



**City of Willow Park
City Council
Regular Meeting Agenda
Municipal Complex
516 Ranch House Rd, Willow Park, TX 76087
Tuesday, September 28, 2021 at 7:00 p.m.**

The City Council of the City of Willow Park reserves the right to meet in closed, executive session on any of the items listed below should the need arise and if authorized by Title 5, Chapter 551, of the Texas Government Code.

Call to Order

Invocation & Pledge of Allegiance

Proclamations

Domestic Violence Awareness Month, Freedom House

Public Comments (Limited to three minutes per person)

Residents may address the Council regarding an item that is not listed on the agenda. Residents must complete a speaker form and turn it in to the Secretary five (5) minutes before the start of the meeting. The Rules of Procedure states that comments are to be limited to three (3) minutes. The Texas Open Meetings Act provides the following:

- A. If, at a meeting of a governmental body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to:
 - (1) A statement of specific factual information given in response to the inquiry; or
 - (2) A recitation of existing policy in response to the inquiry.

- B. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

Consent Agenda

All matters listed in the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be a separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

- A. Approve City Council Meeting Minutes – Regular Meeting September 14, 2021.

Regular Agenda Items

1. Discussion/Action: To make an appointment to the City Secretary Position.
2. Discussion/Action: Conduct public hearing to change street name from Bridge Street to Rayfield Wright Drive.
 - a. Open Hearing
 - b. Close Hearing
3. Discussion/Action: To adopt Ordinance No.839-21, changing Bridge Street to Rayfield Wright Drive.
4. Discussion/Action: Conduct public hearing on juvenile curfew ordinance.
 - a. Open Hearing
 - b. Close Hearing
5. Discussion/Action: To consider and act on Ordinance No. 840-21, An Ordinance continuing the City of Willow Park's Juvenile Curfew ordinance for an additional three (3) years. providing a repealer clause; providing a severability clause; providing a notice clause; and providing for an effective date.
6. Discussion/Action: To consider and act on Ordinance No 841-21, An Ordinance of the City of Willow Park, Texas, amending Chapter 8 of the City of Willow Park's Code of Ordinances by adding an Article 8.08 prohibiting and regulating the removal of graffiti; providing a penalty for violations of this Ordinance in an amount not to exceed \$500.00; providing a cumulative repealer clause; providing for a severability clause; and providing an effective date.
7. Discussion/Action: To consider and act on Ordinance No. 842-21, an Ordinance of the City Council of the City of Willow Park, Texas, repealing Ordinance No. 318-92 and amending Willow Park's Code of Ordinances, Chapter 4 Article 4.03 Alarm Systems in its entirety; to regulate burglar, robbery, fire, medical emergency assistance, panic alarms and persons engaged in relaying alarm

notifications; providing for the issuance and revocation of permits and for the establishment of Permit Fees; providing an appeal procedure for denial or revocation of a permit; providing for the enforcement of such regulations; providing for a Service Charge Fee for false alarms; allowing for response termination by city Police and Fire Departments in the event of noncompliance with this ordinance; providing for a penalty for the violation of this ordinance; providing savings, repealing and severability clauses; and providing for an effective date.

8. Discussion/Action: To consider and act upon the Mental Health Leave Policy for Peace Officers and the Quarantine Leave Policy for Police Officers and Fire Fighters as required per SB 1359 passed during the last legislative session.
9. Discussion / Action: Hear update on Fort Worth Water Project
10. Discussion / Action: American Recovery Act Funding.
11. Discussion/Action: Forgiveness of Interfund Balance within the Enterprise Fund.

Executive Session

Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, the City Council may convene into closed, Executive Session in accordance with the following authority: Sections 551.071 (consultation with attorney), 551.072 (real property), 551.073 (prospective gifts), 551.074 (personnel matters), 551.076 (security matters), 551.087 (economic development). Executive Session may be held, under these exceptions, at the end of the Regular Session, Workshop and/or Special Session, or at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting. Without limiting the foregoing, City Council may convene into closed, Executive Session on the following:

- A. 551.087 (economic development negotiations); 551.071 (consultation with attorney): Chapter 380 incentives.

Following Executive Session, the City Council will reconvene into Regular Session and may take any action deemed necessary as a result of the Executive Session.

Informational

- A. Mayor & Council Member Comments
- B. City Manager's Comments

Adjournment

I certify that the above notice of this meeting posted on the bulletin board at the municipal complex of the City of Willow Park, Texas on or before September 24, 2021 at 5:00 p.m.

Candice J Scott, Interim City Secretary

If you plan to attend this public meeting and you have a disability that requires special arrangements at this meeting, please contact City Secretary's Office at (817) 441-7108 ext. 6 or fax (817) 441-6900 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.



PROCLAMATION

DOMESTIC VIOLENCE AWARENESS MONTH

In the City of Willow Park, Texas, in recognition of the critical work being done by Domestic Violence Advocates and Allies in service of the survivors and victims they serve, I encourage all citizens to actively engage in the scheduled activities and events sponsored by FREEDOM HOUSE and other organizations working toward an eradication of domestic violence.

WHEREAS, more than 20,000 calls are placed to domestic violence hotlines nationwide every day;

WHEREAS, the impact of domestic violence is felt not only by individuals and families, but communities and the nation as a whole,

WHEREAS, Willow Park joins with others across the state of Texas and nationwide in supporting domestic violence victims and survivors, the advocates and organizations who serve them, and holding offenders accountable in Parker County, Texas.

NOW, THEREFORE, I, Doyle Moss, Mayor of the City of Willow Park, hereby do Proclaim October 2021 as NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH.

PROCLAIMED AND WITNESSED this the 28th day of
September 2021.

CITY OF WILLOW PARK, TEXAS

Doyle Moss, Mayor



**City of Willow Park
City Council
Regular Meeting Minutes
Municipal Complex
516 Ranch House Rd, Willow Park, TX 76087
Tuesday, September 14, 2021, at 6:00 p.m.**

The City Council of the City of Willow Park reserves the right to meet in closed, executive session on any of the items listed below should the need arise and if authorized by Title 5, Chapter 551, of the Texas Government Code.

Call to Order

Mayor Moss called the meeting to order at 6:00 P.m.

Invocation & Pledge of Allegiance

Ted Kitchens, Pastor of Leadership Development from Christ Chapel Bible Church gave the invocation and led the Pledge of Allegiance.

Proclamations

Mayor Moss presented a proclamation to the Willow Park Police and Fire Departments remembering 911 and honoring first responders.

Public Comments (Limited to five minutes per person)

Residents may address the Council regarding an item that is not listed on the agenda. Residents must complete a speaker form and turn it in to the Secretary five (5) minutes before the start of the meeting. The Rules of Procedure states that comments are to be limited to five (5) minutes. The Texas Open Meetings Act provides the following:

- A. If, at a meeting of a governmental body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to:
 - (1) A statement of specific factual information given in response to the inquiry; or
 - (2) A recitation of existing policy in response to the inquiry.

- B. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

Mayor Moss adjourned the meeting to Executive Session at 6:08 P.M.

Item B. 551.074 Personnel Matters; Interview candidates for City Secretary Position

Mayor Moss reconvened to open session at 7:17 P.M.

Consent Agenda

All matters listed in the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be a separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

- A. Approve City Council Meeting Minutes – Regular Meeting August 24, 2021.

Mayor Pro Tem Young moved to approve the minutes of the August 24, 2021 Regular City Council meeting as presented. Councilmember Contreras seconded the motion.

Aye votes: Councilmembers Contreras, VanSant, Runnebaum, Young and Crummel

Nay votes: None

Motion passed with a vote of 5 to 0

Regular Agenda Items

1. Discussion/Action: To consider and Act on a Final Plat Lot 2 and 3, Block 1, Porter Addition, being a 7.918-acre tract of land J.M. Froman Survey, Abstract No. 471, City of Willow Park, Parker County, Texas.

Councilmember Runnebaum moved to approve the Final Plat Lot 2 and 3, Block 1, Porter Addition, being a 7.918-acre tract of land J.M. Froman Survey, Abstract No. 471, City of Willow Park, Parker County, Texas. Councilmember VanSant seconded the motion.

Aye votes: Councilmembers Contreras, VanSant, Runnebaum, Young and Crummel

Nay votes: None

Motion passed with a vote of 5 to 0

2. Discussion/Action: Consider and act to receive and accept a petition requesting annexation of a 19.16-acre tract of land situated in the John H. Phelps Survey, Abstract No 1046, City of Willow Park, Parker County, Texas, being a portion of a 52.283-acre tract described in deed to D & M, a Texas General Partnership recorded in Volume 1403, Page 1713, Real Property Records, Parker County, Texas, located east of Bay Hill Drive.

Councilmember Runnebaum moved to accept the petition requesting annexation as read. Councilmember Contreras seconded the motion.

Aye votes: Councilmembers Contreras, VanSant, Runnebaum, Young and Crummel

Nay votes: None

Motion passed with a vote of 5 to 0

3. Discussion/Action: Consider and act on adopting Resolution No. 2021-0914, setting a Public Hearing for October 12, 2021, at 7:00 pm regarding the voluntary annexation of property located east of Bay Hill Drive in the City of Willow Park Extraterritorial Jurisdiction.

Mayor Pro Tem Young moved to Adopt Resolution No 201-0914, A Resolution setting a date, time, and place for a public hearing on the proposed annexation of certain property by the City of Willow Park, Texas and authorizing and directing the Mayor to publish notice of said public hearing. Councilmember Runnebaum seconded the motion.

Aye votes: Councilmembers Contreras, VanSant, Runnebaum, Young and Crummel

Nay votes: None

Motion passed with a vote of 5 to 0

4. Discussion/Action: The City Council may consider approving Ordinance No. 838-21 adopting a storm water impact fee to pay for storm water drainage infrastructure.

Mayor Pro Tem Young moved to Adopt Ordinance No 838-21, an Ordinance adopting Drainage Impact Fees to pay for stormwater drainage facilities in accordance with Chapter 395 of the Texas Local Government Code ("Chapter 395"); amending Chapter 13 of the Code of Ordinances of the City of Willow Park, Texas to add Article 13.14 entitled "Drainage Impact Fees"; and containing findings and other provisions relating to the foregoing subject; providing a savings clause; providing for severability; and providing for an effective date. Councilmember Crummel seconded the motion.

Aye votes: Councilmembers Contreras, VanSant, Runnebaum, Young and Crummel

Nay votes: None

Motion passed with a vote of 5 to 0

5. Discussion/Action: Comprehensive Street Improvement Plan and funding options.

Councilmember Runnebaum made the motion to authorize staff to update the debt schedule to reflect a 7-million-dollar issuance for the purpose of the group 1 road reconstruction. Councilmember Contreras seconded the motion.

Aye votes: Councilmembers Contreras, VanSant, Runnebaum, Young and Crummel

Nay votes: None

Motion passed with a vote of 5 to 0

6. Discussion/ Action: To consider and act on items to be considered for future council meetings.

Items for future meetings will be as follows: streets, public hearing to rename a street, ordinances for curfew, graffiti, and alarms. Update on the pump station and water link to Hudson Oaks.

7. Discussion/ Action: To consider and act on setting the date and time for the next council meeting.

The next regular meeting will be on September 28, 2021 at 7:00 P.M.

Executive Session

Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, the City Council may convene into closed, Executive Session in accordance with the following authority: Sections 551.071 (consultation with attorney), 551.072 (real property), 551.073 (prospective gifts), 551.074 (personnel matters), 551.076 (security matters), 551.087 (economic development). Executive Session may be held, under these exceptions, at the end of the Regular Session, Workshop and/or Special Session, or at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting. Without limiting the foregoing, City Council may convene into closed, Executive Session on the following:

A. 551. 087 (economic development negotiations); 551.071 (consultation with attorney): Chapter 380 incentives

B. 551.074 Personnel Matters; Interview candidates for City Secretary Position

Following Executive Session, the City Council will reconvene into Regular Session and may take any action deemed necessary as a result of the Executive Session.

Mayor Moss recessed into executive session at 7:55 P.M.

Mayor Moss reconvened to the open meeting at 8:17 P.M.

There was not action on Item B

Informational

A. Mayor & Council Member Comments

Mayor Moss thanked the First Responders and the Council.

B. City Manager's Comments

City Manager Grimes reported that the city's sales tax came in at \$1.45 million.

Adjournment

Councilmember Runnebaum made the motion to adjourn. Mayor Pro Tem Young seconded the motion.

Aye votes: Councilmembers Contreras, VanSant, Runnebaum, Young and Crummel

Nay votes: None

Motion passed with a vote of 5 to 0

Mayor Moss adjourned the meeting at 8:22 P.M.

APPROVED:

Doyle Moss, Mayor

ATTEST:

Candice J Scott, Interim City Secretary



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: September 28, 2021	Department: Admin	Presented By: City Manager
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Discussion/Action: To make an appointment to the City Secretary Position

BACKGROUND: Per previous Council discussion, Council has offered the City Secretary position to Crystal Dozier, and Mrs. Dozier has accepted the City's offer.

Suggested Motion: I move that the Willow Park City Council appoint Crystal Dozier to the City Secretary position effective immediately.

STAFF/BOARD/COMMISSION RECOMMENDATION:

EXHIBITS:

ADDITIONAL INFO:	FINANCIAL INFO:	
	Cost	\$
	Source of Funding	\$



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: September 28, 2021	Department: Admin	Presented By: City Manager
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Discussion / Action: Adopt Ordinance 839-21, changing Bridge Street to Rayfield Wright Drive

BACKGROUND:

As a gesture of the deep appreciation that the City of Willow Park and Public Safety officers have, and in conjunction with adjacent property owners, staff recommends that Bridge Street be changed to Rayfield Wright Drive.

SUGGESTED MOTION: I MOVE THAT WE ADOPT ORDINCANCE 839-21, AN ORDINANCE CHANGING THE NAME OF A STREET LOCATED IN THE CITY OF WILLOW PARK, TEXAS FROM BRIDGE STREET TO RAYFIELD WRIGHT DRIVE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF/BOARD/COMMISSION RECOMMENDATION:

EXHIBITS:

ADDITIONAL INFO:	FINANCIAL INFO:	
	Cost	\$
Source of Funding	\$	

CITY OF WILLOWPARK
ORDINANCE NO. 839-21

AN ORDINANCE CHANGING THE NAME OF A STREET LOCATED IN THE CITY OF WILLOW PARK, TEXAS FROM BRIDGE STREET TO RAYFIELD WRIGHT DRIVE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park is a Type A General Law municipality located in Parker County, Texas, created in accordance with the provisions of Chapter 21 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the property owners adjacent to Bridge Street have been notified by letter that the street named Bridge Street is being renamed to Rayfield Wright Drive; and

WHEREAS, a public hearing was held by the City Council on the street name change; and

WHEREAS, the City Council concurs with the street name change from Bridge Street to Rayfield Wright Drive.

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. AUTHORITY

The Mayor, or his designee, is hereby authorized and directed to implement the applicable provisions of this ordinance.

SECTION 2. STREET NAME

The street right-of-way shown in EXHIBIT "A", attached hereto, formerly named Bridge Street, that lies within the corporate city limits of the City is hereby named Rayfield Wright Drive.

SECTION 3. RECORDING

The City Secretary of the City of Willow Park is instructed to file a copy of this Ordinance reflecting the street name change authorized by this Ordinance with the Real property Records of the City of Willow Park and the Parker County Address Authority.

SECTION 4. STREET SIGNS

City staff is directed to replace any street signs necessary to effectuate this street name change.

SECTION 5. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect from and after the date of its adoption.

PASSED, APPROVED AND ADOPTED on this 28^h day of September 2021

Doyle Moss, Mayor

ATTEST:

Crystal Dozier, City Secretary

APPROVED AS TO FORM:

Pat Chesser, City Attorney

The Willow Park City Council in acting on Ordinance No. 839-21, did on the 28th day of September, 2021 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Doyle Moss	_____	_____	_____
Eric Contreras, Place 1	_____	_____	_____
Tyler Van Sant, Place 2	_____	_____	_____
Greg Runnebaum, Place 3	_____	_____	_____
Lea Young, Place 4	_____	_____	_____
Nate Crummell, Place 5	_____	_____	_____



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: September 28, 2021	Department: Police	Presented By: Captain Daniel Franklin
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AGENDA ITEM:
Juvenile Curfew Ordinance

BACKGROUND:

In November 2018 the Willow Park City Council adopted a City Ordinance establishing curfew hours for minors. This following document provides the existing Ordinance information and supporting documentation supporting continuation of the Juvenile Curfew Ordinance.

STAFF/BOARD/COMMISSION RECOMMENDATION:

Continue the attached Ordinance for minors for three more years

EXHIBITS:

ADDITIONAL INFO:	FINANCIAL INFO:	
	Cost	\$ 0
	Source of Funding	\$

CITY OF WILLOW PARK
ORDINANCE NO. 840-21

AN ORDINANCE CONTINUING THE CITY OF WILLOW PARK'S JUVENILE CURFEW ORDINANCE FOR AN ADDITIONAL THREE (3) YEARS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A NOTICE CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Willow Park, Texas, on November 13, 2018 passed Ordinance No. 782-18 establishing a juvenile curfew that is codified in Chapter 8, Article 8.02 of the City Code of Ordinances (the "Juvenile Curfew Ordinance"); and

WHEREAS, the City Council of Willow Park, Texas desires to extend the Juvenile Curfew Ordinance for an additional three (3) years; and

WHEREAS, Section 370.002, Texas Local Government Code provides that:

(a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

- (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
- (2) conduct public hearings on the need to continue the ordinance or order; and
- (3) abolish, continue, or modify the ordinance or order.

(b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire.

WHEREAS, a public hearing was held on September 28, 2021, to determine the need to continue the Juvenile Curfew Ordinance; and

WHEREAS, the City Council of Willow Park, Texas has reviewed the effects of the Juvenile Curfew Ordinance on the community and problems the Ordinance was intended to remedy; and

WHEREAS, the City Council of Willow Park, Texas has considered whether to abolish, continue, or modify the Juvenile Curfew Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

Section 1: The City Council of Willow Park, Texas finds that there is a need to continue the Juvenile Curfew Ordinance in full force and effect for three (3) more years.

Section 2: The terms of the Juvenile Curfew Ordinance establishing a curfew for minors shall continue in full force and effect and such Ordinance shall be in full force and effect for an additional three (3) years.

Section 3: The City Manager is ordered to comply with Section 370.002 of the Local Government Code by bringing this same matter to the attention of the City Council prior to the expiration of the Juvenile Curfew Ordinance on November 12, 2024, to determine whether or not the Juvenile Curfew Ordinance is continued in force beyond that date.

Section 4: Repealer. The City Council of the City of Willow Park declares that any prior ordinance or any provision in any prior ordinance, as may be applicable, is hereby repealed to the extent that such ordinance or provision of an ordinance conflicts or contradicts the amendments and provisions enacted herein.

Section 5: Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstances for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, or ineffectiveness or such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be an remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 6: Notice. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the *Open Meetings Act, Chapter 551. Gov't. Code.*

Section 7: Effective Date. This Ordinance shall take effect and be in full force and effect from and after the date of its passage.

PASSED, APPROVED AND ADOPTED on this 28th day of September 2021.

Doyle Moss, Mayor

ATTEST:

Crystal Dozier, City Secretary

APPROVED AS TO FORM:

William P. Chesser

The Willow Park City Council acting on Ordinance No. 840-21, did on the 28th day of September 2021 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Doyle Moss	_____	_____	_____
Eric Contreras, Place 1	_____	_____	_____
Tyler Van Sant, Place 2	_____	_____	_____
Greg Runnebaum, Place 3	_____	_____	_____
Lea Young, Place 4	_____	_____	_____
Nathan Crummel, Place 5	_____	_____	_____

In November 2018, the Willow Park City Council adopted the existing City Ordinance establishing curfew hours for minors. This document provides the existing Ordinance information and supporting documentation.

Juvenile Curfew Ordinance Review and Data Analysis

Report Date September 2021

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Background

On November 13, 2018 the Willow Park City Council adopted Ordinance 782-18 establishing curfew hours for minors.

The current Ordinance requires a periodic review to include the Ordinance's effect on the community and the problems the ordinance was intended to remedy.

This analysis revealed that it is not only practical to enforce the ordinance but that it is a useful tool for officers.

In 1995, Texas Legislature enacted provisions that address a City's authority to enact juvenile curfew ordinances. This legislation requires a city to conduct periodic reviews of its curfew ordinance. A city must review its curfew ordinance at least every three years addressing:

1. The ordinance's effect on the community and on problems the ordinance was intended to remedy, and;
2. Conduct public hearings on the need to continue the ordinance; and
3. Abolish, continue, or modify the ordinance.

It is recommended that the City Council:

1. Review the effect the Curfew Ordinance for Minors under Seventeen years of age has had on the community and the problems the ordinance was intended to remedy. Determine if the ordinance was successful.
2. Include the effective date of the ordinance and date of periodic review in the ordinance, and;
3. Continue the attached curfew ordinance for minors for three more years.

Data Collection and Analysis

Data was collected from the Willow Park Police Department's Records Management System (Badge) and the Willow Park Citation management system (Brazos). The data was then organized and analyzed showing trends in different activities to help determine the effectiveness of the ordinance. The data is presented in both written and graph format representing several categories to explain the trends.

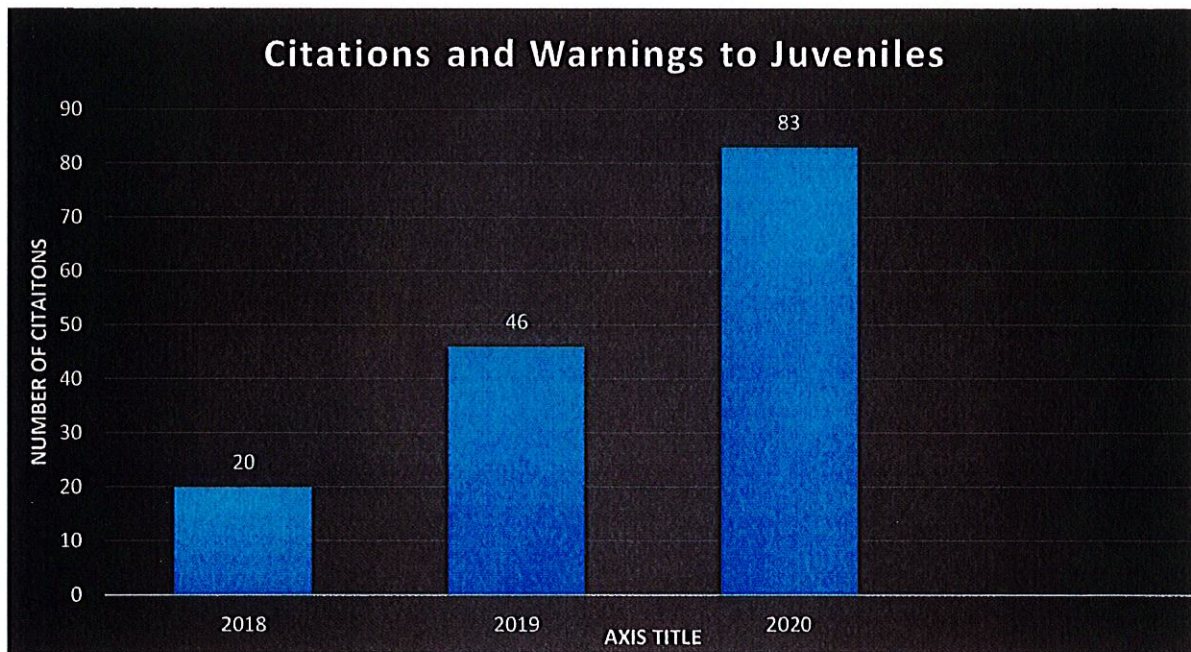
Only those juveniles physically taken into custody are counted as arrests, not released with a citation. The arrest data is for persons under seventeen years of age who were physically taken into custody during curfew hours. Data was collected for calendar years 2018-2020.

Citation data includes those cited and warned who are under the age of 17 and due to the software limitations; data includes citations and warnings written during and outside of the curfew hours. For the purposes of enforcement of laws relating to alcohol, "minor" means a person under the age of 21. For laws relating to tobacco, "minor" means a person under the age of 21.

For purposes of Council review, dates collected include 2018-2020.

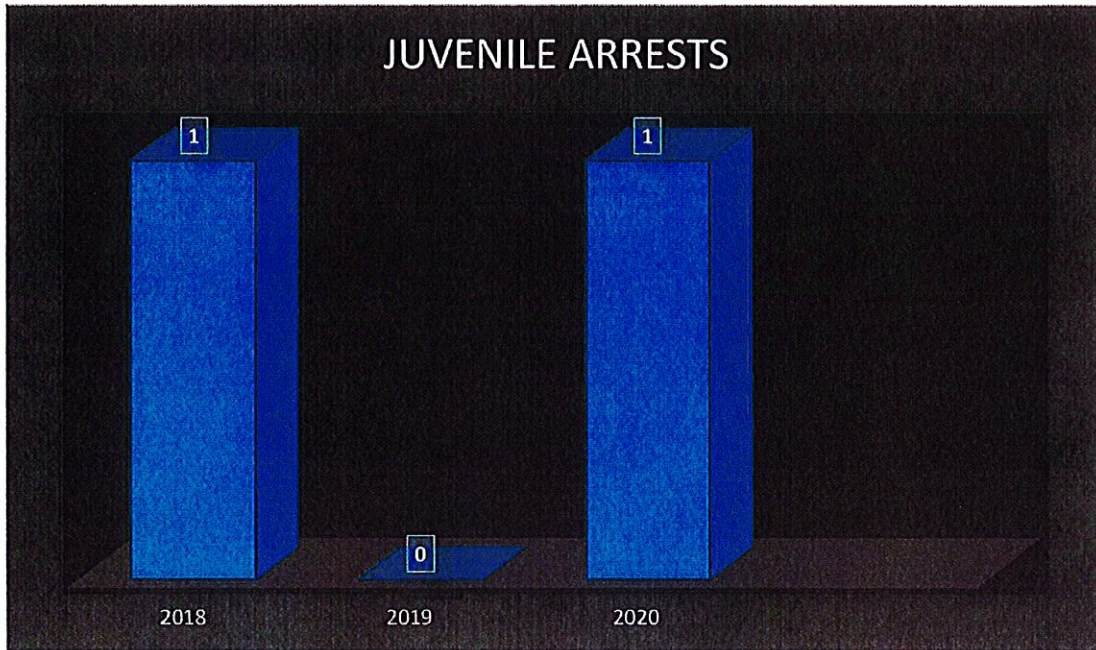
Citations and Warning Issued to Juveniles

From calendar year 2018 to calendar year 2020, the Willow Park Police Department issued 151 citations and warnings to juveniles (persons under the age of 17). These citations and warnings include traffic violations and City Ordinance violations. Of the 151 citations issued to juveniles, 35 were issued during curfew hours.



Juvenile Arrests during Curfew Hours

As previously stated, these numbers reflect only those juveniles that were physically taken into custody; it does not include those juveniles that were released only with a citation. Arrest charges include robbery, burglary, assaults, possession of marijuana or other drugs, etc.



Most Common Violations

The most common violations by juveniles and minors involve alcohol and tobacco. This analysis looks at these most common violations and how they relate to the juvenile curfew hours of Midnight to 6:00 am. These violations are:

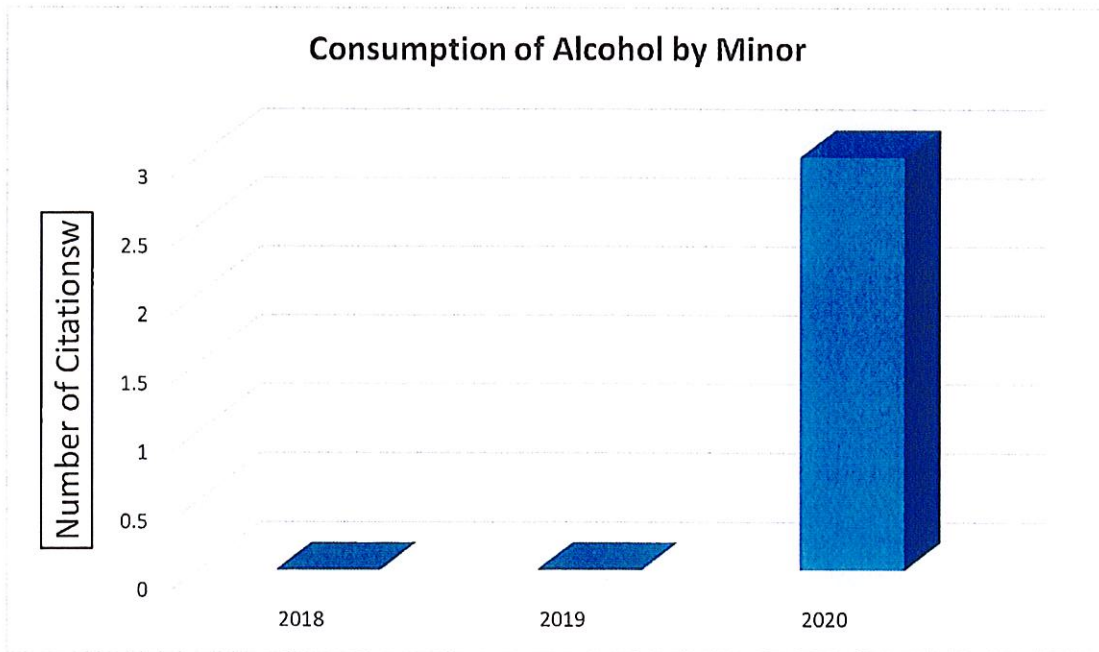
Consumption of Alcohol by a Minor	Texas Alcoholic Beverage Code Sec. 106.04
Possession of Alcohol by a Minor	Texas Alcoholic Beverage Code Sec. 106.05
Juvenile Curfew	City of Willow Park Code of Ordinances 782-18
Possession of Drug Paraphernalia	Texas Health and Safety Code Sec. 481.125
Possession of Tobacco by a Minor	Texas Health and Safety Code Sec. 161.252

Other Significant Offenses

- Criminal Mischief
- Burglary of Vehicle
- Speeding
- Other Traffic Related offenses

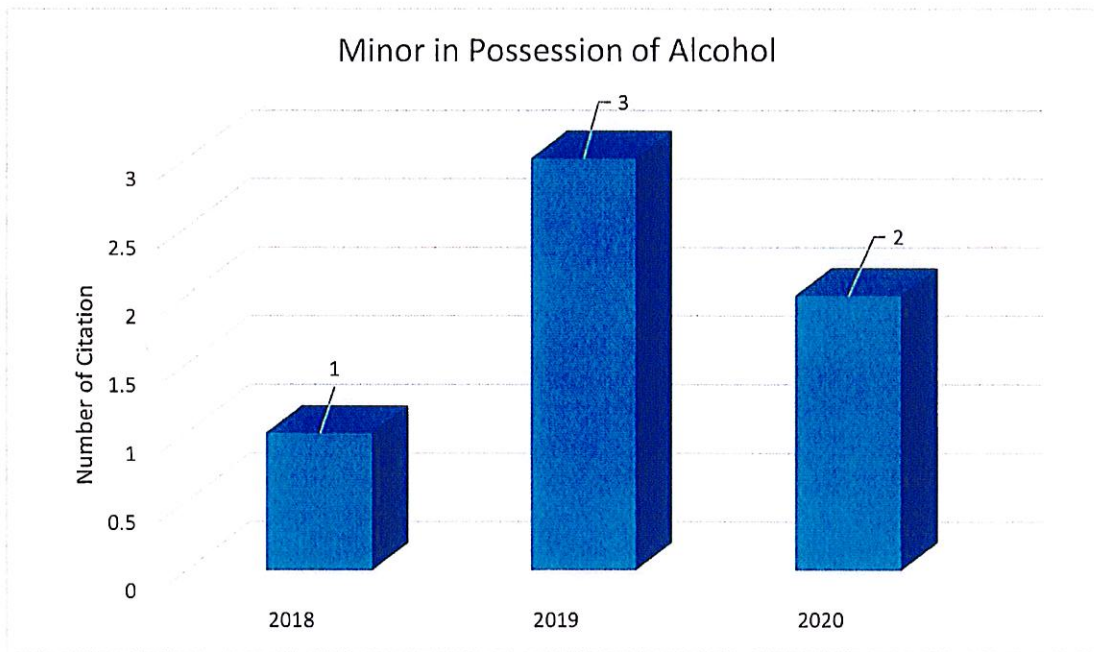
Consumption of Alcohol by a Minor

These figures only include persons cited or arrested under the age of 17 years old. Inclusion of persons cited or arrested from age 17 to 20 would result in a notable increase in this category. Of the 3 citations issued for Consumption of Alcohol by a Minor, all three were issued during curfew hours.



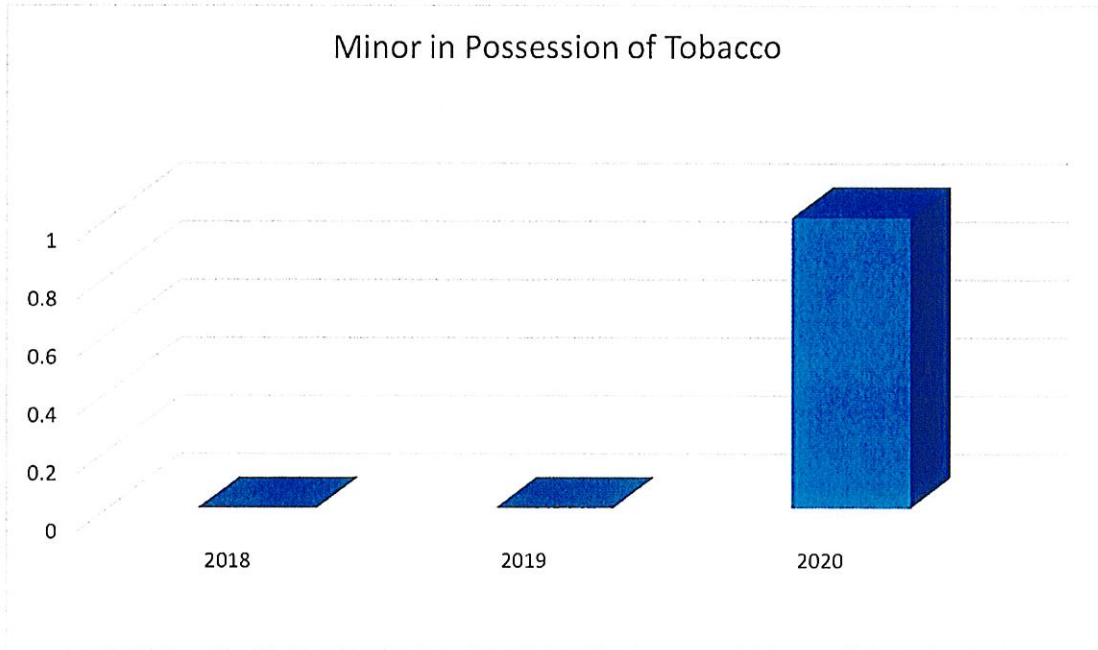
Possession of Alcohol by a Minor

These figures only include persons cited or arrested under the age of 17 years old. Inclusion of persons cited or arrested from age 17 to 20 would result in an increase in this category as well. Of the 6 citations issued for minor in possession of alcohol, 3 were issued during curfew hours.



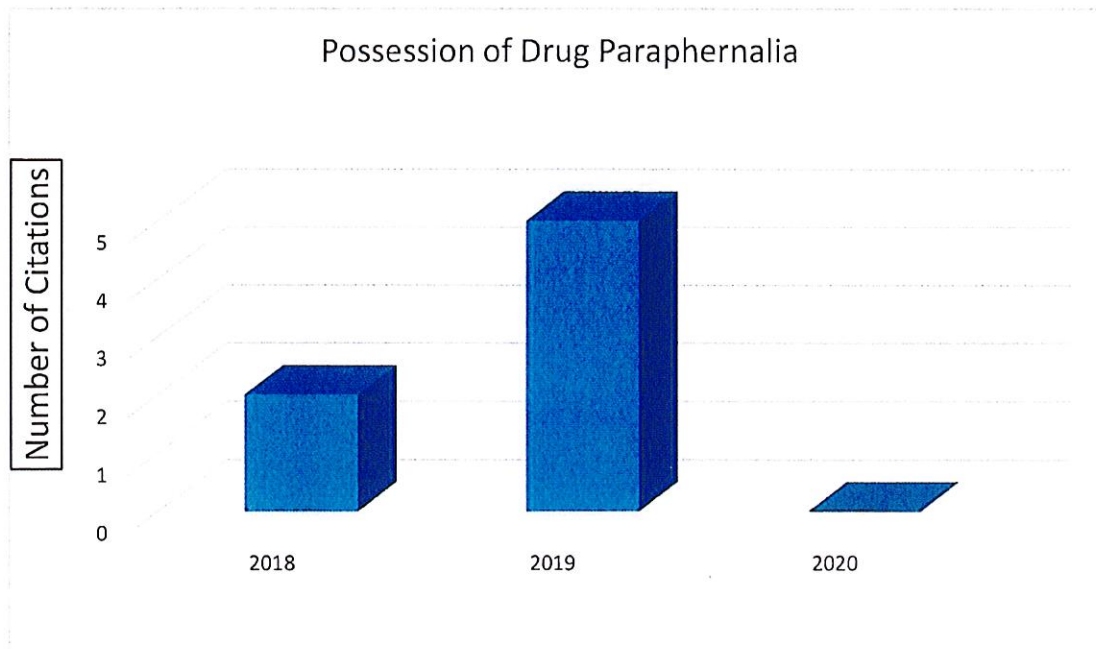
Possession of Tobacco by Minor

The trend in possession of tobacco by minors is increasing overall.



Possession of Drug Paraphernalia

The number of cited violations for possession of drug paraphernalia remains low. Of the 7 citations issued for Possession of Drug Paraphernalia, 2 were issued during curfew hours.

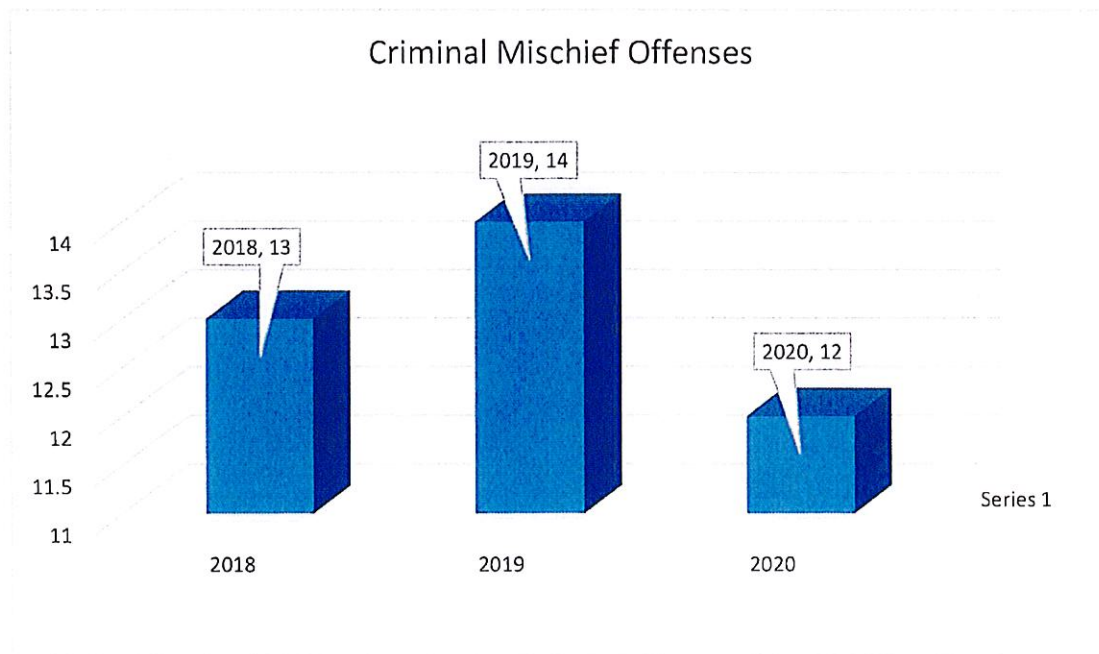


Criminal Mischief

Common forms of criminal mischief include vandalism, graffiti or destruction or defacing of property (excluding arson). Criminal Mischief offenses are normally associated with juvenile behavior. Some of the reports include offenses that are classified as criminal mischief such as “toilet papering” homes and “egging” cars. These activities commonly occur during evening and late night hours and are usually committed by groups of juveniles. The numbers reflected in the graph below are total offenses reported. Offenses such as these are often reported the following day and the time-frame of occurrence begins with when the reporting person last observed the undamaged property. These activities may at first seem harmless, but as time passes and especially with “egging”, costly damage can be caused if not cleaned immediately. This type of activity as time goes on can lead to more serious offenses. On the other hand, if juveniles are out during curfew hours and enter property, the owner could mistake them for criminals, intent on entering their residence or committing a theft. Laws in Texas allow residents to defend themselves and property with a firearm. The intent of the curfew is to protect juveniles. Preventing them from committing crimes is one aspect, but the other is to prevent them from becoming victims of crime or accidents as well.

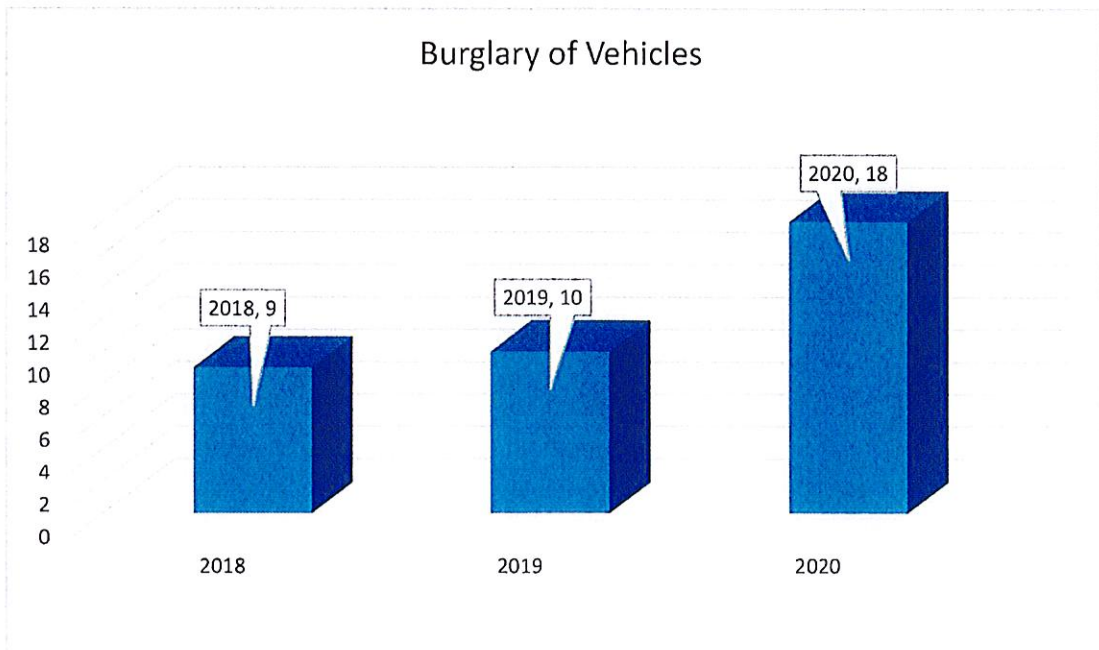
In 2020, out of the 12 reported offenses of Criminal Mischief, 1 was able to be identified as a juvenile.

These numbers could possibly be higher. However, due to many of the types of crimes having suspects classified as unknown; it is not possible to determine if these are juvenile related crimes.



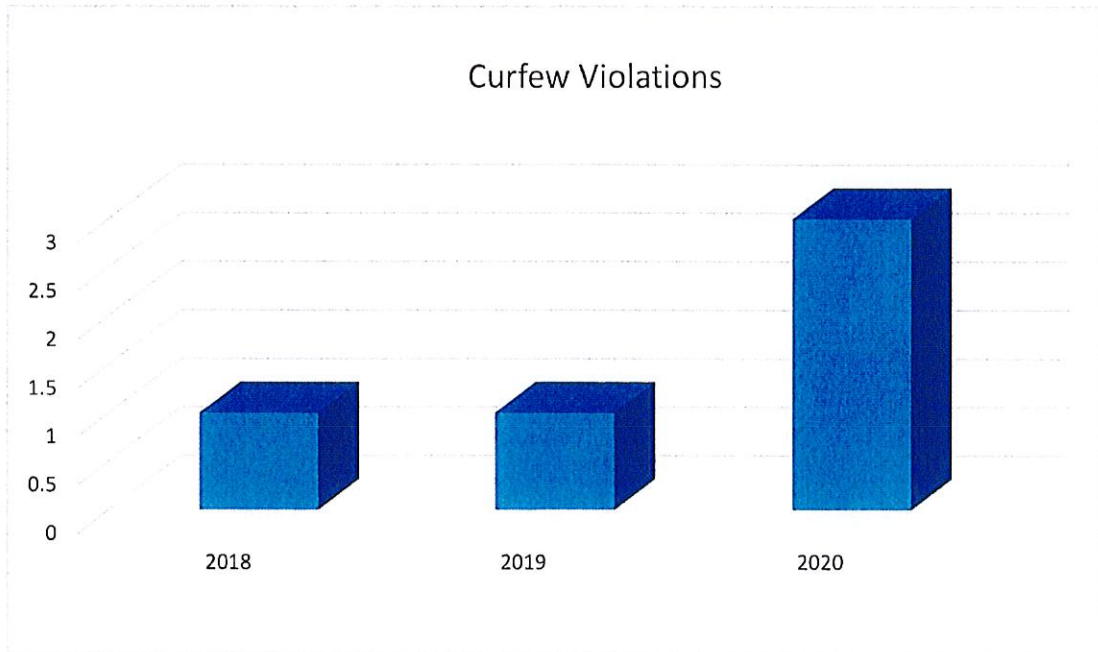
Burglary of Vehicles

Burglary of Vehicle offenses showed a small increase from 2018 to 2020. Often, vehicle burglaries are crimes of opportunity with vehicles being left unlocked. By having a curfew, juveniles that are abiding by the ordinance are not out and being tempted by the opportunity to commit the crime. Juveniles have a tendency to give in to peer pressure when they are confronted with the opportunity to commit these types of offenses to fit in. Once again, the intent of the curfew ordinance is to reduce crime, protect juveniles from being victims of crime and participating in these “crimes of opportunity”. As with the Criminal Mischief offenses, these are often reported the following day and the time-frame of occurrence begins with when the reporting person last observed the property.



Curfew Violation Citations Issued

The existing Juvenile Curfew Ordinance was adopted in 2018. The number of citations issued annually shows to have slightly increased over the past 3 years.



Summary

An examination of the data collected and included in this analysis reveals that the Juvenile Curfew Ordinance is an effective tool that assists officers, reduces juvenile delinquency and victimization. It is the recommendation of the Willow Park Police Department that the City Council review this report and consider continuing the Juvenile Curfew Ordinance.



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: September 28, 2021	Department: Police	Presented By: Chief Carrie West
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AGENDA ITEM:

New Graffiti Ordinance and corresponding update to the master fee schedule

BACKGROUND:

There is no Ordinance that addresses graffiti and graffiti abatement. There have been recent instances in which graffiti has been found in the City and it is necessary to implement specific measures to ensure timely abatement.

Proposed update to the master fee schedule to state that the City will bill for actual expenses incurred to remove graffiti, and assess a 10% additional charge if the work was performed from outside sources.

STAFF/BOARD/COMMISSION RECOMMENDATION:

Recommend approval of the Ordinance as submitted.

SUGGESTED MOTION: I MOVE TO ADOPT ORDINANCE NO 841-21, AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, AMENDING CHAPTER 8 OF THE CITY OF WILLOW PARK'S CODE OF ORDINANCES BY ADDING AN ARTICLE 8.08 PROHIBITING AND REGULATING THE REMOVAL OF GRAFFITI; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE IN AN AMOUNT NOT TO EXCEED \$500.00; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

EXHIBITS:

Ordinance No 841-21

ADDITIONAL INFO:	FINANCIAL INFO:	
	Cost	\$ 0.00
	Source of Funding	\$ 0.00

CITY OF WILLOW PARK
ORDINANCE NO. 841-21

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, AMENDING CHAPTER 8 OF THE CITY OF WILLOW PARK'S CODE OF ORDINANCES BY ADDING AN ARTICLE 8.08 PROHIBITING AND REGULATING THE REMOVAL OF GRAFFITI; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE IN AN AMOUNT NOT TO EXCEED \$500.00; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park (the "City") has investigated and determined that it would be advantageous and beneficial to the citizens of the City to amend Chapter 8 of the City Code of Ordinances by adding an Article 8.08 Graffiti to prohibit and regulate the removal of graffiti; and

WHEREAS, the City Council of the City of Willow Park finds that this ordinance is necessary to insure the health and safety of, and is in the best interests of, the citizens of Willow Park, Texas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION I. ENACTMENT. That Chapter 8 is hereby amended by adding and enacting an Article 8.08 to the City of Willow Park Code of Ordinances, prohibiting and regulating the removal of graffiti in the City, such amendment and enactment to read as follows:

"ARTICLE 8.08 GRAFFITI

Sec. 8.08.001. Purpose.

The city recognizes that graffiti is a blight upon our community and brings with it the possibility of violence for youths and adults alike. The presence of graffiti leads to more graffiti. Quick removal of graffiti will help to prevent the return of graffiti. The city further recognizes that it is only through a cooperative effort with our citizens that graffiti, and its resultant negative effects, can be controlled.

Sec. 8.08.002. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

AEROSOL PAINT CONTAINER. Any aerosol container, regardless of the material from which it is made, which is adapted or made for the purpose of spraying paint capable of defacing property.

CITY. The City of Willow Park.

CONSENT. Assent in fact, whether express or apparent, by a person legally authorized to act for an owner of property.

DIRECTOR. The Director of the Department of Planning and Community Development or his or her designee or another employee of the city designated by the City Manager.

ETCHING or ENGRAVING DEVICE. A device that is capable of making a delineation or impression on tangible property, regardless of the manufacturer's intended use for that device.

FELT TIP MARKER. Any marker or similar implement that:

1. Contains ink; and
2. Has a flat or angled writing surface that, at its broadest width, exceeds one-eighth inch.

GRAFFITI. Any inscription, work, figure, marking, or design that is marked, etched, scratched, drawn, or painted on any building, structure, fixture, or other improvements whether permanent or temporary, whether public or private, without the consent of the owner of the property or the owner's authorized agent, and which is visible from any public property or the public right-of-way, or from any private property other than the property on which the graffiti exists, including by way of example only and without limitation, fencing surrounding a site.

GRAFFITI IMPLEMENT. Any aerosol paint container, paint gun, paint ball gun, paint ball gun pellets or capsules, felt tip marker, paint stick, graffiti stick, brush, or etching or engraving device that is capable of scarring, marking, or otherwise defacing stone, glass, metal, concrete, wood, or any surface of tangible property.

GUARDIAN. A person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by a court.

MARKER PEN. Any indelible marker or similar implement with writing tip exceeding three-sixteenths (.1875) inch in width that contains a solution that cannot be removed with water after it dries.

MINOR. Any person less than 17 years of age.

OWNER. The owner of record of the real property as set forth in the records of the Parker County Appraisal District or of other tangible property.

PAINT STICK or GRAFFITI STICK. Any device containing a solid or liquid form of paint, chalk, wax, epoxy, or other similar substance that leaves a visible mark upon application to a surface.

PARENT. A person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

REMOVE. To abrasively or chemically remove, or to paint over, at the Director's discretion, or to replace the object upon which the graffiti is affixed.

Sec. 8.03.003. PROHIBITION OF GRAFFITI

An owner of any tangible property in the city commits an offense if the owner fails to remove all graffiti from the owner's property after the director notifies the owner that graffiti is present on the property.

- (1) Before issuing a citation for a violation of this section, the director shall serve the owner with written notice to remove the graffiti from the property within ten (10) calendar days from the date the notice is served. The notice shall state that the director has determined that the property has graffiti in violation of this article; that the owner may remove the graffiti or authorize the director to remove the graffiti by written consent and a written waiver of liability; that if the director has not received consent from the owner within ten (10) days from the date of the notice, the owner may initiate a graffiti abatement hearing; and that if the owner fails to take one of these actions within ten (10) days, the property shall be subject to abatement of the graffiti by the director without further notice, and cost of the graffiti removal shall be levied against the property. The notice may be served by handing it to the owner in person or by United States certified mail, five-day return receipt requested, addressed to the owner at the owner's post office address as shown on the tax rolls of the city or of Parker County. If the owner cannot be found

- and the notice is returned by the United States Postal Service, then the owner may be notified by:
- a. Publication one time in the official newspaper designated by the city council;
 - b. Posting the notice on or near the front door of each building on the premises to which the violation relates; or
 - c. Posting the notice on a placard attached to a stake driven into the ground on the premises to which the violation relates if the premises contains no buildings.
- (2) The ten (10) calendar days will be counted:
- a. From the date the notice is personally served on the owner or from the sixth day after the notice is placed in the United States certified mail; or
 - b. From the date the notice is:
 1. Published in compliance with subsection (1)a of this section; or
 2. Posted in compliance with subsection (1)b or (1)c of this section.
- (3) It is a defense to prosecution under this section if:
- a. No notice was served on the owner in compliance with subsection (1);
 - b. Before being issued a citation under this section, the owner gave the director written authorization to enter onto the property and to remove the graffiti.

Sec. 8.08.004. PROCEDURE FOR REMOVAL OF GRAFFITI

- (a) The director may remove, at no cost to the property owner, any graffiti the director determines to be in violation of section 8.03.003 of this article upon receiving written consent and a waiver of liability from the owner of the property. The director may prepare and distribute forms for this purpose.
- (b) The owner may, if the owner desires, give advance consent to the director to remove graffiti from the property in the future without the need for the director to obtain the owner's consent prior to each removal. Such prior authorization shall be in writing to the director and shall be signed by the owner. The prior authorization may be revoked by the owner at any time by notifying the director in writing.
- (c) Whenever the director is authorized by this article to remove graffiti and uses public funds for the removal and for the repainting and repair of the property from which the graffiti is removed, the director shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, except in the following circumstances:
 - (1) The director determines in a written notice to the owner that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community; or
 - (2) The owner agrees to pay for the costs of repainting or repairing the more extensive area.
- (d) Where property defaced by graffiti is owned by a public entity other than the city, the director shall cause removal of the graffiti only after securing the consent of an authorized representative of the public entity that has jurisdiction over the structure.

Sec. 8.08.005. GRAFFITI ABATEMENT ACTION; HEARING.

- (a) At a hearing requested by the owner, the owner shall be entitled to present evidence and argue that his or her property does not contain graffiti. The determination of the director after the hearing shall be final and not appealable. After the hearing, if the director determines that the property contains graffiti, the director may order that the graffiti be abated. If a hearing is not requested, the director may immediately order that the graffiti be abated. Before ordering such abatement, the director shall give written notice ("abatement order") served in accordance with section 8.08.003(1) that, unless the graffiti is removed within ten (10) calendar days from the date the notice is served, the department of public works or other department designated by the City Manager shall enter upon the property and cause the removal, painting over or such other eradication of the graffiti as the director determines appropriate.
- (b) The following procedures shall apply to actions by the director to abate and recover costs for abatement of graffiti on private property if the owner does not consent to removal of the graffiti within ten (10) days after the director determines from the hearing and notifies the owner that graffiti has been placed upon property of the owner:
 - (1) *Abatement action.* Not sooner than the time specified in the abatement order, the director shall implement the abatement order. The director should provide an accounting to the owner of the costs of the abatement action ("statement of expenses") on a full cost recovery basis not later than ten (10) days from the date the abatement action is completed. The statement of expenses shall include all administrative costs incurred by the department of public works or other designated department in abating graffiti on the property, shall be sent by certified mail, addressed to the owner of the property, and shall state:
 - a. Identification of the property;
 - b. A statement that graffiti was present and the city abated the same;
 - c. A statement of the city's expenses in abating the condition;
 - d. A statement that if the owner fails or refuses to pay the expenses within 30 days of the date of the notice, the governing body shall place a lien against the property by filing with the County Clerk a notice of lien and statement of expenses incurred.
 - (2) *Lien.* If all or any portion of the amount set forth in the statement of expenses remains unpaid after thirty (30) days of the mailing of the statement of expenses, such portion shall constitute a lien on the property which was the subject matter of the abatement action. The lien attaches to the property on the date on which the statement of expenses is filed in the real property records of the county in which the property is located and is subordinate to any previously recorded lien and the rights of a purchaser or lender for value who acquires an interest in the property subject to the lien before the statement of expenses is filed with the County Clerk.

Sec. 8.08.006. POSSESSION OF GRAFFITI IMPLEMENT

- (a) A person commits an offense if, with the intent to make graffiti, he or she possesses any graffiti implement:
 - 1. In or on any part of a publicly owned or privately owned building, facility, park, school ground, library, playground, swimming pool, recreational facility, right-of-way, or other property when that property or that part of the property is closed to the public; or
 - 2. Within ten feet of any underpass, overpass, bridge abutment, storm drain, or similar type of infrastructure.

(b) A person is presumed to possess the graffiti implement with the intent to make graffiti on such property under subsection (a)(1) or on such infrastructure under subsection (a)(2) if while on the property or within ten feet of the infrastructure, whichever applies, he possesses on or about his or her person at least:

1. One aerosol paint container; or
2. Two graffiti implements other than an aerosol paint container.

(c) A person commits an offense if he or she is the parent or guardian of a minor and knowingly permits, or by insufficient control allows the minor to violate:

1. Subsection (a)(1); or
2. Subsection (a)(2).

(d) It is a defense to prosecution under subsections (a)(1) and (c)(1) that the graffiti implement was possessed on the property with consent.

(e) It is a defense to prosecution under subsections (a)(2) and (c)(2) that the graffiti implement was:

1. Possessed on the property with consent;
2. Possessed in a place where the implement was going to be used for a non-graffiti activity, including but not limited to an employment, school, home, church, art, or similar activity, or possessed while in route to or from such a place and activity; or
3. Possessed by a minor accompanied or supervised by a parent or guardian, a teacher in connection with a bona fide school project, a supervisor during the minor's regular employment, or that the minor possessed the aerosol paint on the property on which he or she lives or that the possession occurred as part of an organized event sponsored or supervised by the city, a school, a church or some other officially recognized nonprofit entity.

(f) For purposes of applying the defenses set forth in subsections (d) and (e)(1) of this section, consent is presumed to exist if the person possessing the graffiti implement is an employee or relative of the property owner.

(g) Before taking any enforcement action under subsection (a)(2) or (c)(2) of this section, a police officer shall ask the apparent offender's reason for being within ten feet of the underpass, overpass, bridge abutment, storm drain, or other similar type of infrastructure with a graffiti implement and whether the apparent offender has the consent of the property owner to be on the property and to possess the graffiti implement. The officer shall not issue a citation or make an arrest under subsection (a)(2) or (c)(2) of this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense described in subsection (e) is present.

Sec. 8.08.007. PERMITTING OR ALLOWING MINOR TO CREATE GRAFFITI

A parent or guardian of a minor commits an offense if he or she intentionally, knowingly, recklessly or with criminal negligence permits the minor to create graffiti on tangible property in the city without the property owner's consent.

Sec. 8.08.008. CITY LIABILITY

The city or its employees shall not be liable for any aspect of the work performed by employees or volunteers, pursuant to this chapter, nor shall the city or its employees be liable for the conduct of any person performing work, pursuant to this chapter or for any accident, mishap or misfortune that occurs to any person(s) participating in a volunteer assistance program.”

SECTION II. MISCELLANEOUS

(A) Penalty. Any person, firm, corporation, agent or employee thereof who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount not to exceed \$500 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(B) Cumulative Repealer Clause. This ordinance shall be cumulative of all other ordinances of the City, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance; provided, however, that any complaint, action, claim or lawsuit that has been initiated or has arisen under or pursuant to any of the ordinances or sections thereof that have been specifically repealed on the date of adoption of this ordinance shall continue to be governed by the provisions of such ordinance or sections thereof and for that purpose the ordinance or sections thereof shall remain in full force and effect.

(C) Severability Clause. If any article, paragraph or subdivision, clause or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than part so decided to be invalid or unconstitutional.

(D) Effective Date. This ordinance shall take effect immediately upon its adoption and publication of the caption of the ordinance in accordance with and as provided by Texas law.

PASSED, APPROVED AND ADOPTED on this the 28th day of September 2021.

Doyle Moss, Mayor

ATTEST:

Crystal Dozier, City Secretary

APPROVED AS TO FORM:

William P. Chesser, City Attorney

The Willow Park City Council, acting on Ordinance No. 841-21, did on the 28th day of September 2021 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Doyle Moss	_____	_____	_____
Eric Contreras, Place 1	_____	_____	_____
Tyler Van Sant, Place 2	_____	_____	_____
Greg Runnebaum, Place 3	_____	_____	_____
Lea Young, Place 4	_____	_____	_____
Nathan Crummel, Place 5	_____	_____	_____



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: September 28, 2021	Department: Police	Presented By: Chief Carrie West
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AGENDA ITEM:

Updated Alarm Ordinance and update to the master fee schedule

BACKGROUND:

The current Ordinance for alarm systems is antiquated and does not require a permit therefore no keyholder information is maintained. Proposed update to the master fee schedule as follows:

Residential permit	\$25.00 (annually)
Business permit	\$50.00 (annually)
False burglary alarms	\$50.00 per alarm, after 3
	\$75.00 per alarm, after 5
	\$150.00 per alarm after 8
False robbery/panic alarm	\$75.00 per alarm, after 3
	\$150.00 per alarm, after 5

To implement, it is proposed that there be a 90-day registration period, followed by a 6 month grace period before any penalties are assessed.

Implementation costs include purchase of Alarm module in the records management software and printing stickers for permit holders. Costs will be mitigated permits issued.

STAFF/BOARD/COMMISSION RECOMMENDATION:

Recommend approval of the Ordinance as submitted.

SUGGESTED MOTION: I MOVE TO ADPOT ORDINANCE NO. 842-21, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS, REPEALING ORDINANCE NO. 318-92 AND AMENDING WILLOW PARK'S CODE OF ORDINANCES, CHAPTER 4 ARTICLE 4.03 ALARM SYSTEMS IN ITS ENTIRETY; TO REGULATE BURGLAR, ROBBERY, FIRE, MEDICAL EMERGENCY ASSISTANCE, PANIC ALARMS AND PERSONS ENGAGED IN RELAYING ALARM NOTIFICATIONS; PROVIDING FOR THE ISSUANCE AND REVOCATION OF PERMITS AND FOR THE ESTABLISHMENT OF PERMIT FEES; PROVIDING AN APPEAL PROCEDURE FOR DENIAL OR REVOCATION OF A PERMIT; PROVIDING FOR THE ENFORCEMENT OF SUCH REGULATIONS; PROVIDING FOR A SERVICE CHARGE FEE FOR FALSE ALARMS; ALLOWING FOR RESPONSE TERMINATION BY CITY POLICE AND FIRE DEPARTMENTS IN THE EVENT OF NONCOMPLIANCE WITH THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

EXHIBITS:

ADDITIONAL INFO:	FINANCIAL INFO:	
	Cost	\$ 1,500.00
	Source of Funding	\$ 0.00

CITY OF WILLOW PARK

ORDINANCE NO. 842-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS, REPEALING ORDINANCE NO. 318-92 AND AMENDING WILLOW PARK'S CODE OF ORDINANCES, CHAPTER 4 ARTICLE 4.03 ALARM SYSTEMS IN ITS ENTIRETY; TO REGULATE BURGLAR, ROBBERY, FIRE, MEDICAL EMERGENCY ASSISTANCE, PANIC ALARMS AND PERSONS ENGAGED IN RELAYING ALARM NOTIFICATIONS; PROVIDING FOR THE ISSUANCE AND REVOCATION OF PERMITS AND FOR THE ESTABLISHMENT OF PERMIT FEES; PROVIDING AN APPEAL PROCEDURE FOR DENIAL OR REVOCATION OF A PERMIT; PROVIDING FOR THE ENFORCEMENT OF SUCH REGULATIONS; PROVIDING FOR A SERVICE CHARGE FEE FOR FALSE ALARMS; ALLOWING FOR RESPONSE TERMINATION BY CITY POLICE AND FIRE DEPARTMENTS IN THE EVENT OF NONCOMPLIANCE WITH THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Willow Park, Texas ("City Council") has investigated into and determined that it would be advantageous and beneficial to the citizens of the City of Willow Park, Texas ("Willow Park" or "City") to repeal Ordinance No. 318-92 and to amend Willow Park's Code of Ordinances ("Code of Ordinances"), Chapter 4, Article 4.03 (Alarm Systems), as set forth herein, in its entirety; and

WHEREAS, the City Council further finds that it is in the best interest of the citizens of the City to: (1) regulate burglar, robbery, fire, emergency medical assistance and panic alarms; (2) regulate those persons engaged in relaying alarm notification installed and maintained by citizens and businesses in Willow Park; (3) require permits and permit fees for such alarms; (4) require service fee charges for false alarms; (5) establish duties for alarm administrator, alarm users and alarm companies; (6) allow permit revocation and response termination by the City of Willow Park Police and Fire Departments; (7) provide for the enforcement of these regulations; and (8) provide for penalties for the violation of this Ordinance as set forth below; and

WHEREAS, the City Council has further investigated and determined that it is in the best interest of the City and its citizens to amend the Code of Ordinances as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

Section 1: Finding Incorporated. The findings set forth above are incorporated as if fully set forth herein.

Section 2: Ordinance No, 318-92 Repealed. Willow Park Ordinance No. 318-92 is repealed in its entirety and replaced by this Ordinance. The effective date of the repeal discussed in this Section

shall not occur until the effective date of this Ordinance at which time Ordinance No. 318-92 shall be repealed. Such repeal shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 318-92 occurring before the effective date of this Ordinance and shall not prevent false alarms occurring under Ordinance No. 318-92 to be counted towards the total number of false alarms when applying this Ordinance.

Section 3: Amendment to the Code of Ordinances, Chapter 4 Article 4.03, Alarm Systems.
Amendment to the Code of Ordinances, Chapter 4, Article 4.03, Alarm Systems, is hereby amended to revise Chapter 4, Article 4.03 in its entirety to read as follows:

**“CHAPTER 4
ARTICLE 4.03 ALARM SYSTEMS**

Sec. 4.003.001. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Ordinance and shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

ACT OF GOD means an extraordinary interruption by natural causes (such as flood, earthquake, or severe weather) of the usual course of events that experience, foresight, or care cannot reasonably foresee or prevent.

ALARM ADMINISTRATOR means a Person or Persons designated by the Chief of Police to administer, control, and review False Alarm reduction efforts and administer the provisions of this Ordinance, including the Alarm Administrator's authorized designee.

ALARM COMPANY means any person who is in the business to sell, install, service, or monitor an Alarm System located at an Alarm Site.

ALARM DISPATCH REQUEST means a notification to the Communications Center that an alarm, whether manual or automatic, has been activated for a particular Alarm Site.

ALARM PERMIT OR PERMIT means a certificate, license, permit, registration, or other form of permission from the Alarm Administrator that authorizes a person to operate an Alarm System at an Alarm Site.

ALARM SITE means a single fixed premise or location served by an Alarm System or Systems that is under the control of one owner or tenant. Each unit if served by a separate Alarm System in a multi-unit building or complex shall be considered a separate Alarm Site and is further defined by the following categories:

- (1) *Residential site* means a single family residence and each residential unit of a multi-family unit building which is served by an Alarm System.
- (2) *Commercial site* means every premise or location where any business activity is regularly conducted, and which is served by an Alarm System. Any business within the premises that is served by a separate Alarm System, shall be

- considered a separate Alarm Site.
- (3) *Educational site* means every premise or location of a public or private school and their administrative offices.
 - (4) *Governmental site* means every premise or location of any federal, state, county, or local government office.

ALARM SYSTEM means a device or system that transmits or relays a signal intended to summon emergency services of the City. Alarm System does not include:

- (1) An alarm installed on a vehicle unless the vehicle is used for habitation at a permanent site;
- (2) An alarm designed to alert only the inhabitants of a premises; nor
- (3) An alarm installed upon premises occupied by the City.

ALARM USER means any Person who has contracted for monitoring, repair, installation, or maintenance services from an Alarm Company for an Alarm System, or a Person who owns or operates an Alarm System that is not monitored, maintained, or repaired under contract with an Alarm Company.

ALARM USER AWARENESS TRAINING means in-person or online training conducted for the purpose of educating Alarm Users about the responsible use, operation, and maintenance of Alarm Sites and Systems and the problems created by False Alarms.

ARMING STATION means a device that allows control of an Alarm System.

ANSI STANDARD means the American National Standards Institute, an independent organization that approves standards that have been through an approval process and are accepted as a standard.

AUTOMATIC VOICE DIALER means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio, or other communication system to the Communications Center requesting dispatch to an Alarm Site.

BURGLAR ALARM NOTIFICATION means the notification intended to summon the police, which is initiated or triggered manually or by an Alarm System designed to respond to a situation characteristic of an unauthorized intrusion.

CANCELLATION means the process where the Public Safety Response is terminated when an Alarm Company notifies the Communications Center prior to the Public Safety Response arrival at the Alarm Site.

COMMUNICATIONS CENTER means the City of Willow Park Public Safety Response dispatch center.

CONVERSION means the transaction or process by which one Alarm Company begins monitoring

an Alarm System previously monitored by another Alarm Company.

CP-01 ANSI/SIA CONTROL PANEL STANDARD means an alarm control panel that is listed and approved by Underwriters Laboratories as compliant with the standard.

DAY(S) means calendar days.

DIRECTOR means the Chief of Police or Fire Chief of Willow Park, or his/her authorized representative.

ECV means the ANSVCSAA CS-V-01 Standard for the telephonic verification of intrusion alarms.

EMERGENCY MEDICAL ASSISTANCE ALARM means an Alarm System which summons emergency medical assistance.

FALSE ALARM OR FALSE ALARM NOTIFICATION means an alarm notification to summon a Public Safety Response and there is no evidence of a need for a Public Safety Response.

FALSE BURGLAR ALARM NOTIFICATION means a burglar alarm notification to the police, and when the responding police officer finds no evidence of unauthorized intrusion or attempted unauthorized intrusion.

FALSE EMERGENCY MEDICAL ASSISTANCE ALARM NOTIFICATION means an emergency medical assistance alarm notification to the Communications Center and the responding public safety personnel find there is no evidence of a need for medical assistance.

FALSE FIRE ALARM NOTIFICATION means a fire alarm notification to the fire department, and the responding fire personnel find no evidence of fire.

FALSE PANIC ALARM NOTIFICATION means an emergency alarm notification has been made to the Communications Center, and the responding public safety personnel find no evidence or circumstances requiring an emergency response.

FALSE ROBBERY ALARM NOTIFICATION means a Robbery Alarm Notification to the police, and the responding police officer finds no evidence of a robbery.

FIRE ALARM NOTIFICATION means a notification to summon the fire department initiated or triggered by smoke or fire, fire sprinkler activation or other situations that are characteristic of a fire.

LATE FEE means the fee charged for failing to pay the original fee owed for a False Alarm, permit renewal fee, or other allowable fee that is not paid on time. The Late Fee is in addition to the amount originally owed.

PANIC ALARM NOTIFICATION is an emergency alarm notification that is manually triggered and relayed to the Communications Center for the purpose of summoning a public safety response.

PERMIT HOLDER means a person issued an Alarm Permit.

PERSON means an individual, corporation, partnership, association, organization or other entity.

PUBLIC SAFETY RESPONSE means a response by City of Willow Park Police, Fire, and/or Emergency Medical Services personnel.

RESPONDER means an individual capable of reaching the Alarm Site within thirty (30) minutes and has access to the Alarm Site, including the code, and is able to disarm the False Alarm, and to authorize repairs to the Alarm System.

ROBBERY ALARM NOTIFICATION means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the Alarm System and requires a law enforcement response. It also includes a silent alarm generated by the manual activation of a device to signal a robbery in progress or immediately after it occurred.

TAKEOVER means the transaction or process which an Alarm User takes control of an existing Alarm System that was previously controlled by another Alarm User.

VERIFY means an attempt by the Alarm Company to contact the Alarm Site or Alarm User by telephone, including text message, whether or not actual contact is made.

Sec. 4.03.002. Permit and Fee Required: Application, Duration, Renewal Transferability

(a) Permit Required. Any person owning or operating an Alarm System must apply for a permit within thirty (30) days of installation of the Alarm System. A person commits an offense if he fails to apply for a permit within thirty (30) days after installation of the Alarm System and/or if he thereafter operates or causes to be operated an Alarm System without a valid permit issued pursuant to this Ordinance. A separate permit application is required for each Alarm Site and each type of Alarm System. It is a defense to prosecution if the permit application has been submitted to the Alarm Administrator in accordance with this Ordinance and the Alarm Administrator is processing the permit application.

(b) Fees.

(1) An annual, nonrefundable fee of Twenty-Five Dollars (\$25.00) is required for each residential Alarm Permit or renewal of a permit. The annual nonrefundable fee for each commercial permit is Fifty Dollars (\$50.00), including renewal of a permit.

- (2) A permit is valid for a period of twelve (12) months from the date of issuance. Permits must be renewed within ten (10) days of the expiration of the previously issued permit. An updated application and registration renewal fee must be submitted for renewal.
- (3) Governmental and public educational sites are exempt from all permit fees, false alarm charges, service fees and fines that are assessed under this Ordinance as long as the entity has a valid alarm permit, but shall comply with all other requirements of this Ordinance.
- (c) Late Fee for Renewal. A failure to renew within the ten day period shall incur a late fee of Twenty-Five Dollars (\$25.00) for each Alarm System that was not renewed in the applicable period.
- (d) Authority for City to Enter and Deactivate Alarm. Application for a Permit under the provisions of this Section constitutes a grant of approval to the City to deactivate an Alarm System that sounds an alarm signal for longer than thirty (30) minutes after being notified, including entry onto and into the premises of the Alarm Site for this purpose. The right of entry includes a waiver of any damages incurred to the premises or the Alarm System as a result of this access and deactivation.
- (e) Permit Requirements. Each permit application must contain the following information and be complete, true and accurate in its entirety:
 - (1) Name, address, and telephone number(s) of the Permit Holder who will be responsible for the proper maintenance and operation of the Alarm System and payment of fees assessed under this Ordinance; The mailing address if different than the address of the Permit Holder or the Alarm Site;
 - (2) The classification of the Alarm Site as either residential or commercial including the building number and the apartment number;
 - (3) For each Alarm System located at the Alarm Site, the classification of the Alarm System (i.e. Burglary, Robbery, Panic Alarms or other) and for each classification, whether such alarm is audible or silent;
 - (4) Any dangerous, hazardous, or special conditions present at the Alarm Site;
 - (5) The name and telephone number of the Alarm Company that has agreed to receive calls for the permitted Alarm System, if applicable;
 - (6) Provide at least two (2) names of Responders and their telephone numbers who are able to receive notification of an Alarm System activation and respond to the Alarm Site within thirty (30) minutes of being notified with a key or other means of access to the premises and, if needed, can deactivate the Alarm System. Preference should be given to the use of cellular phone numbers as backup contact to the primary Alarm Site number; or
 - (7) Signed certification from the Alarm User that includes the following:

- a. The date of the installation, conversion, or takeover of the Alarm System;
 - b. The name, address, and telephone number of the Alarm Installation Company or companies performing the installation, conversion, or takeover.
 - c. The name, address and telephone number of the Alarm Company that performs the monitoring service if different than (b) above.
 - d. That a set of written operating instructions for the Alarm System that include guidelines on how to avoid False Alarms, have been left with the applicant by the Alarm Company;
 - e. That the applicant has been trained by the Alarm Company in the proper user of the Alarm System, including instructions on how to avoid False Alarms;
 - f. That in consideration for the ability to have an Alarm Permit, the applicant is authorized to and grants to the City of Willow Park the right to enter onto the Alarm Site, including the right to enter into a residence or building for the purpose of disarming a False Alarm if the Alarm User or Responder is not present or is unable to deactivate the False Alarm . The right of entry includes a waiver of any damages incurred to the premises or the Alarm System as a result of this access and deactivation; and
 - g. Any other information required by the Alarm Administrator that is necessary for the enforcement of this Ordinance.
- (f) A Willow Park resident who has a valid permit that is more than sixty (60) days from expiration may transfer said permit to a new location within Willow Park.
- (g) Upon receipt of a completed Alarm Permit application and the Alarm Permit fee including any past due fees, penalties and fines, the Alarm Administrator shall register the applicant and issue a permit number unless the applicant has:
- (1) Failed to pay a fine, penalty or fee assessed under this Ordinance;
 - (2) Had an Alarm Permit for the Alarm Site suspended or revoked, and the violation that resulted in a suspension or revocation has not been corrected; or
 - (3) Made any false statement or misrepresentation of a material fact for the purpose of obtaining an Alarm Permit or renewal, or while making a change thereto.

Sec. 4.03.003. Revocation of Permit

- (a) The Alarm Administrator may revoke or refuse to renew an Alarm System Permit for failure to meet the standards and requirements set out in this Ordinance.
- (b) The Alarm Administrator may revoke or refuse to renew an Alarm Permit if the Alarm Administrator determines, in his/her sole discretion, that the Alarm System in question has a history of unreliability, which unreliability shall be presumed upon the occurrence, in the immediately preceding twelve (12) month period, of:
 - (1) Eight (8) false burglar alarms;
 - (2) Five (5) false robbery alarms;
 - (3) Five (5) false fire alarms;
 - (4) Five (5) false medical emergency assistance alarms; or
 - (5) Five (5) false panic alarms.
- (c) The Alarm Administrator may revoke a permit for a false robbery alarm activated by a single action, non-recessed button.
- (d) A revoked permit may be reissued upon the payment of a Twenty-Five Dollars (\$25.00) reinstatement fee and upon:
 - (1) Determination by the Alarm Administrator that the applicant has made a sufficient showing that the conditions which caused the false alarms to have been corrected and that the Alarm System is likely to be maintained and operated in a responsible manner in accordance with the provisions of this Ordinance;
 - (2) Payment of all outstanding fees, penalties and fines; and
 - (3) If required by the Alarm Administrator, a certification from an Alarm Company, stating that the Alarm System at the Alarm Site has been repaired or adjusted in a manner to attempt to eliminate false alarms and describes the actions that occurred to make that certification, and that the Alarm User has been made aware of the issues that resulted or may result in False Alarms, including but not limited to the impact of pets, home decorations, changes in the environment, need to train Responders who have access to the premises by providing the Responders the code(s) to deactivate the Alarm System and passwords to identify the Responders to the Alarm Company in an alarm situation.
- (e) A person may appeal a revocation or refusal to renew a permit in accordance with the procedures set forth in Section 4.03.004.
- (f) A person commits an offense if he operates an Alarm System after the Alarm Administrator revokes or refuses to issue or renew a permit for that Alarm System.

Sec. 4.03.004. Appeal from Denial, Revocation or Non-Renewal of a Permit

- (a) If the Alarm Administrator refuses to issue or renew a permit, or revokes a permit, the Alarm Administrator shall send to the applicant or Permit Holder by certified mail, return receipt requested, written notice of the Alarm Administrator's decision and a statement of the right to an appeal. The applicant or Permit Holder may appeal the decision of the Alarm Administrator to the Director by filing with the Director a written request for a hearing, setting forth the reasons for the appeal, within ten (10) calendar days after the receipt of the notice from the Alarm Administrator. The filing of a request for an appeal hearing with the Director stays the action of the Alarm Administrator until the Director makes the final decision. If a request for an appeal hearing is not made within the ten (10) day period, the action of the Alarm Administrator is final. An Alarm Permit holder with an existing permit, must have thirty days' notice before the non-renewal is effective.
- (b) The Director shall serve as hearing officer at an appeal hearing and consider evidence offered by any interested person. The formal rules of evidence do not apply at any appeal hearing and the Director shall make his final decision on the basis of a preponderance of the evidence presented at the hearing. The Director must render a decision within thirty (30) days after the request for an appeal hearing is filed. The Director shall affirm, reverse, or modify the action of the Alarm Administrator, and his decision is final.

Sec. 4.03.005. Other Types of Alarms

- (a) It shall be unlawful for a person to install or maintain an Alarm System that summons a Public Safety Response from Willow Park for the purpose of eliciting responses to burglaries, robberies, fires, panic or medical emergencies unless specifically authorized by this Ordinance.
- (b) If innovations in Alarm Systems or other types of alarm devices adversely affect emergency services in the City, the Director may promulgate other rules and regulations in order to protect the City's emergency services.

Sec. 4.03.006. False Alarm and Service Charges

- (a) If False Alarm Notifications are received for an Alarm Site, the Alarm Administrator shall assess the Permit Holder in control of that Alarm Site a fee for False Alarms emitted from the Alarm Site in the following amounts:
 - (1) Fifty Dollars (\$50.00) if the Alarm Site has had more than three (3), but less than six (6) False Burglar Alarm Notifications in the immediately preceding twelve (12) month period;
 - (2) Seventy-Five Dollars (\$75.00) if the Alarm Site has had more than five (5), but less than eight (8) False Burglar Alarm Notifications in the, immediately preceding twelve (12) month period;
 - (3) One Hundred Dollars (\$100.00) if the Alarm Site has had eight (8) or more False Burglar Alarm Notifications in the immediately preceding twelve (12) month period;

- (4) If, within any twelve (12) month period, two (2) False Robbery Alarm Notifications are emitted from an Alarm Site, the Alarm Administrator shall assess the Permit Holder in control of that Alarm Site a fee for each subsequent False Robbery Alarm Notification emitted from the Alarm Site. The fee for each False Robbery Alarm Notification under this subsection shall be Seventy-Five Dollars (\$75.00);
 - (5) If, within any twelve (12) month period, two (2) False Fire Alarm Notifications are emitted from an Alarm Site, the Alarm Administrator shall assess the Permit Holder in control on that Alarm Site a fee for each subsequent False Fire Alarm Notification emitted from the Alarm Site. The fee for each False Fire Alarm Notification under this subsection shall be Seventy-Five Dollars (\$75.00);
 - (6) If, within any twelve (12) month period, two (2) False Panic Alarm Notifications are emitted from an Alarm Site, the Alarm Administrator shall assess the Permit Holder in control on that Alarm Site a fee for each subsequent False Panic Alarm Notification emitted from the Alarm Site. The fee for each False Panic Alarm Notification under this subsection shall be Seventy- Five Dollars (\$75.00); or
 - (7) If, within any twelve (12) month period, two (2) False Emergency Medical Assistance Alarm Notifications are emitted from an Alarm Site, the Alarm Administrator shall assess the Permit Holder in control of that Alarm Site a fee for each subsequent False Emergency Medical Assistance Alarm Notification emitted from the Alarm Site. The fee for each False Medical Emergency Alarm Notification under this subsection shall be Seventy-Five Dollars (\$75.00).
- (b) If the Permit Holder or Responder fails to respond to the scene within thirty (30) minutes to reset the Alarm System and provide access to the Alarm Site, the Alarm System may be silenced by authorized City personnel and a fee of Fifty Dollars (\$50.00), in addition to the actual expenses incurred in securing the Alarm Site, will be charged to the Permit Holder. All costs of the City in disabling such an Alarm System shall be assessed to the Permit Holder of the Alarm Site and shall be paid to the City within thirty (30) days after the Permit Holder has received notice that the costs have been assessed.
 - (c) If a Public Safety Response takes longer than thirty (30) minutes to respond to the Alarm Dispatch Request or Cancellation is received by the Communication Center before the arrival of Public Safety Response personnel to the Alarm Site, no False Alarm fee shall be assessed.
 - (d) A Permit Holder shall pay a fee assessed under this Section within thirty (30) days after receipt of notice that it has been assessed. A failure to pay the fee within thirty (30) days will result in an additional ten percent late fee. Failure of the Permit Holder to pay the assessed fee and any applicable late fee will result in the Permit being revoked.

- (e) All persons assessed a fee shall have a right to appeal the same using the process set forth in Section 4.03.004 of this Ordinance. A right to appeal will be included in the notice of the fee.
- (f) The Permit Holder will be exempt from any fees charged for a False Alarm Notification which is later shown to have been in the Alarm Administrator's sole determination, justified or which was due to a natural or manmade catastrophe or other situation specifically exempted by the Director.
- (g) For the purposes of this Ordinance, a Permit Holder shall be considered to be in control of the Alarm Site for all purposes and at all times, regardless of whether the Permit Holder is physically present when an alarm is activated and regardless of whether the Alarm Dispatch is activated by a third person, including but not limited to, another resident of the premises, a family member, a service worker, a guest or an invitee, unless the third party is a trespasser of the Alarm Site.
- (h) Alarm Permit Holders for governmental or public educational sites are exempt from the payment of false alarm fees.

Sec. 4.03.007. Unlawful Reporting of Alarm Signals

- (a) It is unlawful for an Alarm Permit Holder to report alarm signals through a relaying intermediary that:
 - (1) does not meet the requirements of this Ordinance and any rules and regulations promulgated by the Alarm Administrator; or
 - (2) is not licensed by the Texas Board of Private Investigators and Private Security Agencies except for a personal emergency response alarm system that does not include a burglar or fire system.
- (b) A person commits an offense if the person operates any Alarm System without having a valid permit for the Alarm System. Each and every day a violation continues shall constitute a separate offense. This provision shall not apply to a person operating a personal emergency response system that is not part of a combination of a burglar or fire Alarm System.

Sec. 4.03.008. Offense for Improper Alarm System Operation and Maintenance

- (a) It is unlawful for an Alarm User to:
 - (1) Fail to cause an adjustment to be made to the sensory mechanism of his/her Alarm System in order to suppress false indications of force so that the Alarm System will not be activated by impulses due to:
 - a. Transient pressure changes in water pipes;
 - b. Flashes of light;

- c. Wind noise caused by the rattling or vibrating of doors or windows;
 - d. Vehicular noise adjacent to the installation; or
 - e. Other forces unrelated to actual emergencies.
- (2) Fail to maintain the premises containing an Alarm System in a manner that ensures proper operation of the Alarm System;
 - (3) Fail to comply with Texas State law and install only Underwriters Listed CP-01 Alarm Control Panels on all new installations and service replacements;
 - (4) Allow an inside sounder to be installed or operated so that it can be heard outside of the internal premises of the Alarm Site;
 - (5) Allow an outside sounder to be installed at the Alarm Site;
 - (6) To utilize an Automatic Voice Dialer for purposes of notifying the Communications Center of an alarm except for panic alarms; or
 - (7) Operate an Alarm System that is manually initiated at an arming station without a double action trigger. A double action trigger includes but is not limited to, any of the following:
 - a. Simultaneous depression of two (2) buttons, where if either of the buttons have multiple functions, the two (2) buttons are non-adjacent.
 - b. Depression of a single button after lifting the cover that normally protects it if the cover protects only emergency function buttons.
 - c. Depression of a single button for at least two (2) seconds.

Sec. 4.03.009. Duties of the Alarm User

- (a) An Alarm User shall:
 - (1) Operate the Alarm Site and the Alarm System in a manner that minimizes or eliminates False Alarms;
 - (2) Make every reasonable effort to have a Responder to the Alarm Site within thirty (30) minutes when requested by the Communications Center in order to:
 - a. Deactivate the alarm;
 - b. Provide access to the Alarm Site and Alarm System;

- c. Provide alternative security to the Alarm Site.
- (b) Not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was designed to report.
- (c) Adjust the mechanism of an inside sounder so that the alarm will sound for no longer than ten (10) minutes.
- (d) Maintain a written set of operating instructions for each Alarm System at the Alarm Site.
- (e) Upon reasonable notification, allow the Alarm Administrator or his designee to inspect the Alarm Site and Alarm System of the Permit Holder.
- (f) Not use a Robbery Alarm Notification that is a single action, non-recessed button.
- (g) Inform the Alarm Administrator in writing of any changes that alter information listed on the permit application within five (5) business days of the change. No fee will be assessed for such changes.

Sec. 4.03.010. Duties of Alarm Company

- (a) All Alarm Companies shall be licensed through the Texas Department of Public Safety Private Security Bureau as required by the Texas Occupation Code, Chapter 1702, as amended.
- (b) An Alarm Company shall:
 - (1) Confirm with the Alarm Administrator that a valid Alarm Permit has been issued by Willow Park for an Alarm Site before performing any Alarm System conversion at the Alarm Site.
 - (2) Send a certification to the Alarm Administrator within thirty (30) days of performing or causing the performance of an Alarm System installation or Conversion. The certificate must state:
 - a. The date of installation or conversion of the Alarm System, whichever is applicable;
 - b. The name, address, telephone number and current state license number of the Alarm Company providing the Alarm System installation or conversion;
 - c. The name, address, telephone number and current state license number of the Alarm Company providing monitoring for the Alarm System if different from the Alarm Company under contract to provide installation or conversion for the Alarm System;
 - d. That a complete set of written operating instructions for the Alarm System, including, without limitation, written guidelines on how to avoid false alarms has been left with the applicant; or

- e. That the Alarm Company has trained the applicant in the proper use of the Alarm System, including, without limitation, instructions on how to avoid, and through their Alarm Company, how to cancel false alarms.
- (3) Send notification of an alarm to the City by the means currently specified by the Alarm Administrator;
 - (4) Communicate Alarm Dispatch requests and Cancellations to the Communication Center in a manner determined by the Alarm Administrator;
 - (5) Communicate any available information (permit number, north south, front, back, floor, etc.) about the premises on all alarm signals related to the Alarm Dispatch request;
 - (6) Communicate the type of alarm activation (silent, audible, interior or perimeter);
 - (7) After making an Alarm Dispatch request, promptly advise the Communications Center if the Alarm Company is aware that the Alarm User and/or Responder is on the way to the Alarm Site;
 - (8) Contact the Alarm User or Responder within twenty-four (24) hours via mail, email, fax, telephone or other electronic means when an Alarm Dispatch Request is made;
 - (9) Report alarms signals and dispatch requests by using telephone numbers designated by the Alarm Administrator; and
 - (10) Before requesting an Alarm Dispatch Request to an alarm signal, verify every alarm signal, except a panic, robbery, fire or emergency medical alarm activation, by making a minimum of two (2) telephone calls to two (2) separate phone numbers as per ANSI/ CSAA C-V-01 Standard for the telephone verification of alarm signals.
- (c) An Alarm Company shall not install an Automatic Voice Dialer as part of an Alarm System unless it is limited to Panic Alarm Notifications.

Sec. 4.03.011. Duty to Maintain and Provide Records

- (a) Upon the effective date of this Ordinance Company shall
 - (1) Maintain for a period of one (1) year from the date of the Alarm Dispatch Request, records relating to Alarm Dispatch Requests. That include the name, address and telephone number of the Alarm User and evidence that demonstrates attempts to Verify. The Alarm Administrator may request copies of the records of individually named Alarm Users located in Willow Park. If the request is made within sixty (60) days of an Alarm Request Dispatch, the Alarm Company shall furnish the requested records within

three (3) business days of receipt of the request. If the request is made between sixty (60) days to one year after an Alarm Dispatch Request, the Alarm Company shall furnish the records within thirty (30) days of the request.

- (2) Provide the Alarm Administrator with the names and telephone numbers of the Alarm User's Responders maintained by the Alarm Company for that Alarm User at the time of the Alarm Dispatch Request or within a reasonable time thereafter, not to exceed forty- eight (48) hours, if the Communication Center requests that information.

Sec. 4.03.012. Offenses for Alarm Companies

A person commits an offense if he engages in the business of relaying alarm notifications in Willow Park without complying fully with this Ordinance. This shall not apply to installation or activation of a personal emergency response system, as defined by Texas Occupation Code, Section 1702.331, as amended.

Sec. 4.03.013. Duties and Authority of the Alarm Administrator

- (a) The Alarm Administrator shall establish a procedure for notification to the Alarm User of a False Alarm. The notice shall include the following information:
 - (1) Date and time of Public Safety Response;
 - (2) Identification number of the public safety person; and
 - (3) A statement advising the Alarm User to ensure that the Alarm System is properly operated, inspected and serviced in order to avoid False Alarm and resulting fees and fines.
- (b) The Alarm Administrator may implement an Alarm User Awareness Class.
- (c) The Alarm Administrator may require an Alarm User to remove a Robbery Alarm that is a single action, non-recessed button, if a false alarm has occurred.

Sec. 4.03.014. Direct Alarm Reporting

It shall be unlawful for any person or business to operate or energize an Alarm System or an alarm device which activates an automatic dialing device that sends a signal to the Communications Center.

Sec. 4.03.015. Intentional Activation Unlawful

It shall be unlawful for any person to intentionally activate or cause to be activated any Alarm System for other than its intended purpose and with the intent of causing a Public Safety Response.

Sec. 4.03.016. Confidentiality

To the extent allowed by law, all information contained in and gathered through the alarm registration applications, records relating to alarm dispatch requests, and applications for appeals shall, are confidential and shall be held in confidence by all employees or representatives of the City of Willow Park and by any third-party administrator or employees of a third-party administrator with access to such information. This provision shall not prevent an Alarm Company from receiving confirmation from Willow Park that an Alarm Permit has been issued for an Alarm Site.

Sec. 4.03.017. Termination of Response

- (a) Responses from the police and fire departments may be terminated to non-permitted Alarm Sites after notification to the owner or last known Permit Holder of the Alarm Site has been made by regular and certified mail, return receipt requested.
- (b) Responses will not be terminated because of excessive false burglar notifications to a Residential Alarm Site as long as a valid permit exists and all fees are paid in full.

Sec. 4.03.018. Government Immunity

The issuance of an Alarm Permit and/or the provisions set forth in this Ordinance are not intended to, nor do they create a contract, duty or obligation, either expressed or implied, of a response by the City. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an Alarm Permit, the Permit Holder acknowledges that law enforcement, fire and/or emergency medical response may be influenced by factors such as, among other things: availability, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels and that an Alarm Permit is not a guarantee of any Public Safety Response at any time Notwithstanding the above, the City may discontinue service to an Alarm Site for failure to pay false alarm fees.

Sec. 4.03.019. Violations of Ordinance; Misdemeanor

- (a) Any person who violates this Ordinance shall be, upon conviction, deemed guilty of a misdemeanor and fined an amount not in excess of Five Hundred Dollars (\$500.00) unless a lesser maximum amount has been provided for in this Ordinance. Each day of violation continues shall constitute a separate offense.
- (b) A person commits an offense if he violates by commission or omission any provision of this Ordinance that imposes upon him a duty or responsibility.
- (c) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this Ordinance to hold a corporation, partnership, association or other entity criminally responsible for acts or omissions performed by an agent acting on behalf of the corporation, partnership, association, or entity and within the scope of the agent's employment or authority."

Section 4: Severability. Should any section, subsection, sentence, clause or phrase of this

Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Willow Park hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional and/or invalid.

Section 5: Repealing/Savings. All provisions of any Willow Park ordinances in conflict herewith are repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for the violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance; provided, however, Willow Park Ordinance No. 318-92 shall remain in full force and effect until the effective date of this Ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 6: Effective Date. This Ordinance shall become effective from and after its adoption and publication of its caption as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS on this 28th day of September 2021.

Doyle Moss, Mayor

ATTESTED TO:

APPROVED AS TO FORM:

Crystal Dozier, City Secretary

William P. Chesser, City Attorney

The Willow Park City Council, acting on Ordinance No. 842-21, did on the 28th day of September 2021 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Doyle Moss	_____	_____	_____
Eric Contreras, Place 1	_____	_____	_____
Tyler Van Sant, Place 2	_____	_____	_____
Greg Runnebaum, Place 3	_____	_____	_____
Lea Young, Place 4	_____	_____	_____
Nathan Crummel, Place 5	_____	_____	_____



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: September 28, 2021	Department: Police	Presented By: Pat Chesser/Chief West
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AGENDA ITEM:

New polices required by SB 1359 and HB 2073

BACKGROUND:

Mental health leave policy for peace officers is now required per SB 1359 passed during the last legislative session.

Quarantine leave policy for police officers and fire fighters is now required per HB 2073, passed during the last legislative session.

STAFF/BOARD/COMMISSION RECOMMENDATION:

Request approval of both policies.

EXHIBITS:

ADDITIONAL INFO:	FINANCIAL INFO:	
	Cost	\$ 0
	Source of Funding	\$

WILLOW PARK POLICE DEPARTMENT		GENERAL ORDERS	
SUBJECT: Paid Quarantine Leave Policy		NUMBER: 5200	
EFFECTIVE DATE: 09/29/2021		NEXT REVIEW DATE: 09/29/2022	
AMENDS/SUPERSEDES: This policy supersedes all previous policies		APPROVED: _____ Chief of Police	
BEST PRACTICES:			

NOTE: This General Order is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this Department and only in a non-judicial, administrative setting.

I. PURPOSE

Pursuant to Texas Local Government Code Section 180.008, the City of Willow Park hereby adopts this paid quarantine leave policy for fire fighters and police officers who are employed by or appointed by the City and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

II. QUARANTINE LEAVE

A City of Willow Park fire fighter or police officer who is ordered to quarantine or isolate by the person's supervisor or the local health authority due to a possible or known exposure to a communicable disease while on duty is entitled to receive paid quarantine leave for the duration of the leave. An employee may be required to provide proof of an order to quarantine and may be denied paid leave or benefits if the employee fails to provide proof within a reasonable time.

III. DEFINITIONS

- A. Fire Fighter – a paid employee of the City's fire department who: (a) holds a position that requires substantial knowledge of firefighting; (b) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and (c) performs at least one of the following functions:

1. fire suppression;
 2. fire prevention;
 3. fire training;
 4. fire safety education;
 5. fire maintenance;
 6. fire communications;
 7. fire medical emergency technology;
 8. fire photography;
 9. fire administration; or
 10. fire arson investigation.
- B. Health Authority - means a physician appointed by Parker County to administer state and local laws relating to public health within the City's jurisdiction.
- C. Paid quarantine leave - (1) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits provided by the City; and (2) if applicable, reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation costs.
- D. Police officer - paid police officers licensed by the Texas Commission on Law Enforcement and employed by the city.

IV. NO REDUCTION IN COMPENSATION AND BENEFITS

If a fire fighter or police officer is placed on paid quarantine leave, the employee will continue to be eligible for all employee benefits and compensation, including continuing their leave accrual, pension benefits, and eligibility for health benefit plan benefits for the duration of the leave. While on quarantine leave, the employee will not use any other paid leave type (vacation, sick, holiday, compensatory time).

V. REIMBURSEMENT OF REASONABLE COST RELATED TO QUARANTINE

If a fire fighter or police officer is ordered to quarantine under this policy, the employee may, after providing written notice to their supervisor and Department of Human Resources that they may incur expenses related to the quarantine, the types of expenses that they may incur and the estimated cost of those expenses, request authorization to incur costs related to the quarantine, including, lodging, medical treatment and transportation. The supervisor and Department of Human Resources may authorize reimbursement for the reasonable requested costs related to the quarantine, including, lodging, medical treatment and transportation, in writing. If the supervisor and Department of Human Resources provide the written authorization to the employee to incur the expenses, the employee will be reimbursed for the expenses approved. An employee may be required to provide receipts or proof of payment with the request to establish that the expenses were required to be incurred by the quarantine and were reasonable. The supervisor and/or the Department of Human Resources may deny reimbursement, in whole or in part, if the expenses are not required to be incurred by the quarantine; the employee did not request prior authorization to incur the expenses; the employee failed to provide prior written notice of the estimated expenses; or the employee incurred expenses that exceed the estimate of expenses approved and/or are different expenses than were approved, and/or are not reasonable.

VI. PROHIBITED FROM WORKING ANOTHER JOB

Fire fighters and police officers who are on paid quarantine leave are prohibited from working another job on the days that they use quarantine leave.

VII. EFFECTIVE DATE

- A. Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violation(s) which occur prior to the effective date of this General Order.
- B. If any section, sentence, clause or phrase of this General Order is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this General Order.
- C. All training on this General Order will be in accordance with General Order 100, Written Directive System, Chapter VIII, Training.
- D. The effective date is stated in the header block of this General Order.

WILLOW PARK POLICE DEPARTMENT		GENERAL ORDERS	
SUBJECT: Mental Health Leave Policy		NUMBER: 5100	
EFFECTIVE DATE: 09/29/2021		NEXT REVIEW DATE: 09/29/2022	
AMENDS/SUPERSEDES: This policy supersedes all previous policies		APPROVED: _____ Chief of Police	
BEST PRACTICES:			

NOTE: This General Order is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this Department and only in a non-judicial, administrative setting.

I. PURPOSE

The purpose of this policy is to provide guidance in accordance with Chapter 614.015 of the Local Government Code regarding paid mental health leave for full-time licensed peace officers employed by the City of Willow Park Police Department who experience a traumatic event while on duty. The City of Willow Park recognizes the impact traumatic events have on the mental health of our peace officers.

II. ELIGIBILITY

A full-time licensed peace officer who is employed by the City of Willow Park Police Department is eligible for mental health leave if they experience a traumatic event while on duty. The traumatic event must involve extreme injury, near-death, or death of an individual, or other similarly stressful situations, experienced by the peace officer while on duty.

III. REQUESTING MENTAL HEALTH LEAVE

A. An officer directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

- B. A supervisor or coworker who becomes aware of behavioral changes in an officer directly involved in a traumatic event should suggest to the officer that he or she seek mental health leave and the assistance of a mental health professional.
- C. The Director of Human Resources may provide the peace officer with information about local mental health providers.

IV. DEFINITIONS

- A. Traumatic event – an event which occurs in the peace officer(s) scope of employment when the officer is involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.

Traumatic events may include, but are not limited to, the following:

1. Major disasters which may include response to weather related events involving multiple casualties;
 2. Incidents involving multiple casualties which may include shooting or traffic accidents;
 3. Line of duty death or suicide of a department member;
 4. Death of a child resulting from violence or neglect;
 5. Officer(s) involved shooting of a person.
- B. Mental health leave – administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer's employment.
 - C. Mental Health Professional – a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

V. CONFIDENTIALITY OF REQUEST

- A. Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer or supervisor who becomes aware of behavioral changes and suggests the officer seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline.
- B. Confidentiality may be waived by the officer seeking mental health leave. Confidentiality may be waived under circumstances which indicate the officer is a danger to himself or herself or others and department personnel must confer with mental health professionals.

VI. DURATION OF MENTAL HEALTH LEAVE

- A. An officer directly involved in a traumatic event may request up to three working days of mental health leave.
- B. Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by three working days. Each officer may request no more than two extensions, each supported by sufficient documentation by the mental health professional. The Chief shall grant the extension(s) upon the receipt of sufficient documentation explain the need for the extension.

VII. EFFECT ON PAID LEAVE BALANCES

The City will not reduce an eligible peace officer's sick leave, vacation leave, holiday or other paid leave balance for mental health leave taken under this policy.

VIII. PROHIBITED FROM WORKING ANOTHER JOB

Peace officers who are on mental health leave are prohibited from working another job on the days that they use mental health leave.

VIII. EFFECTIVE DATE

- A. Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violation(s) which occur prior to the effective date of this General Order.
- B. If any section, sentence, clause or phrase of this General Order is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this General Order.
- C. All training on this General Order will be in accordance with General Order 100, Written Directive System, Chapter VIII, Training.
- D. The effective date is stated in the header block of this General Order.



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: September 28, 2021	Department: Admin	Presented By: City Manager
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Discussion / Action: Hear update on Fort Worth Water Project

BACKGROUND:

- Project is underway. Main items accomplished to date was select tree removal and of course the house demo. MELA is expected to begin excavation for the ground storage tank this week. The storage tank construction will be their main focus the next month or so.
- Temporary Fort Worth water supply will be shut down in October, so that work on the permanent meter station can begin. Michelle was targeting a mid October shut down, depending upon demand drop off. MELA is ok with that date.
- Overall project schedule calls for completion of the project by May 3, 2022.

STAFF/BOARD/COMMISSION RECOMMENDATION:

EXHIBITS:

ADDITIONAL INFO:	FINANCIAL INFO:	
	Cost	\$
	Source of Funding	\$



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: September 28, 2021	Department: Admin	Presented By: City Manager
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Discussion / Action: American Recovery Act Funding

BACKGROUND:

As part of the American Recovery Act passed previously in 2021, the City of Willow Park will receive approximately \$1,741,439 in funding for eligible infrastructure projects. The funding will be delivered in two payments of \$723,782 over the next 12 months. The City has already received the 1st installment last month.

The Coronavirus State and Local Fiscal Recovery Funds provide eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, and more equitable economy as the country recovers. Recipients may use these funds to:

- Support public health expenditures, by, for example, funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff
- Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector
- Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic
- Provide premium pay for essential workers, offering additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Within these overall categories, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities.

The Council has previously authorized staff to submit an RFP for these funds. However, staff would like guidance from Council on how these funds are to be utilized as that will impact the RFP.

STAFF/BOARD/COMMISSION RECOMMENDATION:

EXHIBITS:

ADDITIONAL INFO:	FINANCIAL INFO:	
	Cost	\$
	Source of Funding	\$



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: September 28, 2021	Department: Admin	Presented By: City Manager
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Discussion / Action: Forgiveness of Interfund Balance within the Enterprise Fund

BACKGROUND:

Per the auditor’s advice on several of the prior audit reports Jake Weber, CPA recommends that the City either write-off the inter-fund balance due within the Enterprise fund or begin to make regular payments. Currently the Wastewater Fund owes the Water Fund \$1,453,535. This is an inter-fund balance which dates back several years. To date, no payments have been made on this loan. This originated when the Water Fund loan the Wastewater Fund money for lift station improvements. Unless there is intent for this money to be paid back from the Wastewater Fund to the Water Fund, it would make sense to write-off the outstanding balance at this time.

SUGGESTED MOTION: I MOVE THAT THE CITY OF WILLOW PARK FORGIVE THE INTERFUND TRANSFER OF THE WASTEWATER LOAN THAT ORIGINATED FROM THE WATER DEPARTMENT AND TAKE ALL APPROPRIATE ACTIONS TO IMPLEMENT THE FORGIVENESS OF SAID LOAN.

STAFF/BOARD/COMMISSION RECOMMENDATION:

EXHIBITS:

ADDITIONAL INFO:	FINANCIAL INFO:	
	Cost	\$
	Source of Funding	\$