willow Park Police Department’s Racial Profiling Report**
- D. Accept resignation of Planning and Zoning member – Milton Bradley**

Dan Stalling is not comfortable with the summarized minutes and suggested to move to a complete form of minutes, The City Should move to voice dictate software. Mayor Pro-tem Martin mentioned that in the past they tried that and the minutes were too long and they weren't readable there is a lot of information that is lost in that large of a volume, Council Member Thornburg was concerned that the technology cannot handle multiple voices. Dan Stalling will check on available in technology, and bring it before council when ready.

*****Mayor Pro-tem Martin moved to accept and adopt the minutes of the January 8th, 2013 and the Special meeting January 29th, 2013 as amended by Council Member Suchocki. 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 Pro-tem Martin moved to accept the Willow Park Police Department's Racial Profiling report as submitted by Chief Johnson and the letter of resignation of the Planning and zoning member Milton Bradley 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

Section III – Planning & Development

7. Consider and Take Action Authorizing the City Administrator to prepare a Cost Analysis on Annexation of that certain 10.05 acre tract of land situated in the Wesley Franklin Survey, Abstract No. 468 being a portion of that tract of land conveyed to Willow Park Baptist Church of Texas by deed recorded in Vol. 2896, Pg. 403 Deed Records, Parker County Texas. (Council Member Podany)

Council member Podany would like to get cost analyses to find out what the city is going to incur in cost and what the developer applicant would be incurring in cost as it has to do with roads, lights, sewer and water. Council member Podany feels like the City didn't get all the information.

Council member Podany would like to clear some things before the city moves on. Council member Podany said that the city needs to know: is the city going to put in the sewer and streets, is the city going to finish out this development, or is the developer going to do that. Council member Stalling agreed with Council member Podany and said that the city needs to know how much money it is going to cost the city in this development. Mayor Neverdousky said that in the recent annexations that have been done the developer has paid for all the capital improvement, when the original 90 acres were annexed they put water line and sewer line, which was done by the developer, and would expect that the developer would put any infrastructure on this annexation. City Administrator Shaffstall said that there are 3 steps process: The annexation is to bring the dirt to the city, the second step is plating is where the building is going to be built on this property, then, site plan is the last step and that is when we need all of the answers. Engineer chuck stark stated before the mayor and council, that currently they submitted to the city an annexation request, a zoning request, a plat request, and site plan request and a developer agreement request. The costs as the in the developer agreement to be review are 100% developer costs. Constriction of the roads, constriction of the water and sewer services, in his opinion there is no cost to the city. Council member stalling asked Mr. Stark, is it you intent that this annexation will encore no future cost to the city. Chuck stark answer was yes, however we cannot move on if you do not go ahead and accept the annexation. Mayor Neverdousky made the comment that if this property stays in the county the city doesn't have any control. At the next council meeting council will have a draft of annexation application, a preliminary site plan and a preliminary plat application.

*****Council member Podany moved to consider and take action authorizing the City Administrator to provide a cost analyses on annexation including information on the 10.05 acre tract of land situated in the Wesley Franklin Survey, Abstract No. 468, being a portion of that certain tract of land conveyed to Willow Park Baptist Church of Texas, as evidenced by deed recorded in Vol. 2896, Pg. 403 Deed Records, Parker County, TX to provide a draft complete application, annexation site plan preliminary plat and preliminary site plan Seconded by Council member Suchocki**

Council member Suchocki withdrew his Second

Council member Podany asked to make a note that in the next meeting the Council gets all the information that was discussed.

Council member Podany withdrew her motion

*****Council Member Podany moved to consider and take action authorizing the City Administrator to provide a cost analyses on annexation including information on the 10.05 acre tract of land situated in the Wesley Franklin Survey, Abstract No. 468, being a portion of that certain tract of land conveyed to Willow Park Baptist Church of Texas, as evidenced by deed recorded in Vol. 2896, Pg. 403 Deed Records, Parker County, TX Seconded by Council member Suchocki**

Aye votes: Council Members: Podany, Stalling and Suchocki

Nay votes: Thornburg, Martin

Abstained: None

Motion passed with a vote of 3-2-0

8. Consider and Act on Ordinance ____ authorizing the annexation of that certain 10.05 acre tract of land situated in the Wesley Franklin Survey, Abstract No. 468, being a portion of that certain tract of land conveyed to Willow Park Baptist Church of Texas, as evidenced by deed recorded in Vol. 2896, Pg. 403 Deed Records, Parker County, Texas.

*****Mayor Pro-tem moved to adopted ordinance 659-13 an ordinance providing for annexation by the City of Willow park, Texas of that certain 10.05 acre 10.05 acre tract of land situated in the Wesley Franklin Survey, Abstract No. 468, being a portion of that certain tract of land conveyed to Willow Park Baptist Church of Texas, as evidenced by deed recorded in Vol. 2896, Pg. 403 Deed Records, Parker County, TX Seconded by Council member Thornburg**

Council member Thornburg removed his second

Mayor Pro-tem Martin removed his motion

*****Mayor pro-tem Martin moved to move this item until next Council meeting. Seconded by Council member Thornburg**

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

Nay votes:

Abstained: None

Motion passed with a vote of 5-0-0

9. Consider the Planning and Zoning Commission recommendation to address by ordinance certain regulations and/or restrictions for Solar Panels and provide direction thereon.

*****Council member Podany moved to move this item to the next meeting Seconded by Mayor pro-tem Martin**

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

Nay votes:

Abstained: None

Motion passed with a vote of 5-0-0

10. Consider the Planning and Zoning Commission recommendation to address residential structures with Garage Openings Facing Frontal Streets by amending Ordinance No. 364-94 or other appropriate actions.

***** Mayor pro-tem Martin moved to move this item to the next meeting Seconded by Council member Stalling**

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

Nay votes:

Abstained: None

Motion passed with a vote of 5-0-0

11. Consider Planning and Zoning recommendations concerning the density or allowed units per acre pursuant to Zoning Classification "R-3, Multi-Family District" by amendment or otherwise.

***** Mayor pro-tem Martin move to table this item for discussion at the next meeting and prior to that time receive input from the City Attorney on poetical ratification on the changes Seconded by Council member Stalling**

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

Nay votes:

Abstained: None

Motion passed with a vote of 5-0-0

12. Consider Planning and Zoning recommendations concerning allowed uses in Zoning District "O – Office District" relating to limiting or excluding certain professional offices

***** Council member Podany moved to recess to executive session to consult with the City Attorney Seconded by Mayor Pro-tem Martin**

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

Nay votes:

Abstained: None

Motion passed with a vote of 5-0-0

Recessed to Executive Session at 9:25 PM

Reconvened to open meeting Session at 9:58 PM

***** Council member Thornburg moved to move agenda item # 12 to the February 26, 2013 meeting. Seconded by Mayor Pro-tem Martin**

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

Nay votes:

Abstained: None

Motion passed with a vote of 5-0-0

Section IV – Public Works

13. Consider and receive the update of the land use assumptions and the Capital Improvement Plan.

***** Mayor Pro-tem Martin moved to accept the Capital Improvement plan for 2012-2040 on water and wastewater for the city of Willow Park TX submitted by Biggs and Matthew's identify as 2012-31 as amended Second by Council member Podany**

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

Nay votes:

Abstained: None

Motion passed with a vote of 5-0-0

14. Consider and Act on Resolution No. _____ authorizing appointment of a Capital Improvements Advisory Committee which may be the Planning and Zoning Commission with certain additional members.

***** Mayor Pro-tem Martin moved to move to approve and adopted resolution No. 01-13 a resolution providing authorization to appoint and does hereby appoint a capital improvement plan advisory committee; and providing for an effective date being today forward and in addition authorize the Mayor and the chairman to jointly select an additional person who is a citizen of the Extra Territory Jurisdiction as part of the Capital Improvement Advisory Second by Council member Thornburg**

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

Nay votes:

Abstained: None

Motion passed with a vote of 5-0-0

15. Consider and Act on Ordinance _____ authorizing an Order to issue setting of a public hearing date to discuss and review the land use assumption update and whether to amend the Capital Improvement Plan.

***** Mayor Pro-tem Martin moved to move to approve and adopted ordinance No. 660-13 and ordinance providing authorization for and ordering of Public hearing by the governing body of the City of Willow Park, Texas to discuss the proposed ordinance amending land use assumptions and the capital improvement plan and proposed impact fees; and providing for an effective date being today the 12th day of February 2013 Second by Council member Podany**

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

Nay votes:

Abstained: None

Motion passed with a vote of 5-0-0

16. Receive a Report or Update from Director of Public Works and Discuss Public Works Capital Projects.

Public works Director Lance Petty updated the Mayor and Council on projects that are going on. The El Chico Well site will have 3 phase power brought to this site; cost for that extension is \$3458.94. The Surre lane well site and the Willow Spring well site don't have 3 Phase in that area they will upgrade the power to single phase 480, that includes a convertor from single phase 480 to a 3 phase 480. The total of all the site will be \$8606.70, that is the change order that was presented to council the estimated time to be delivered from Oncor is 4-6 weeks.

Wastewater lift station – at this time staff is not requested to move forward with this project, until Mr. Maroney get through with his review of Wasteline Engineering. He asked for two weeks extension and it will be ready for the next council meeting.

Mr. Petty stated that he started a new report which will tell us how much time we are spending in each department. It is broken down to building maintenance, city services and fire., These are separated from parks and streets and then we have water and wastewater that way we can determine how much time we spend on each department so we can see were to make adjustments to the budget

Section V- General Items

17. Consider and Act on Ordinance No. ____, Ordering a Municipal Election to be held on May 11, 2013 for certain Municipal Officers of the City, to wit: Mayor and Council Members Place 1, and Place 2.

***** Mayor Pro-tem Martin moved to move to approve and adopted ordinance No. 661-13 and ordinance ordering a municipal election to be held on May 11, 2013 for the Election of certain municipal officers for the City of Willow Park, Mayor, council members; place 1 place 2; appointing a presiding election judge and alternate presiding election judge; establishing other procedures for the conduct of the election; providing a severability clause; providing for publication of notice and providing for an effective date; Second by Council member Podany**

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

Nay votes:

Abstained: None

Motion passed with a vote of 5-0-0

- 17B. Consider and Act on Resolution No. _____ authorizing the City to enter into a contract with Parker County, Texas to conduct said election on May 11, 2013 and perform other ancillary functions related thereto.

***** Mayor Pro-tem Martin moved to move to approve and adopted Resolution No. 02-13 a resolution providing authorization for the negotiation and execution of a contract by and between the City of Willow Park and Texas (City), and Parker County Texas through the Parker County Election administrator (County), to conduct the municipal general election for the city to be held May 11, 2013 and other ancillary functions related to the election; and providing for an effective date; Second by Council member Podany**

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

Nay votes:

Abstained: None

Motion passed with a vote of 5-0-0

18. Hear and Discuss a report, findings, or recommendations concerning the Willow Park Fire District Boundaries, Municipal Fire District Boundaries, Emergency Service District Boundaries, proposed actions to change certain boundaries, and the implications those changes may have on mutual aid service and future development.

Fire Chief Sauble presents before the Mayor and Council the ESD 1

Council instructed staff to draft a letter and bring it before council in the next meeting.

***** Mayor Pro-tem Martin moved to table item 19 and item 20 to the next council meeting
Second by Council member Podany**

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

Nay votes:

Abstained: None

Motion passed with a vote of 5-0-0

19. Consider and Take Action on Ordinance No. ____, Relating to the Office of City Administrator authorizing certain changes or amending Chapter 8, "*Personnel*", Article 8.100 "*Office of the City Administrator*" in the Municipal Code of Ordinances. Tabled at the previous council meeting (Council Member Suchocki).
20. Consider and Take Action of Ordinance No. ____, authorizing the Planning & Zoning Commission, to Designate Officers; by amending Ordinance 636-11 or amending Chapter 12 "*Zoning*", Section 12.501 "*Organization and Procedure*" (Council Member Suchocki).
21. Consider and Take Action on Resolution ____, To Authorize of entering into an Professional Services Agreement with ____ Fiscal Year 2011 - 2012 Audit. A Resolution providing authorization for the execution of a contract by and between the City Of Willow Park, Texas and ____ for the provision of certain professional services related to the Fiscal Year 2011- 2012 Municipal Audit; and providing for an effective date. Such contract will have a completion date and will follow certain contract guidelines outlined by Council's approval. (If we have already contracted with a company we will use this Resolution. If not then I will amend this resolution to include, authorizing the City Administrator to offer bids for contract to the City of Willow Park, authorizing cost, and best practices for firms to contract - (We will follow the Contract/Procurement Policy which you can outline to the City Council)

No action

***** Council member Thornburg moved to move the remaining agenda items to the next council meeting; Second by Council member Stalling**

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

Nay votes:

Abstained: None

Motion passed with a vote of 5-0-0

22. Discuss and Consider directing the City Administrator to develop standardized policy and procedures to identify qualified professional engineers to provide engineering services including: a standard Request For Qualifications (RFQ); procedures for bidding projects; contracting for a City engineer or

contracting with an Engineering Firm for Plan Reviews and other Engineering as needed. Findings should include how to develop a scope of work and cost analysis. (Council Member Podany)

23. Discuss and Consider directing the City Administrator to complete a study of policy and procedures for ordinance codification, including a cost analysis of online or business services to codify ordinances. The cost analysis should compare the cost of the online municipal ordinance services compared to the cost of attorney fees for same. (Council Member Podany)
24. Discuss and Consider directing the Planning and Zoning Commission to review and evaluate and Article 12.600 "Sign Ordinance" and evaluate and review the I 20 Overlay Zoning Ordinance concerning Billboard, Electronic Signage, and Media Boards. (Council Member Podany)
25. Discuss and Consider an Agenda Setting Process (see, Chpt. 1, Section 1.404(g) Mun. Code of Ord.), including procedures for Agenda Placement by the Planning & Zoning Commission (Council Member Stalling)

Section VI – Informational

26. Mayor & Council Member Announcements

The City Council may hear or make reports of community interest provided no action is taken or discussed. Community interest items may include information regarding upcoming schedules of events, honorary recognitions, and announcements involving imminent public health and safety threats to the city.

27. City Administrator's Report

Hear City Administrator's report on city's finances, capital improvement projects, and departmental operations.

Section VII – Executive Session

The City Council reserves the right to adjourn into executive session at any time during the course of the this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 55.1071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.175-183 (Deliberations about Homeland Security Issues), and as authorized by the Texas Tax Code, including, but not limited, Section 321.3022 (Sales Tax Information). The City Council may take action on any agenda item listed for executive session consideration upon reconvening in open session.

28. Executive Session

A. Consultation with Attorney

- i. *ES&CM v. Willow Park*, No. CV11-1093, 43rd District Court, Parker County
- ii. *Willow Park v. TCEQ*, No. D-1-GV-12-000220, 261st Dist. Ct., Travis Co., Texas
- iii. *Consultation with Attorney over engineering*

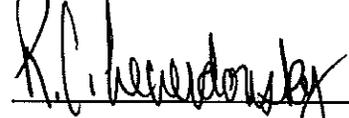
No action

Section VIII – Adjournment

29. Adjournment

Mayor Neverdousky adjourned the meeting at 11:40 PM

APPROVED



Richard Neverdousky, Mayor
City of Willow Park, Texas

ATTEST:



Yael Hoffman, City Secretary

City of Willow Park, Texas