



City of Willow Park
City Council
Regular Meeting
516 Ranch House Road, Willow Park, TX 76087
Tuesday, April 9, 2013 at 7:00 p.m.
Minutes

Section I – Presentations

1. Call to Order

Mayor Neverdousky called the meeting to order at 7:00 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

- A. Proclamation of Appreciation for Dr. Marsha Barber Founder and Director of Development with Trinity Christian Academy

Mayor Neverdousky read aloud a Proclamation recognizing the Dr. Marsha Barber for her retirement

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 Councilmember 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. Specially Called Meeting Minutes – March 26, 2013

***** Mayor Pro-tem Martin moved to approve the Minutes from the Special CIP committee meeting. Seconded by Council Member Podany**

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

Nay votes: None

Abstained: Council member Suchocki

Motion passed with a vote of 4-0-1

Section III – Planning & Development

7. Public Hearing on rezoning recently annexed property. –This item has been reschedule until the next regular City Council meeting on Tuesday, May 14, 2014.

This item will be discussed next regular council meeting May, 14 2013

8. Discuss and take action on proposed Site Plan for Texas Health Resources located at Crown Pointe Addition, Lot 1, Block A more commonly known as 4501 I-20 Service Road North.

***** Council member Podany moved recesses to executive session 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

Mayor Neverdousky recessed to Executive Session at 8:35 PM

Mayor Neverdousky reconvened to open meeting at 9:05 PM

***** Council member Thornburg moved to accept the recommendation of the Planning and Zoning Commission and approve the Texas Health Resources Site plan at Crown point addition, lot 1 Block A more commonly known as 4501 I-20 Service Road North 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

9. Discuss and Act on Comprehensive Plan. Approve scope of work with Freese & Nichols for the development of a strategic plan, comprehensive plan, and city limits, extraterritorial jurisdiction, and zoning district maps for an amount not to exceed \$74,064.

***** Council member Suchocki made the following motion "with regards to Freese & Nichols Contract dated 03/04/2013 that we will accept the scope of work laid out in that document pages 1-8, also that we approve the total cost for doing the various tasks which will be: phase 1 \$9314 for strategic Plan, phase 2 \$11279 for mapping and phase 3 \$53471 for the comprehensive plan realizing that the actual contract language will be worked out for a later time with the City Council and Fresse and Nichols specifically working through page 10,11, 12 and the remainder of the contract. 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

Section IV – Public Works

10. Discuss and Act on releasing a request for qualifications (RFQ) for professional services for a water, wastewater, solid waste, and impact fee rate study.

***** Mayor Pro-tem Martin moved to authorize the Mayor and the City Administrator in coordination with the Public Works Director to finalize the Request For Qualification for consulting services for a Water and Wastewater rate study and anticipating that solicitation for 45 calendar days and expecting that the responses will be included time line completing by the end of 2013 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

11. Consider and take action on Community Facilities Agreement with St. Marianne Cope Health Care, LLC for the development of public improvements to facilitate the development of Crown Pointe Addition, Lot 2, Block B more commonly referred to as the north and west side of 190 Crown Pointe Boulevard.

***** Council member Thornburg moved to authorize the Mayor and the City Administrator to sign and approve upon receipt the agreement signed by the developer after closing The St. Marianne Cope Health Care LLC community Facilities agreement Willow Park Skilled Nursing Center being an agreement between The City of Willow Park Texas, (the City) and St. Marianne Cope Health Care, LLC (the "Developer"), (collectively the "Parties") as developer of Lot 2, Block B, Crown pointe Addition and as more particularly described in the Exhibit "A", attached hereto and incorporated herein by reference ("Property"). This agreement relates solely to the development of a single story Skilled Nursing Center (the Development") to be developed pursuant to the applicable federal, state and local statue, rules regulations, the City`s ordinances, the Final Plat of the Development (Exhibit "B", cabinet D, Slide 232, Plat Records Parker county, TX), the Site Plan (Exhibit "C", approval pending), this community Facilities Agreement and provisions for the installation of certain infrastructure as defined in paragraph 3.A- 3. H (constructed on-site necessary to support the Development); and for the assurance of completion and maintenance thereof not materially different then the agreement before council this day Seconded by Council Member Suchocki**

Council member Suchocki made a friendly amendment to the motion:

Page 2 – instead, city engineer should say "engineer appointed by the city"

Page 3 - paragraph 9, sub paragraph a – "instead of approved by City Public Work "Should be "Approved by City Council" .

Page 5 – item 1 and 2 instead of "inspected by the City of willow park" should be "inspected by an engineer appointed by the City "the same in part E should be "inspected by an engineer appointed by the City"

Page 7 – under item 6 – "...City public works director or designee" would like to change it to "City engineer appointed by the City administrator"

Council member Thornburg accepted the friendly motion

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

Council Member Podany requested that the following will be included in the minutes, her reason for her Nay vote:

- 1. I did not believe that the design presented to City Council was adequate for full analysis.*
- 2. I did not believe the street design addressed storm water drainage properly.*
- 3. I did not believe the design addressed critical issues for street placement in a flood prone area.*
- 4. I objected to the notion that each developer should be responsible for upkeep and care of portions of the drainage channel.*
- 5. I believe that the drainage channel should be dedicated to the City for maintenance and care due to the fact that storm water drainage would be coming from other properties which could cause disputes between property owners over who is responsible.*
- 6. Debris from storm water could cause serious erosion problems which I believe the City should address and be responsible for.*
- 7. In my opinion none of the above concerns were adequately addressed to my satisfaction*
- 8. The contract was a template document and confusing which included items which did not pertain to the issue at hand.*

Mayor Neverdousky called for a break at 9:25 PM

Mayor Neverdousky reconvened to open meeting at 9:33 PM

Section V- General Items

12. Discuss and Act to schedule workshop and public hearings for FY 2012-2013 Budget Amendment.

***** Mayor Pro-tem Martin moved to authorize the City Administrator Schedule a public hearing on potential modifications of the City Budget to be held on May 14th 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

13. Discuss and Act to adopt Employee Personnel Manual.

***** Mayor Pro-tem Martin moved that the City Council hereby adopt the City of Willow Park Employee Handbook dated April 2013 as provided in the Packet to review** 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

14. Discuss and Receive mid-year financial report.

Budget and Financial Analyst gave the midyear financial report

15. Discuss and Act on releasing a request for qualifications (RFQ) for legal services for representation in the case of ES CM vs. Willow Park and Brennan vs. Willow Park.

***** Council Member Suchocki moved to discuss this item in executive session with the action following Executive Session** 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

16. Discuss and Act on developing an economic development strategy. (Council member Thornburg)

Section VI – Informational

17. 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.

None

18. City Administrator's Report

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

1. April 20th Ride for Heroes starts at 8:30 AM
2. Parkfest Oct. 19th, 2013 it will be the 50th anniversary of the City of Willow Park
3. Fire Chief Brent Souble had a baby boy on 04-05-2013 Congratulations

Section VII – Executive Session

Mayor Neverdousky recessed to Executive Session at 10:01 PM

The City Council reserves the right to adjourn into executive session at any time during the course of the this meeting to discuss an 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.

19. Executive Session

A. Consultation with Attorney

- i. *ES&CM v. Willow Park,*
- ii. *Litigation guide lines*
- iii. *Personnel, Boards and Commissions*

Mayor Neverdousky reconvened to open meeting at 11:37 PM

*****Council member Suchocki moved that the city to adopt a RFQ for Trial Attorney and publish it and send it to various attorneys in the area as determined by the City Administrator** Seconded 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

*****Mayor Pro tem Martin moved to authorize Council member Suchocki to draft a letter for the Mayor's approval with coordination by the City Administrator to Strasburger Legal Firm Seconded by Council member Stalling**

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 VIII – Adjournment

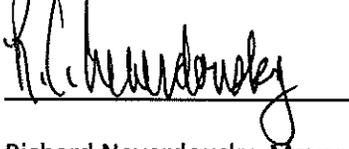
20. Consider and Take Action on Ordinance No. ____, authorizing the Planning & Zoning Commission, to Designate Officers; by amending Ordinance 636-11 or amending Chapter 12 "Zoning", Section 12.501 "Organization and Procedure" (Councilmember Suchocki)

No Action on item 20

21. Adjournment

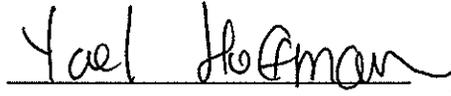
Mayor Neverdousky adjourned the meeting at 11:40 PM

APPROVED

A handwritten signature in black ink, appearing to read "Richard Neverdousky", written over a horizontal line.

Richard Neverdousky, Mayor
City of Willow Park, Texas

ATTEST:

A handwritten signature in black ink, appearing to read "Yael Hoffman", written over a horizontal line.

Yael Hoffman, City Secretary

City of Willow Park, Texas