



CITY COUNCIL AGENDA

Municipal Complex, 516 Ranch House Rd, Willow Park, TX 76087

Tuesday, April 12, 2022 at 7:00 PM

CALL TO ORDER AND THE ROLL OF ELECTED AND APPOINTED OFFICERS WILL BE TAKEN

PLEDGE OF ALLEGIANCE AND INVOCATION

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 City 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.

PUBLIC HEARINGS

1. A public meeting is being held on April 12, 2022, at 7:00 PM at 516 Ranch House Road to discuss the City of Willow Park's proposed project to build a new wastewater treatment plant and pipeline North of IH-20 near Crowne Point Boulevard. One of the purposes of this hearing is to discuss the potential environmental impacts of the project and alternatives to it. The total estimated cost of the project is \$14.31 million. The estimated monthly bill for a typical resident is currently \$50.90. A user rate increase of \$3.00/month will be required to finance this project. *In addition, a connection fee/tax/surcharge/other fee of \$0 will be required.* An application for financial assistance for the project has been (*will be*) filed with the Texas Water Development Board, P.O. Box 13231, Austin, Texas, 78711-3231. An Environmental Information Document for the project has been prepared which will be available for public review at Willow Park City Hall at 516 Ranch House Road between the hours of 9:00 AM and 4:00 PM for 30 days following the date of this notice. Written comments on the proposed project may be sent to Jacob & Martin Engineering 3465 Curry Lane Abilene, TX 79605 or to the Texas Water Development Board.

Floodplain/Wetland: Incorporate into Public Meeting Notice for projects in a floodplain or wetland

This project involves construction (a) of a critical facility in the 500-year floodplain, (b) in the 100-year floodplain, or (c) construction located in a wetland. Alternatives to construction in a floodplain/wetland, potential impacts on floodplains/wetlands and proposed mitigation measures will be addressed during the public meeting.

A. Open Public Hearing

B. Close Public Hearing

2. The City of Willow Park City Council will hold public hearings on the matters listed below on Tuesday, April 12, 2022 at 7:00 PM at Willow Park City Hall, 516 Ranch House Rd., Willow Park, TX 76087:

PUBLIC HEARING to consider a request to rezone 8.768 acres from PD/TP (Treatment Plant), 13.747 acres from PD/EC (Event Center), and 5.539 acres from Green Belt to PD Single Family, and the PD Development Standards to amend the maximum number of single family detached homes to 189, part of Lot 2R, Block 11, The Reserves at Trinity, City of Willow Park, Parker County, Texas, located adjacent to Meadows Place Drive.

A. Open Public Hearing

B. Close Public Hearing

3. Discussion/Action: to adopt AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM PD-TP PLANNED DEVELOPMENT-TREATMENT PLANT, EVENT CENTER, AND GB GREENBELT TO PD-SF PLANNED DEVELOPMENT-SINGLE FAMILY 25.121 ACRES AND PD-SF PLANNED DEVELOPMENT-SINGLE FAMILY TO GB GREEN BELT 0.773 ACRES BEING 25.894 ACRES OF LOT 2R, BLOCK 11, THE RESERVES AT TRINITY BEING A 140.302 ACRE SUBDIVISION, WILLOW PARK, PARKER COUNTY, TEXAS AND BEING A REPLAT OF THE RESERVES AT TRINITY ACCORDING TO PLAT CABINET E, SLIDE 354 AND PLAT CABINET E, SLIDE 405 PLAT RECORDS, PARKER COUNTY, TEXAS; ORDINANCE NO. 740-16 EXHIBIT B (PLANNED DEVELOPMENT STANDARDS (6,a,vii) IS AMENDED TO ALLOW A MAXIMUM OF 189 SINGLE FAMILY DETACHED HOMES; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
4. PUBLIC HEARING to consider a request for rezoning from R-1 to PD R-5 Planned Development District to allow for development of single-family dwellings on individual lots, for 19.16 acres John H. Phelps Survey, Abstract No. 1046, City of Willow Park, Parker County, Texas, located adjacent to Bay Hill Drive.

A. Open Public Hearing

B. Close Public Hearing

5. Discussion/Action: to adopt AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM "R-1" SINGLE FAMILY DISTRICT TO "PD" PLANNED DEVELOPMENT DISTRICT FOR 19.16 ACRES SITUATED IN THE JOHN PHELPS SURVEY, ABSTRACT NO 1046, CITY OF WILLOW PARK, TEXAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
6. PUBLIC HEARING to consider amendments to the City of Willow Park Zoning Ordinance Chapter 14; Article 14.12 "Off-Street Parking and Loading Requirements".
 - A. Open Public Hearing
 - B. Close Public Hearing
7. Discussion/Action: to adopt AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WILLOW PARK BY AMENDING CHAPTER 14 OF THE ZONING CODE; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR COMPREHENSIVE AMENDMENTS TO THE ZONING CODE; PROVIDING A CUMULATIVE/REPEALER CLAUSE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

PROCLAMATION

8. Presentation to Freedom House

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.

9. Approve City Council Meeting Minutes – Regular Meeting on March 8, 2022.

REGULAR AGENDA ITEMS

10. Discussion/Action: to consider and act on approval of the Fiscal Year 2020 – 2021 Audit.
11. Discussion/Action: to approve a resolution for engineering service provider to complete project implementation for the American Rescue Plan Act (ARP Act) funding administered by the U.S. Department of the Treasury, other Federal or State Agency.
12. Discussion/Action: to adopt AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS, ADOPTING A FEE SCHEDULE FOR: DEVELOPMENT SERVICES, INCLUDING FEES FOR BUILDING PERMITS AND INSPECTIONS, MISCELLANEOUS PERMITS, OTHER INSPECTIONS OR PLAN REVIEWS, AND IRRIGATION PERMITS; FIRE PERMIT SERVICES, INCLUDING FIRE ALARM CODE REVIEW AND INSPECTION SERVICES, FIRE SPRINKLER FIRE CODE PLAN

REVIEW AND INSPECTION AND ADDITIONAL FIRE CODE REVIEW AND INSPECTION; HEALTH PERMITS; SPECIAL EVENT PERMITS; ONSITE SEWAGE FACILITY PERMITS AND REPAIR PERMITS; OIL AND GAS WELL PERMITS; DEMOLITION PERMITS; SIGN PERMITS; CONTRACTOR REGISTRATION; AND CODE ENFORCEMENT; AMENDING VARIOUS CITY ORDINANCES; AND CONTAINING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

13. Discussion/Action: to authorize city manager to sell surplus city property.
14. Discussion/Action: to adopt AN ORDINANCE AMENDING THE CITY OF WILLOW PARK CODE OF ORDINANCES BY ADDING AN ARTICLE 5.05 REGARDING THE REGULATION OF OUTDOOR BURNING WITHIN THE CITY LIMITS; PROVIDING FOR ENFORCEMENT, INCLUDING CRIMINAL PENALTIES UP TO \$2,000.00 FOR EACH VIOLATION; PROVIDING CIVIL PENALTIES FOR VIOLATIONS; PROVIDING THAT THE ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.
15. Discussion/Action on Amending Water Service Agreement with City of Fort Worth.
16. Discussion/Action: to award a bid to B&L Construction for the Bankhead Lift Station Project.
17. Discussion/Action: to approve a joint resolution between the City of Willow Park and the City of Weatherford to adjust the boundary between the Extraterritorial Jurisdiction of the two cities.
18. Discussion/Action: to consider future agenda items.

INFORMATIONAL

19. Mayor & Council Member Comments
20. City Manager's Comments

EXECUTIVE SESSION *It is anticipated that all, or a portion of the discussion of the foregoing item will be conducted in closed executive session under authority of the Section 551 of the Texas Open Meetings Act. However, no action will be taken on this item until the City Council reconvenes in open session.*

21. 551.071 Consultation with Attorney - deliberation about dispute with Halff Associates regarding Fort Worth Water project

RECONVENE *into Open Session and consider action, if any, on the item discussed in Executive Session.*

The City Council may authorize the hiring of special legal counsel regarding the dispute with Halff Associates.

ADJOURNMENT

The City Council may convene a public meeting and then recess into closed executive session, to discuss any of the items listed on this agenda, if necessary, and if authorized under chapter 551 of the Texas Government Code. Situations in which a closed executive session may be authorized by law include, without limitation; (1) consulting with the Council's attorney to seek or receive legal advice concerning pending or contemplated litigation, a settlement offer, or any other matter in which the ethical duty of the attorney to the Council clearly conflicts with the general requirement that all meetings be open, § 551.071; (2) discussing the purchase, exchange, lease, or value of real property, § 551.072; (3) discussing a prospective gift or donation, § 551.073; (4) discussing certain personnel matters, §551.074; and (5) discussing security personnel or devices, § 551.076.

CERTIFICATION I, the undersigned authority, does hereby certify that this Notice of a Meeting was posted on the bulletin board at City Hall, 516 Ranch House Road, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: April 8, 2022, at 12:00 p.m. and remained so posted continuously for at least 72 hours before said meeting is to convene.



Crystal R. Dozier, TRMC

City Secretary



The City Hall is wheelchair accessible and accessible parking spaces are available. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 817-441-7108, or by email at cdozier@willowpark.org. Requests should be made at least 48 hours prior to the meeting. This agenda is posted on the city's web site at www.willowpark.org



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: April 12, 2022	Department: Admin	Presented By: City Manager
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AGENDA ITEM:

Wastewater Treatment Plant Public Hearing Synopsis

BACKGROUND:

Wastewater Treatment Plant Environmental Synopsis

Currently, there is a need for wastewater plant flow and discharge improvements due to inability of the current plant to meet both needs. The construction of a new plant would enable the system to be in compliance with state and federal laws on wastewater and provide a better quality product to reuse for irrigation. The new plant upgrades are to improve the treatment capability of the system. The project will reduce the risk of health and sanitation concerns due to operational improvement and the ability to meet demand to the system.

The preferred alternative includes building a new wastewater plant capable of being compliant with discharge limits and capable of handling the expected flow. Footprints will be close to the same but in a more discrete location with less chance of interfering with the use of public and private space. The treatment plant will be sized and located so as to minimize any adverse impact.

Construction of the proposed project would be considered a short-term use of the environment during which energy, labor, and material resources are expended; the community of Willow Park and Rural Residents of Parker County may be slightly inconvenienced by construction traffic and noise; land uses may be temporarily impacted by construction activities along the project route. This short-term utilization of environmental resources would be anticipated to enhance and maintain long-term viability of the river.

The no-action alternative would result in poorer quality effluent being discharged into the Clear Fork of the Trinity River.

STAFF/BOARD/COMMISSION RECOMMENDATION:

EXHIBITS:

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



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: April 12, 2022	Department: Planning & Development	Presented By: Betty Chew Toni Fisher Bill Funderburk
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AGENDA ITEM:

Consider a request to rezone 8.768 acres from TP (Treatment Plant), 13.747 acres from EC (Event Center), and 5.539 acres from Green Belt to PD Single Family, part of Lot 2R, Block 11, The Reserves at Trinity, City of Willow Park, Parker County, Texas, located adjacent to Meadows Place Drive.

BACKGROUND:

Application involves tracts of land north of Meadows Place subdivision and west of Willow Wood subdivision and proposes the continuation of Meadows Place Drive. Rezoning subject properties from Event Center (EC), Water Treatment Plant (TP), and Green Space to R-1 will remove the potential for future public improvements within this area.

Approval of this request will also require the amendment of Ordinance No. 740-16 to amend the PD Development Standards to increase the number of Single-Family Dwellings within the PD.

STAFF/BOARD/COMMISSION RECOMMENDATION:

The Planning & Zoning Commission conducted a public hearing to consider comments regarding this Zoning change and amendment to the Planned Development Standards.

The Planning & Zoning Commission recommends rezoning the 8.768 acres (Treatment Plant), 13.747 acres (Event Center) and 2.606 acres (Greenbelt) to PD Single Family, a 0.773 area tract will be changed to Greenbelt. The Commission further recommends amending the Planned Development Standards (6, a, vii) to provide for a maximum of 189 single family homes. The Commission vote was 5-0.

EXHIBITS:

- Zoning Exhibit C (March 7, 2022)
- Zoning Exhibit C Revised (March 30, 2022)
- Existing Zoning Exhibit C-1 (March 7, 2022)
- PD Ordinance 740-16 (PD - Standards)
- PD Ordinance 790-19 (Exhibit "A" – April 9, 2019)
- Ordinance No. _____



City of Willow Park
 516 Ranch House Road
 Willow Park, Texas 76087
 Phone: (817) 441-7108 · Fax: (817) 441-6900

ZONING CHANGE REQUIREMENTS

Name of Applicant: Jess Green

Mailing Address: 333 Shops Blvd., Suite 102 Willow Park TX 76087
Street City State Zip

Phone: 817-850-3600 Fax: _____ Email: Jess.green@wilksdevelopment.com

Property Owner: Wilks Development

Mailing Address: 333 Shops Blvd., Suite 102 Willow Park TX 76087
Street City State Zip

Phone: 817-850-3600 Fax: _____ Email: Jess.green@wilksdevelopment.com

Location of property requesting to be re-zoned: Shops of Willow Park North, Willow Park, TX Lot 1, Block 11

Intended Use of property: Residential

Current Zoning District: (TP) Treatment Plant

Requested Zoning District: (SF) Single Family (EC) Event Center

Specific reason for zoning request: The purpose of the zoning request is to change an undeveloped portion of the current zoning in PD 740-16 & PD 791-19 from TP Treatment Plant & EC Event Center to SF Single Family.

FEES: \$150 (Residential) ✓ PD ^{12/20}/₁₂₁ Additional fees (if applicable): _____
 \$150 (Non-Residential) CC ^{12/21}/₁₂₁ Additional fees (if applicable): _____
 Print \$150

Any reasonable fees and/or costs which are required by the City of Willow Park for a proper review of this request are the sole responsibility of the applicant. Such fees or costs shall include, but are not limited to engineering reviews, legal opinions, building/property inspections and/or testing(s).

[Signature]
 SIGNATURE OF OWNER DATE

[Signature]
 SIGNATURE OF APPLICANT DATE

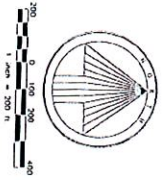
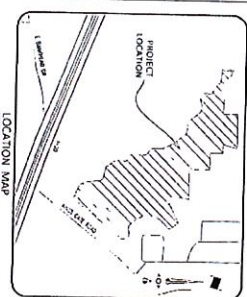
If the property owner is represented by another, a notarized letter of authorization must be submitted.

This checklist is provided to assist you in addressing the requirements for a Zoning Change request. An application is incomplete unless all applicable information noted below is submitted to the City of Willow Park Building Official. Please indicate that all information is included on the application by initialing in the box to the left of the required information. Checking the box certifies to the City that you have completely and accurately addressed the issue. If not applicable, indicate with "N/A" next in the box. Return this completed form at the time of your application submittal.

Applicant: Please complete the following

For Office Use Only

ITEM	INITIAL	ZONING CHANGE REQUIREMENTS	For Office Use Only		
			N/A	COMPLETE	MISSING
1	JH	Site boundary is indicated by a heavy solid line, dimensioned with bearings and distances, and distance to the nearest cross street.			
2	JH	Site location/vicinity map clearly showing the location of the subject			
3	JH	A north arrow is provided with drawing oriented such as that north is located to the top or left side of drawing sheet.			
4	JH	A written and bar scale is provided. 1" = 200' unless previously approved by staff			
5	JH	Accurately located, labeled and dimensioned footprint of existing structure(s) to remain is/are shown by a heavy dashed line.			
6	JH	Adjacent property lines within 200 feet of the subject property.			
7	JH	Adjacent zoning and land use (o.g. bank with drive-thru, office building, undeveloped etc.) within 200 feet of the property line is indicated.			
8	JH	Adjacent property owner(s), or subdivision name, with lot, block and recording information, is shown.			
9	JH	Does the request conform to the proposed future land use in the city's Comprehensive Plan			



Legend	
Single Family (SF)	65.266 AC
Event Center (EC)	0.0 AC
Public Parking (P)	6.080 AC
Multi Family (MF)	10.869 AC
Townhomes (TH)	16.258 AC
Greenbelt (GB)	40.534 AC

SPIARS
 ENGINEERING & SURVEYING
 2075 Lower State Court Drive, Suite 200 • Fort Worth, TX 76177 • 817-222-2077
 Fax: 817-222-2111 • Email: info@spiars.com • www.spiars.com

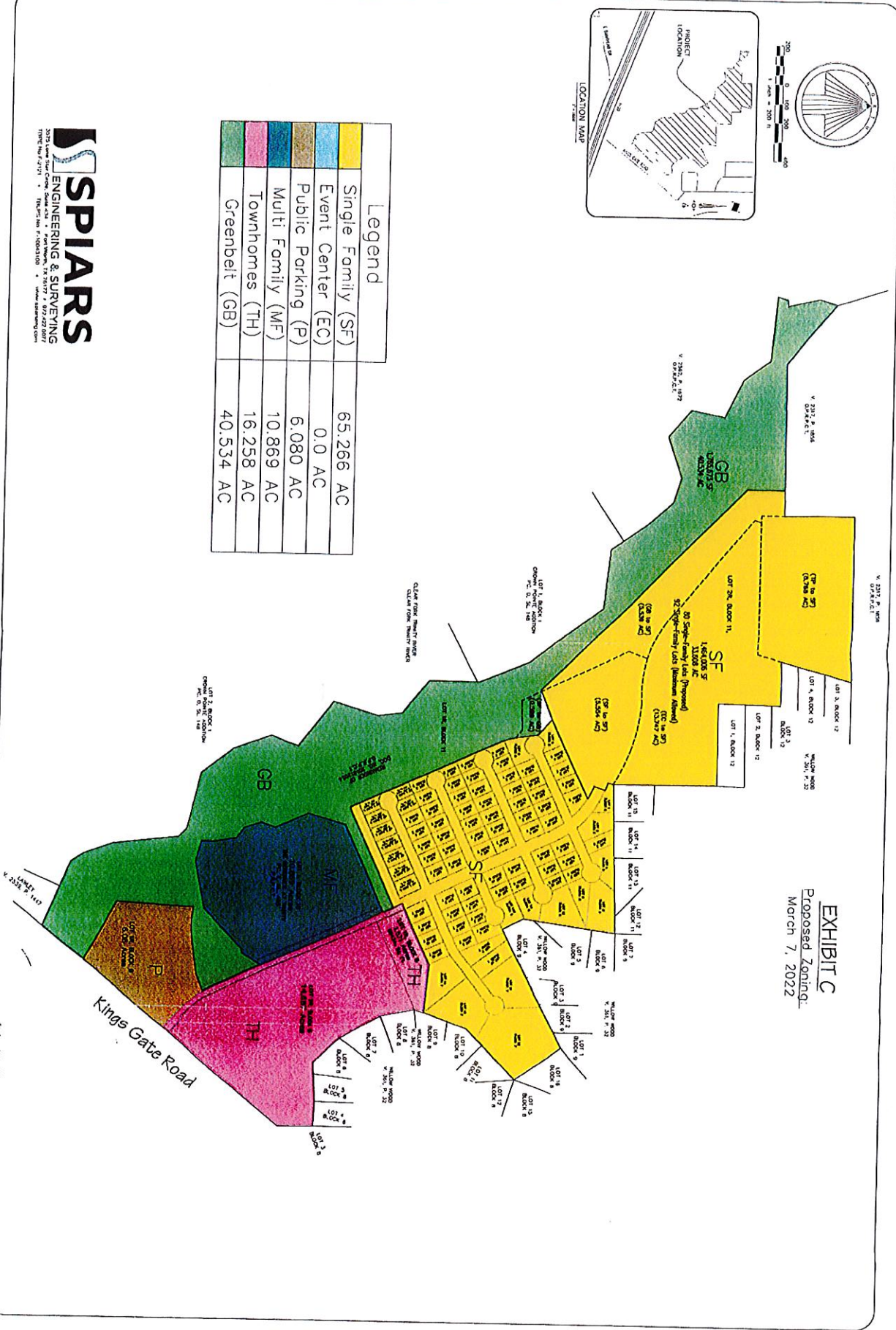
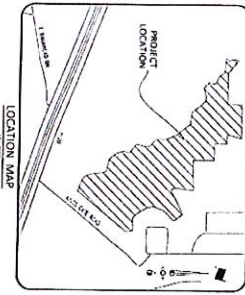


EXHIBIT C
 Proposed Zoning
 March 7, 2022

SCALE: 1" = 200' November, 2021 861 Job No. 21-073



Legend	
Single Family (SF)	61.983 AC
Event Center (EC)	0.0 AC
Public Parking (P)	6.080 AC
Multi Family (MF)	10.869 AC
Townhomes (TH)	16.258 AC
Greenbelt (GB)	43.817 AC

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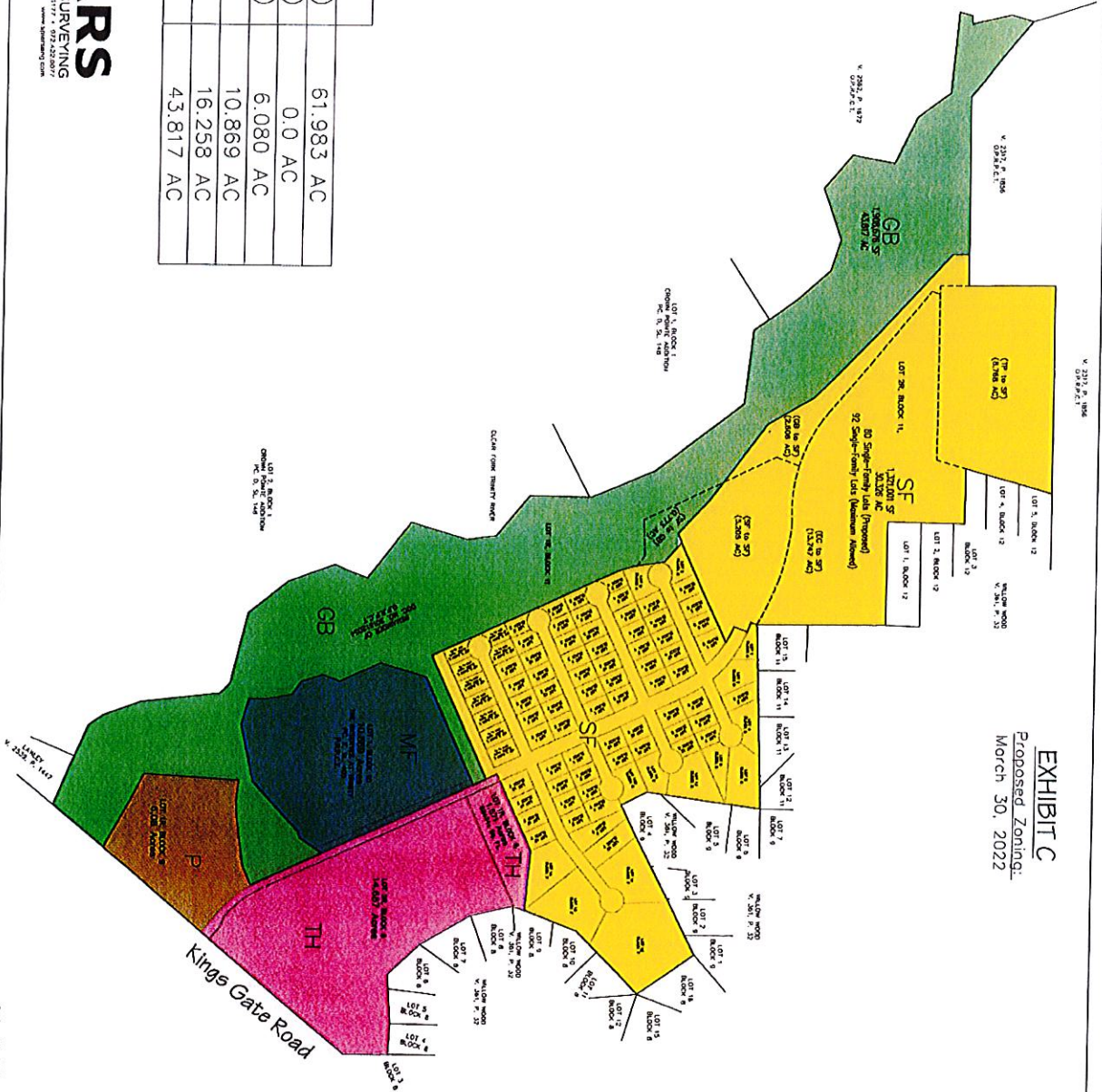
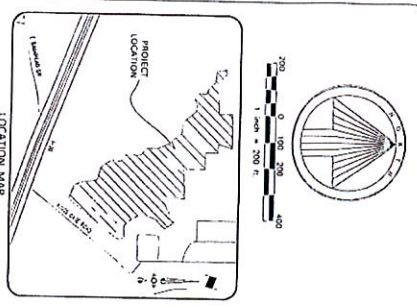


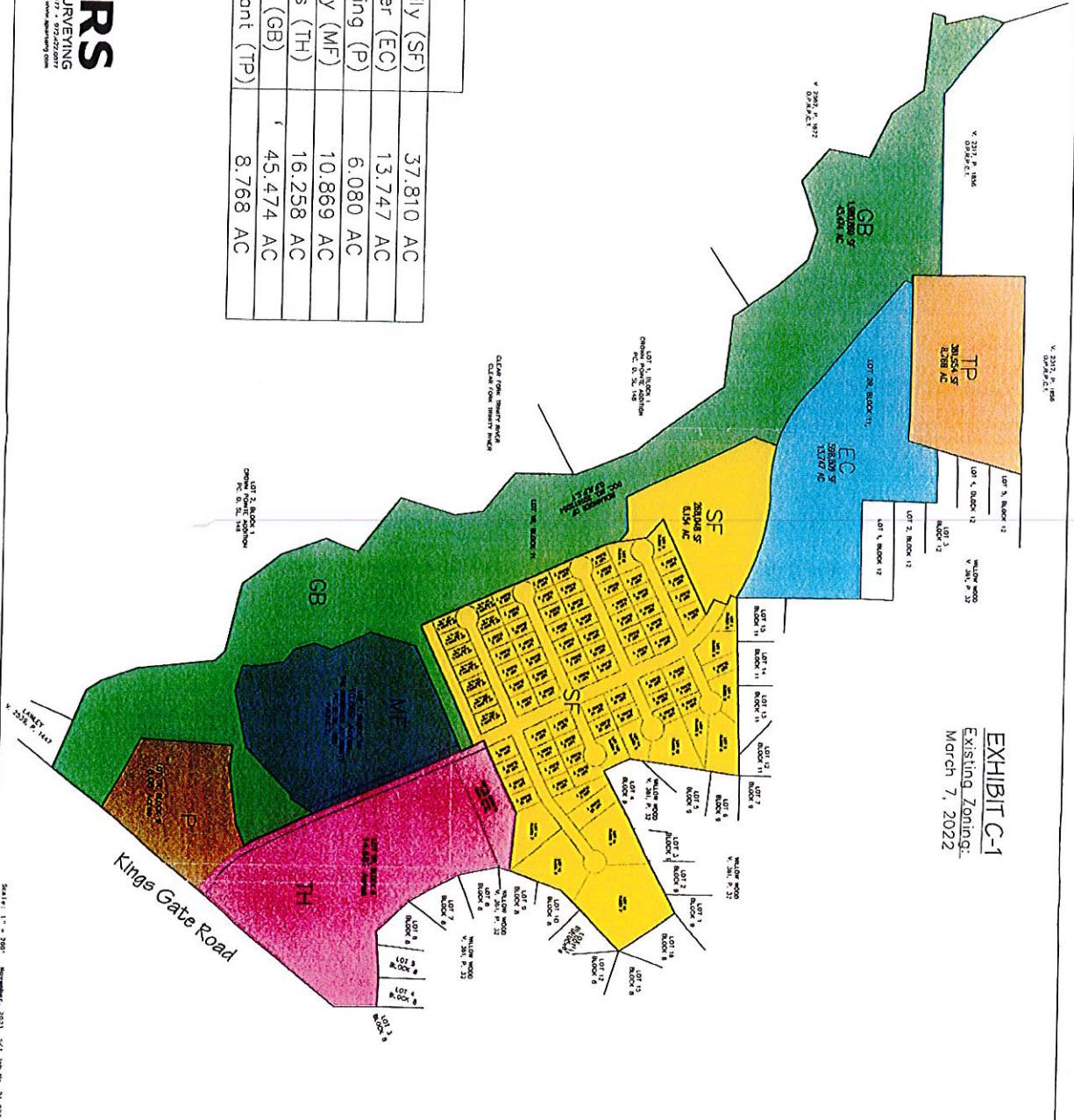
EXHIBIT C
Proposed Zoning:
March 30, 2022

SCALE: 1" = 200' MARCH, 2022 SET JOB NO. 21-073

EXHIBIT C-1
Existing Zoning
 March 7, 2022



Legend	
Single Family (SF)	37,810 AC
Event Center (EC)	13,747 AC
Public Parking (P)	6,080 AC
Multi Family (MF)	10,869 AC
Townhomes (TH)	16,258 AC
Greenbelt (GB)	45,474 AC
Treatment Plant (TP)	8,768 AC



Scale: 1" = 200' November 7, 2023 SUT 2008 No. 21-003

CITY OF WILLOW PARK, TEXAS

ORDINANCE NO. 740-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A CHANGE IN ZONING TO PD PLANNED DEVELOPMENT ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION FOR THAT CERTAIN 140.3 ACRES OF LAND LOCATED IN THE A. MCCARVER SURVEY, ABSTRACT NO. 910, THE W. FRANKLIN SURVEY, ABSTRACT NO. 468, THE I. HENDLEY SURVEY, ABSTRACT NO. 619, THE M. EDWARDS SURVEY, ABSTRACT NO. 1955, AND THE J. FROMAN SURVEY, ABSTRACT NO. 471, ALL IN PARKER COUNTY AND THE CITY OF WILLOW PARK, TEXAS; PROVIDING FOR A PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park is a municipal corporation duly and legally formed in the State of Texas; and

WHEREAS, the City is a general law municipality with specific powers delegated to it to protect the health, safety and general welfare of its citizens; and

WHEREAS, pursuant to Chapter 211 TEXAS LOCAL GOVERNMENT CODE, the City of Willow Park has the authority to adopt comprehensive zoning plans and to amend said plans for the purposes of promoting the health, safety and welfare of the City; and

WHEREAS, the owner of that certain 140.3 acre tract of land described on Exhibit "A" attached hereto has applied for a change in zoning to "PD" Planned Development District consistent with the development standards and Site Plan attached hereto as Exhibit "B" and "C" respectively; and

WHEREAS, a public hearing on the zoning change was held by the Planning and Zoning Commission of the City of Willow Park and a final report for recommendations was submitted to the governing body of the

City; and

WHEREAS, the City of Willow Park held a public hearing subsequent to that of the Planning and Zoning Commission and subsequent to receiving the final report and recommendations of the Planning and Zoning Commission with respect to the application for a zoning change; and

WHEREAS, the City Council finds that the change is consistent with surrounding zoning as shown in the Comprehensive Plan; and

WHEREAS, all requirements concerning notice to adjacent property owners, publication and other procedural requirements have been complied with in accordance with Chapter 211, TEXAS LOCAL GOVERNMENT CODE; and

WHEREAS, the City of Willow Park, Texas does hereby deem it advisable and in the public interest to grant the requested zoning classification; "PD Planned Development District" zoning district classification set forth herein; and

WHEREAS, the City of Willow Park has adopted a Comprehensive Plan for the long range development of the municipality and inclusion of the planned development district described herein is consistent with that long range plan.

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

SECTION 1. AUTHORIZATION

The Mayor, or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. LAND USE PERMITTED

The zoning district classification and use designation of the Property described in Exhibit "A" is hereby changed to "PD Planned Development District" zoning district classification and use allowing the use and development of the Property described in Exhibit "A" in accordance with the development standards on Exhibit "B" and the Site Plan on Exhibit "C". Exhibit "A", Exhibit "B", and Exhibit "C" are attached hereto and incorporated herein for all purposes.

SECTION 3. MAP AMENDMENT

The City Secretary is hereby directed to amend the official zoning map to reflect the adoption of the zoning approved herein consistent with markings as specified by Municipal Code of Ordinances of the City of Willow Park.

SECTION 4. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid by any court,

such invalidity shall not affect the validity of other provisions or applications, and to this end the provisions of this Ordinance are severable.

SECTION 5. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

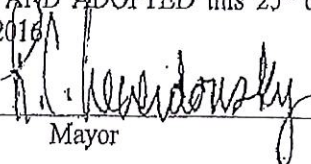
SECTION 6. PUBLICATION

The City Secretary of the City of Willow Park is hereby directed to publish in the official newspaper of the City of Willow Park the caption and the effective date of this Ordinance as required by Section 52.011 of the LOCAL GOVERNMENT CODE.

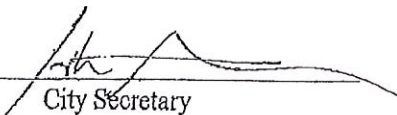
SECTION 7. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption by the City Council of the City of Willow Park and after publication as required by law.

PASSED AND ADOPTED this 25th day of October, 2016

/s/ 
Mayor

ATTEST:

/s/ 
City Secretary

APPROVED AS TO FORM:

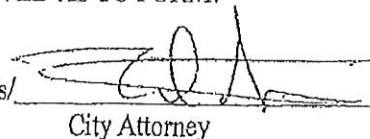
/s/ 
City Attorney

Exhibit B
PD Development Standards

1. Definitions.
 - a. Accessory use means any use that is customarily incidental to the primary use of the property on which it is located. An accessory use may include accessory buildings and structures. Amenity centers and clubhouses are accessory uses to single family detached development, and may be located on separate platted lots. No accessory use shall be construed as allowing articles or material to be in the open or on the outside of the building.
 - b. Site Plan means the Site Plan attached as Exhibit C, as amended in accordance with Section 3.
 - c. Event center means a facility that may include some or all of the following types of uses: event space for weddings, meetings, parties, and other types of events; meeting rooms; game courts; fitness center/gym; swimming pools; athletic fields and facilities; childcare, dining; catering kitchen; spa facilities and services; and other similar uses.
 - d. Property means the property depicted and described on Exhibit A.
 - e. Public parking means parking available to the public that may be used to satisfy the parking requirement for a use located within or outside of the boundaries of this planned development district. Public parking may also provide excess parking that is not required by the Zoning Ordinance.
 - f. Townhome means a single family dwelling unit horizontally attached to another dwelling unit by a common wall. Townhomes may be located on the same platted lot or on separate platted lots. The term townhome does not include a dwelling unit located above another dwelling unit. Townhomes are not included in the definition of a multi-family dwelling.
 - g. Zoning Ordinance means the comprehensive zoning ordinance of the City of Willow Park attached as Exhibit D.
2. Applicable Regulations. Development and use of the Property shall comply with the Zoning Ordinance, as amended by Ordinance No. ___ establishing these planned development district zoning regulations. In the event of a conflict between the Zoning Ordinance or any other City ordinance, rule, or regulation and these planned development district zoning regulations, these planned development district zoning regulations shall control. With the exception of the Zoning Ordinance and these planned development district zoning regulations, no other zoning regulations shall apply to the development or use of the Property.
3. Site Plan; Future Approvals.

- a. Development and use of the Property shall comply with the Site Plan.
 - b. The Site Plan may be amended from time to time provided each planning area shown on the Site Plan maintains roadway contiguity as shown on the original Site Plan attached as Exhibit C. City approval of a plat confirms the Site Plan amendment. Once the city approves the plat, the Site Plan attached as Exhibit C is automatically amended consistent with the approved plat.
 - c. Any revision to the Site Plan that does not meet the requirements of Section 3(b) shall constitute a zoning amendment that requires compliance with the procedures for a change in zoning.
 - d. When the Site Plan is amended pursuant to Section 3(b), the developer shall file a copy of the updated Site Plan that includes the date of the amendment with the Community Development Department and the City Secretary, and a copy of the amended plan shall be included in the City's official files for this planned development district.
 - e. With the exception of amended Site Plans, which shall be governed exclusively by Sections 3(b)-(d), there shall be no requirements for approval of site plans, concept plans, or development plans referenced in the Zoning Ordinance. The Building Official shall issue a building permit if the permit application demonstrates compliance with these planned development district zoning regulations.
4. Base Zoning Districts. Each planning area shown on the Site Plan shall have a base zoning district as follows:
- a. The base zoning district for the single family (SF) planning area shall be "R-5" Single-Family High Density District.
 - b. The base zoning district for the commercial (C) planning area shall be "C" Commercial District.
 - c. The base zoning district for the event center (EC) planning area shall be "C" Commercial District.
 - d. The base zoning district for the public parking (P) planning area shall be "C" Commercial District.
 - e. The base zoning district for the multi-family (MF) planning area shall be the "R-3" Multifamily District.
 - f. The base zoning district for the townhome (TH) planning area shall be "R-5" Single Family High Density District.
 - g. The base zoning district for the treatment plant (TP) planning area shall be "C" Commercial District, until ownership is transferred to the City.

- Medical supplies
 - Movie Theater
 - Musical instrument sales and supplies
 - Optometry facility
 - Personal services
 - Pet shop and related sales
 - Photograph, portrait, camera shops and photo-finishing
 - Physical therapy facility
 - Professional offices (engineering, accounting, attorney, insurance, and other)
 - Public parking
 - Radio and television sales and servicing
 - Real estate offices
 - Restaurants, cafes, cafeterias, delicatessen (with or without drive-thru windows or drive-ins)
 - Retail stores (no limitation on type or size)
 - Services, personal (salons, spas, licensed massage providers, and similar service uses)
 - Service stations (no repair work)
 - Shoe repair
 - Small animal hospital with no outside kennels
 - Tailor, clothing or apparel shops
 - Temporary concrete or asphalt batch plant during construction on the Property
 - Temporary construction offices and trailers
 - Temporary sales or leasing offices
 - Theater
- c. In the event center (EC) planning area, the following uses are permitted by right: an event center, public parking, and accessory uses.
- d. In the public parking (P) planning area, the following use is permitted by right: public parking, food trucks, and outdoor dining areas.
- e. In the multi-family (MF) planning area, the following uses are permitted by right: multi-family, single family detached homes and accessory uses. A maximum of 208 multi-family dwelling units are permitted in the multi-family (MF) planning area.
- f. In the townhome (TH) planning area, the following uses are permitted by right: townhomes, single family detached homes, and accessory uses. A maximum of 110 townhomes are permitted in the townhome (TH) planning area.
- g. In the treatment plant (TP) planning area, the following uses are permitted by right: a public wastewater treatment plant, public parking, food trucks and outdoor dining areas, and accessory uses.

h. The base zoning district for the greenbelt (GB) planning area shall be "FP" Flood Plain District.

5. Permitted Uses.

a. In the single family (SF) planning area, the following uses are permitted by right: single family detached homes and accessory uses.

b. In the commercial (C) planning area, the following uses are permitted by right:

- Accessory uses.
- Amphitheater
- Antique shops
- Assisted living or skilled nursing facility
- Athletic facility, which may include athletic fields for football, soccer, baseball, and other sports
- Bakeries
- Banks, financial institutions
- Barber and beauty shops
- Bicycle sales and service
- Book and stationery stores, newsstands
- Business college and private school facilities
- Caterer or wedding service
- Cigar or tobacco stores
- Cleaning, pressing and laundry collection
- Confectioner stores
- Copy center
- Custom dressmaking or millinery shops
- Day care nursery or pre-school
- Drug stores, health product stores
- Dry good, variety, notion stores
- Event center
- Express offices
- Fitness center, gym
- Florist, jewelry, and gift shops
- Grocery stores, vegetable and meat markets
- Hardware store
- Health and medical products for personal use
- Horse stables
- Hotel and/ or motel
- Household and office furniture
- Imaging or x-ray center
- Laboratory test facilities
- Lodge & Civic clubs
- Medical provider offices (doctor, dentist, vision, chiropractic, and other)

h. In the greenbelt (GB) planning area, the following uses are permitted by right: open space (passive or active), including horseback riding, hike and bike trails, parks, accessory uses, public parking, and food trucks and outdoor dining areas.

6. **Development Standards.** Development of the Property shall be subject to the development standards for the applicable base zoning district, as set forth in the Zoning Ordinance, except as follows:

a. **Single family detached homes** may be developed pursuant to the following standards that shall be the exclusive lot size, density, setback, building height, lot coverage, and living area requirements for a single family detached home:

i. Minimum lot size: 5,000 square feet

ii. Minimum front yard setback: 15 feet. A corner lot shall be deemed have one front yard, which shall be the yard with the least street frontage.

iii. Minimum side yard setback: 5

iv. Minimum rear yard setback: 20

v. Maximum lot coverage: 45 percent (includes the footprint of all enclosed buildings on a lot)

vi. Maximum building height: 35 feet and two stories

vii. **Maximum number of single family detached homes within the Property: 97**

viii. Minimum gross living area per dwelling unit: 2,200 square feet

ix. Two car front entry garages are permitted.

b. Townhomes may be developed pursuant to the following standards that shall be the exclusive lot size, setback, building height, density, lot coverage, living area, and exterior construction and design requirements for a townhome:

i. Minimum lot size: 1,600 square feet

ii. Minimum front yard setback: 10 feet. A corner lot shall be deemed have one front yard, which shall be the yard with the least street frontage.

iii. Minimum side yard setback: none, except a minimum five foot side setback is required on a corner side yard that abuts a street

iv. Minimum rear yard setback: none

v. Minimum setback from the boundary of the townhome (TH) planning area: 20 feet

- vi. Maximum lot coverage: none
 - vii. Maximum building height: 35 feet and two stories unless sprinklers installed throughout the structure then 50 feet and three stories
 - viii. Maximum density: ten dwelling units per gross acre
 - ix. Minimum gross living area per dwelling unit: 1,200 square feet
 - x. Exterior construction and design regulations: Minimum standard masonry construction: 85% of exterior cladding of the structure. Masonry construction shall include all construction of a minimum of two different coordinated stone and/or brick materials, defined as follows: (a) Stone material. Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock or other hard and durable naturally occurring all-weather stone. Cut stone and dimensioned stone techniques are acceptable. (b) Brick material. Brick material used for masonry construction shall be hard fired (kiln fired) clay or shale material which meets the latest version of ASTM standard C216, Standard Specifications for Face Brick (Solid Masonry Unit Made of Clay or Shale) and be Severe Weather (SW) grade and type FBA or FBS or better. Unfired or underfired clay, sand or shale brick are not allowed.
- c. Single family detached homes shall have a minimum roof pitch of 3:12.
 - d. Single family detached homes shall be subject to the following:
 - i. The front elevation of each residence shall be 75 percent masonry, exclusive of doors, windows, dormers, and other architectural elements. Each side and rear elevations of a residence shall be at least 50 percent masonry, exclusive of doors, windows, dormers, and other architectural elements, except that a side elevation abutting a side street shall be at least 75 percent masonry, exclusive of doors, windows, dormers, and other architectural elements. For purposes of this paragraph, masonry means stucco, BIFS, brick, and stone.
 - e. Single family detached homes with the same floor plan and architectural front elevation must have at least three lots of separation between them on the same side of the street and must not be directly across the street from each other.
 - f. Front and rear yard setbacks in the commercial (C) planning area and the event center (EC) planning area shall be a minimum of 20 feet.
 - g. The front yard setback shall apply based on the zoning of the lot, regardless of whether property along a block face is split by two or more zoning districts that require different front yard setbacks.
 - h. Building lines shall not be required on plats.

7. Development Matrix. With each plat approval and building permit issuance, the developer shall submit an updated matrix that tracks the total number of single family detached homes, townhomes, and multi-family dwelling units to establish ongoing compliance with the requirements of these planned development district zoning regulations.
8. Overlay Districts. No overlay zoning district regulations shall apply to the Property, including, but not limited to, the I-20 overlay district regulations.
9. Landscaping. The City Manager may approve an alternative landscape plan for a platted lot provided the alternative plan meets or exceeds the total amount of landscaping required by the Zoning Ordinance for that lot.
10. Signs. The City Manager may approve an alternative sign plan for a platted lot provided the alternative plan meets the spirit and intent of the City's sign ordinance.
11. Fencing. Perimeter fencing is not required.
12. Parking. Required parking spaces may be located at any location within the Property, including within the floodplain. Required parking spaces are not required to be located on the same platted lot as the use that the parking serves but must be adjacent to or accessible from the use that the parking serves. Each townhome shall include a minimum of two parking spaces in an attached garage. For multi-family uses, a minimum of ten percent of the dwelling units shall have a garage, which shall count towards any covered parking requirements.
13. Sidewalks. Public sidewalks shall be constructed adjacent to all public roadways within the Property at the time a builder constructs a building on the adjacent private lot. In residential areas, sidewalks are required on only one side of the street. Sidewalks shall be located within the public right-of-way and maintained by the City. Sidewalks shall be a minimum of five feet in width with 4-inch thick concrete and otherwise constructed in accordance with the City's standard specifications.
14. Hike and Bike Trail; Open Space.
 - a. A hike and bike trail that is a minimum of three feet in width and a maximum of 11 feet in width shall be constructed within the greenbelt (GB) planning area shown on the Site Plan. The trail shall be constructed of crushed granite, hot mix asphaltic, concrete, or other material approved by the City. Construction of the trail shall be phased with the development, and shown on each final plat. At the developer's written request and after a final plat for at least 80 percent of the Property has been recorded, the developer will dedicate by separate instrument some or all of the greenbelt (GB) planning area shown on the Site Plan, including the hike and bike trail and public parking areas, and City will accept and maintain the dedicated area and improvements. The dedicated area may, at the developer's option, include lakes.

- b. With the exception of the areas referenced in Section 14(a) that will be dedicated to the City, all other open space designed on a recorded final plat shall be privately owned and maintained by a property owners association.
- c. There are no park land dedication, park fee, or open space requirements applicable to this Property.

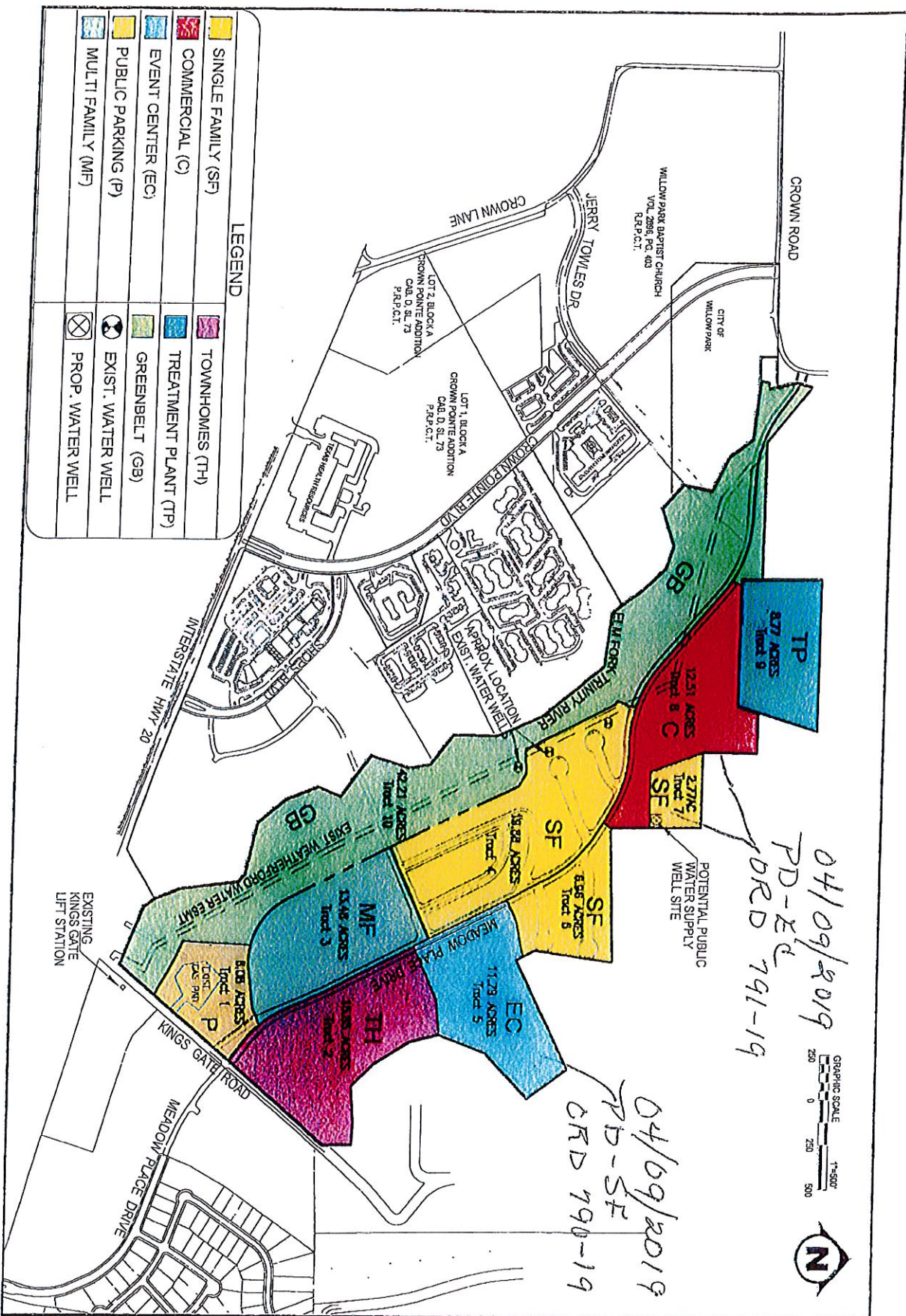
15. Storm Water. Storm water from the Property shall be discharged directly into the Clear Fork of the Trinity River. Storm water detention and retention are not required for the development of the Property so long as the Property is in compliance with all applicable storm water regulations.

16. Streets.

- a. Private street improvements will be designed to standards approved by an engineer licensed by the State of Texas.
- b. All street and driveway connections to the I-20 service road are exclusively within the jurisdiction of the Texas Department of Transportation, and TxDOT shall be responsible for all permitting and regulatory control over such connections.

LEGEND

	SINGLE FAMILY (SF)		TOWNHOMES (TH)
	COMMERCIAL (C)		TREATMENT PLANT (TP)
	EVENT CENTER (EC)		GREENBELT (GB)
	PUBLIC PARKING (P)		EXIST. WATER WELL
	MULTI FAMILY (MF)		PROP. WATER WELL



<p>PD CONCEPT PLAN SHOPS AT WILLOW PARK - NORTH CITY OF WILLOW PARK PARKER COUNTY, TEXAS</p>		<p>Barron Stark Swift Consulting Engineers K.P.C.E.</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DESCRIPTION	DATE												
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<p>PROJECT NO. 1333</p> <p>DATE 11/11/10</p> <p>DESIGNED BY JMM</p> <p>CHECKED BY JMM</p> <p>DATE 05/05/11</p> <p>SCALE 1.0</p> <p>SHEET 1</p>	<p>PROJECT NO. 1333</p> <p>DATE 11/11/10</p> <p>DESIGNED BY JMM</p> <p>CHECKED BY JMM</p> <p>DATE 05/05/11</p> <p>SCALE 1.0</p> <p>SHEET 1</p>																	

CITY OF WILLOW PARK

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM PD-TP PLANNED DEVELOPMENT-TREATMENT PLANT, EVENT CENTER, AND GB GREENBELT TO PD-SF PLANNED DEVELOPMENT-SINGLE FAMILY 25.121 ACRES AND PD-SF PLANNED DEVELOPMENT-SINGLE FAMILY TO GB GREEN BELT 0.773 ACRES BEING 25.894 ACRES OF LOT 2R, BLOCK 11, THE RESERVES AT TRINITY BEING A 140.302 ACRE SUBDIVISION, WILLOW PARK, PARKER COUNTY, TEXAS AND BEING A REPLAT OF THE RESERVES AT TRINITY ACCORDING TO PLAT CABINET E, SLIDE 354 AND PLAT CABINET E, SLIDE 405 PLAT RECORDS, PARKER COUNTY, TEXAS; ORDINANCE NO. 740-16 EXHIBIT B (PLANNED DEVELOPMENT STANDARDS (6,a,vii) IS AMENDED TO ALLOW A MAXIMUM OF 189 SINGLE FAMILY DETACHED HOMES; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, Texas, is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 211 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, WPD Trinity, LLC (Owner) had applied for a change in zoning for that certain 25.894 tract of land, being part of Lot 2R, Block 11, The Reserves at Trinity:

- Treatment Plant to PD-Single Family: 8.768 acres;
- Event Center to PD-Single Family: 13.747 acres;
- Greenbelt to PD-Single Family: 2.606 acres;
- PD-Single Family to Greenbelt: 0.773 acres; and,

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code and all other laws dealing with notice, publication and procedural requirements of the rezoning of the Property; and

WHEREAS, the City of Willow Park, Texas does hereby deem it advisable and in the public interest to grant the requested zoning.

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

Section 1. Land Use Permitted

The zoning district classification and use designation of the property described in Exhibit "C" is hereby changed from PD-Treatment Plant, PD-Event Center, and Greenbelt to PD-Single Family classification and PD-Single Family to Greenbelt classification.

Section 2. Repeal of Conflicting Ordinances

All Ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. Severability Clause. This ordinance shall be cumulative of all provisions of ordinances of the City of Willow Park, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinance, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Willow Park's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgement of decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. Penalty Clause. Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provision of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in V.T.C.A. Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED by an affirmative vote of all members of the City Council, this 12th day of April 2022.

APPROVED:

Doyle Moss, Mayor

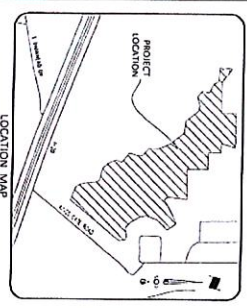
ATTEST:

Crystal R. Dozier TRMC, City Secretary

Pat Chesser, City Attorney

The Willow Park City Council in acting on Ordinance _____, did on the 12 day of April 2022, vote as follows:

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



Legend	
[Yellow Box]	Single Family (SF) 61.983 AC
[Light Blue Box]	Event Center (EC) 0.0 AC
[Brown Box]	Public Parking (P) 6.080 AC
[Dark Blue Box]	Multi Family (MF) 10.869 AC
[Pink Box]	Townhomes (TH) 16.258 AC
[Green Box]	Greenbelt (GB) 43.817 AC

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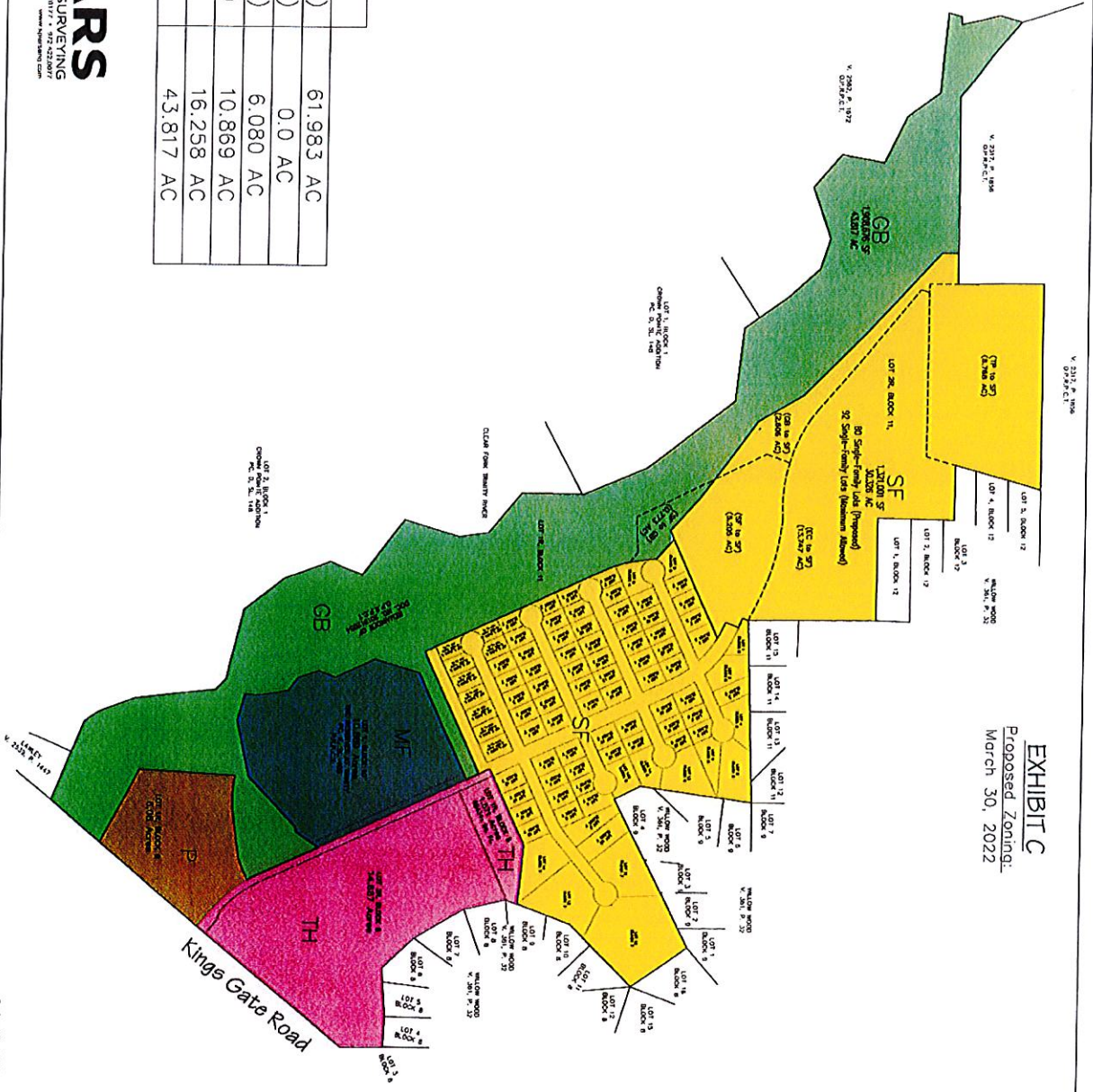


EXHIBIT C
 Proposed Zoning:
 March 30, 2022

SCALE: 1" = 200' NORTH: MARCH, 2022 SET DATE: 21-073



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Meeting Date: April 12, 2022	Department: Planning & Development	Presented By: Betty Chew Toni Fisher Bill Funderburk
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AGENDA ITEM:

Consider a request for rezoning from R-1 to PD R-5 Planned Development District to allow for development of single-family dwellings on individual lots, for 19.16 acres John H. Phelps Survey, Abstract No. 1046, City of Willow Park, Parker County, Texas, located adjacent to Bay Hill Drive

BACKGROUND:

The proposed Planned Development consists of 19.16 acres of land to be developed with single-family housing on individual lots. The property was annexed by petition November 9, 2021.

The property is located in Planning Area 4 as identified in the City's Comprehensive Plan. Planning Area 4 is the area adjacent to Interstate 20. This area is seen as a prime location for retail and commercial uses. Due to the visibility of the corridor, higher design standards were identified in order to present a positive image.

The Comprehensive Plan states: Create a Range of Housing Opportunities and Choices. A range in housing options is important to ensure that "full-life cycle" housing is available to enable residents to stay within the community throughout their lives, even as housing desires change. Smaller starter homes, larger homes, apartments, townhomes, and retirement facilities are important to ensure adequate housing for young adults, families with children, empty nesters and retirees.

The owner is requesting PD Planned Development District zoning. The property will be developed with \pm 98 single-family dwellings. The PD Development Standards are the R-5 Zoning requirements except for the minimum requested lot size to be 5,000 square feet.

Property owners were notified by mail and Notice of Public Hearing was published and posted.

STAFF/BOARD/COMMISSION RECOMMENDATION:

The Planning & Zoning Commission conducted a public hearing to consider comments regarding this Zoning change.

The Planning & Zoning Commission recommends rezoning to PD R-5 Planned Development District. The Commission vote was 5-0.

EXHIBITS:

- Application
- Planned Development Standards
- Site Plan
- Zoning Map
- Future Land Use Map
- Ordinance No. _____



City of Willow Park
 516 Ranch House Road
 Willow Park, Texas 76087
 Phone: (817) 441-7108 · Fax: (817) 441-6900

PLANNED DEVELOPMENT APPLICATION

Name of Applicant/Company: Scott Moehlenbrock - Red River Development Phone: (405) 245-6968

Address of Applicant: 3333 Welborn Street, Suite 320 Dallas TX 76219
Street City State Zip

Applicant's Fax: () Email: scott@redriverdevelopment.com

Property Owner's Name: Red River Development Phone: (405) 245-6968

Owner's Address: 3333 Welborn Street, Suite 320 Dallas TX 76132
Street City State Zip

Owner's Fax: () Email:

Engineer's Name: Clayton Farrow, P.E. Phone: (325) 695-1070

Engineer's Address: 3465 Curry Lane Ablene TX 79606
Street City State Zip

Engineer's Fax: () Email: cfarrow@jacobmartin.com

Location of Property: North of Hunter's Glen and East of Willow Park Village

Legal Description of Property: 19.16 Acres In the John H. Phelps Survey, Abstract No. 1046, City of Willow Park, Parker County, Texas

Project Name: Trulo Homes at Willow Park

Brief Description of Project: Single Family Residential Subdivision

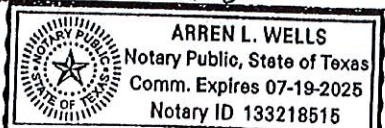
Existing Zoning: R-1 Existing Use: Ag Existing Acres: 19.16 Existing Lots: N/A

Intended Use of property: Residential Commercial

Proposed Lots: 98 # Proposed Units: 98

Application Fee: Pd @ previous application \$150.00

Signature of Owner: [Signature]
 Before me, the undersigned authority, on this day personally appeared Scott Moehlenbrock, know to me by the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity therein stated.
 GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 28 day of February, 2022
 NOTARY PUBLIC: [Signature]



For Office Use Only
 Total Fees: _____
 Payment Method: _____
 Submittal Date: _____
 Accepted By: _____

TRULO HOMES AT WILLOW PARK
PD ZONING ORDINANCE

AN ORDINANCE AMENDING CHAPTER 14, "ZONING", THE ZONING ORDINANCE OF THE CITY OF WILLOW PARK, PARKER COUNTY, TEXAS BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF APPROXIMATELY 19.16 ACRES OUT OF THE JOHN H. PHELPS SURVEY, ABSTRACT NO. 1046, CITY OF WILLOW PARK, PARKER COUNTY TEXAS FROM R-1 TO PLANNED DEVELOPMENT DISTRICT PD-_____, A PLANNED DEVELOPMENT DISTRICT; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZATION PULBICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS a zoning change was initiated by Red River Development 2020 LLC under Case Number _____; and

WHEREAS, the City of Willow Park has compiled with the notification requirements of the Texas Local Government Code and the Willow Park Zoning Ordinance, and

WHEREAS, the City Council and Planning and Zoning Commission have held public hearings and the Planning and Zoning Commission has made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning ordinance amendment is in the best interest of the City of Willow Park.

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

SECTION 1

The Zoning Ordinance, and the Official Zoning Map are hereby amended insofar as they relate to certain land located in Willow Park, Texas, as shown on the preliminary Zoning Site Plan attached hereto as Exhibit 'A', and described by metes and bounds description attached as Exhibit 'B', by changing the zoning of said property from R-1 Single Family to PD Planned Development district, including any other conditions and restrictions imposed and approved by the City Council, which are incorporated herein.

SECTION 2

PD DEVELOPMENT STANDARDS

2.0 Planned Development – Single Family

2.01 Purpose: The purpose of this Planned Development District (PD) is to allow for development of standard single family detached housing.

2.02 Requirements: This Planned Development District shall be subject to the requirements of the R-5 Zoning District, except as modified below. The site plan provided shows the general schematic layout of the site and intended uses only. This site plan is subject to change, and modifications are allowed in the planning and design process, provided that the final site plan matches the characteristic and intent of the plan provided in this ordinance as Exhibit 'A'.

2.03 Permitted Uses: Uses as allowed in the "R-5" zoning are allowed in this Planned Development District.

2.04 Zoning Standards: Standards as defined in the "R-5" zoning are required except as modified below.

- (1) Maximum height. Two (2) stories, but not to exceed thirty (30) feet.
- (2) Minimum lot area. Five thousand (5,000) square feet.
- (3) Maximum family dwelling units. Six (6) dwelling units per acre.
- (4) Minimum gross living area. The following ranges must be followed per each defined subdivision: 50% 1700 - 2000 square feet; 50% greater than 2000 square feet.
- (5) Front yard setback. Twenty (25) feet, from the edge of the sidewalk closest to the residence.
- (6) Rear yard setback. Ten (10) feet.
- (7) Side yard setback. Five (5) feet.
- (8) Maximum lot coverage by structure. Forty-five percent (45%).
- (9) Required parking. Two (2) car attached garage per dwelling unit. Front entrance garages are permitted.
- (10) Required screening. Rear and rear-side yards shall be enclosed with masonry or wooden screening. Screening shall be a minimum of six (6) foot and a maximum of eight (8) foot in height. Wooden screening shall be built with steel reinforced concrete footer which shall be four (4) inches in depth and a minimum six (6) inches wide. Footer

shall have drainage holes as necessary. Screening poles shall be metal and set in concrete. All screening shall be uniform throughout individual subdivisions. Developments done in phases shall ensure that screening is complimentary in style and colors.

(11) Minimum masonry coverage. One hundred percent (100%) below highest top plate. Fireplaces and chimneys must be 100% masonry.

(12) Landscape requirements. Front and front side yards shall be sodded. The front yard shall have minimum of two (2) trees with minimum three (3) inch trunk diameter as measured twelve (12) inches above the ground and a minimum of six (6) shrubs. Said shrubs shall be a minimum of five (5) gallons at the time of planting. At time of planting, trees shall not be placed nearer than six (6) feet on center.

(13) Architectural relief required. The outside shape of a dwelling unit shall contain a minimum of five (5) outside corners with a minimum wall length of two (2) feet.

(14) Repetition of building form.

(A) Repetition of facade. No front building elevation or plan for a primary structure shall be repeated within any three contiguous lots along a street or streets.

(i) "Block Face" means lots taking access from a street that are contiguous to each other and that are not separated by a street.

(ii) The three hundred (300) foot distance along a street shall be measured from the centerline of the street on which the proposed structure faces at a point perpendicular to a the center point of the lot to contain the structure, thence along the centerline of such street or along an intersecting street for a distance of three hundred (300) feet.

(B) Criteria for determining difference in elevation. A front building elevation or elevation plan shall be considered repeated if it is not visually different from another front building elevation or elevation plan. A front building elevation or elevation plan shall be considered visually different if any three (3) of the following five (5) criteria are met:

(i) "Block face" means lots taking access from a street that are contiguous to each other and that are not separated by a street.

(ii) There is a difference in roof pitch of two (2) inches per twelve (12) inches or greater;

(iii) Articulations in the front facade, i.e., the planes that advance or recede from the line of the main facade by three (3) or more feet, vary in height or width by a minimum of fifteen (15) percent;

(iv) The articulation of windows shall vary a minimum of two (2) of the following methods:

- a. The aggregate area of windows on the front facade varies by at least fifteen (15) percent;
- b. The distance between two (2) or more windows varies by at least ten (10) percent; or
- c. The shape of two (2) or more windows varies in width or height or radius by at least fifteen (15) percent.

(v) The size and shape, or mix, or [of] masonry units (i.e. individual bricks or blocks of stone) are noticeably different. "Noticeably different" as specified herein shall mean at least a fifteen (15) percent variance in size, shape or mix.

(C) Variations not considered. Variations in the following characteristics shall not be considered in determining whether a building elevation for a primary structure is dissimilar:

- (i) Color, or
- (ii) Roofing materials.

(D) Determination by building official.

(i) The building official shall have discretion to approve minor variations in the requirements of this section, so long as those variations are consistent with the overall intent of this section.

(ii) The following process shall be used to approve a front building elevation plan:

a. The applicant shall submit a dimensioned rendering of the front building elevation to the building official.

b. The building official shall determine the elevation plan's compliance with this section and issue an elevation plan approval letter or disapproval letter to the applicant.

c. The applicant shall prepare and submit construction plans to the building official, who shall process the plans in accordance with city ordinances and policies.

d. The elevation plan approval letter, if issued, shall remain in effect until the completion of the construction plan approval process and the issuance of the building permit for the proposed structure.

e. Complete construction plans shall be submitted to the building official within thirty (30) calendar days of the date of the approval letter. If construction plans are not submitted within such period, the elevation plan approval expires.

f. Construction plans shall be consistent with the approved elevation plan. If construction plans are inconsistent, consistent plans shall be submitted or a new elevation plan must be approved for the construction plans under the criteria of this section.

(E) Minimum roof pitch required. A minimum 7:12 roof pitch is required for each primary structure.

(F) Minimum overhang required. Each primary structure must be constructed with a roof overhang of not less than twelve (12) inches as measured from the finished exterior building facade to the soffit.

(G) Roofing system required. Installed roofing shingles must consist of dimensional shingles with a minimum manufacturer's rating of twenty (20) years. Roofing systems or materials exceeding the standards established herein may be used pursuant to approval by the building official or his designee.

(c) Special regulations.

(1) Portable trailers may be used as offices or storage trailers located within a new sub-development subject to the following provisions:

(A) No more than one (1) trailer per platted subdivision[;]

(B) Trailer must be located at least one hundred fifty (150) feet from any occupied residence[;]

(C) A time limit of one (1) year[.]

(2) All streets shall be constructed of concrete, with curb and gutter and adjacent sidewalks.

(3) Connectivity to adjacent subdivisions or commercial areas must be provided.

(4) Amenity provisions[;]

(A) Pocket parks or subdivision specific green space[;]

(B) Benches in common areas[;]

(C) Enhanced landscaping[;]

(D) Enhanced lighting, where appropriate[;]

- (E) Trees planted along streets or roadways[;]
- (F) Home owner association shall maintain all common area or common to all amenities[;]
- (G) All utilities shall be buried underground[.]

SECTION 3

CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances of the City of Willow Park, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinance, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Willow Park's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgement of decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4

PENALTY CLAUSE

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provision of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in V.T.C.A. Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

SECTION 5
EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this the _____ day of _____, 2022.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
PRELIMINARY PD SITE PLAN

EXHIBIT B
METES AND BOUNDS DESCRIPTION

EXHIBIT "B"

BEING 19.17 acres of land situated in the John H. Phelps Survey, Abstract No 1046, City of Willow Park, Parker County, Texas, and 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, said 19.17 acres more particularly described in metes and bounds as follows:

BEGINNING at the southeast corner of this described tract, a ½ inch rebar rod found in the east line of said 52.283 acre tract, in the west line of that certain tract of land described in deed to Magellan Pipeline Terminals, L.P., recorded in Volume 2563, Page 1768, Real Property Records, Parker County, Texas, and being the northeast corner of HUNTERS GLEN, an Addition to the City of Willow Park, Parker County, Texas, according to the plat of said addition recorded in Plat Cabinet D, Slide 205, Plat Records, Parker County, Texas, and from said point of beginning a found 1/2 inch rebar rod with cap marked "YARGER 5854" in the southerly right-of-way line of Interstate Highway 20, at the northeast corner of said 52.283 acre tract, bears N 00°23'44" W 1478.99 feet;

THENCE S 89°20'29" W 875.48 (N 89°47'55" E 875.61 feet record per Plat), along the north line of said HUNTERS GLEN, to a found 1/2 inch rebar rod in concrete at fence corner in the west line of said 52.283 acre tract, the east line of WILLOW PARK VILLAGE, an addition to said City of Willow Park, according to the plat of said addition recorded in Plat Cabinet C, Slide 344 of said plat records, and said point being at the northwest corner of said HUNTERS GLEN, and the southwest corner of this 19.17 acre tract;

THENCE N 01°30'51" E (N 01°59' E per deed) a distance of 1430.40 feet along the west line of said 52.283 acre tract and the east line of said WILLOW PARK VILLAGE ADDITION, to a 1/2 inch rebar rod with cap marked "YARGER 5854" at the northwest corner of this 19.17 acre tract and the southwest corner of Lot 1, Block 1, EXTREME EXTERIORS ADDITION, City of Willow Park according to the plat of said addition recorded in Plat Cabinet D, Slide 665, Plat Records, Parker County, Texas;

THENCE S 71°54'10" E 299.98 feet (S 71°35'05" E 299.92 feet per deed and N 71°52'50" W 299.24' per plat) along the south line of said Lot 1, Block 1, EXTREME EXTERIORS ADDITION, to a found 1/2 inch rebar rod with cap (marking on cap illegible) at the southeast corner thereof for an interior corner of said 52.283 acre tract and the northerly northeast corner of this 19.17 acre tract, and whence the northeast corner of said Lot 1, Block 1, EXTREME EXTERIORS ADDITION bears N 01°30'59" E 302.91 feet;

THENCE S 01°30'59" W 571.65 feet, over and across said 52.283 acre tract, to a set 1/2 inch rebar rod with cap marked "J&M BOUNDARY", an interior corner of this described tract; THENCE N 89°36'16" E 562.39 feet, over and across said 52.283 acre tract to a set 1/2 inch rebar rod with cap marked "J&M BOUNDARY" in the east line of said 52.283 acre tract and the west line of said Magellan Pipeline Terminals, LP tract, for the southerly northeast corner of this 19.17 acre tract;

THENCE S 00°23'44" E 759.11 feet along said east line of said 52.283 acre tract and said west line of said Magellan Pipeline Terminals, LP tract to the POINT OF BEGINNING and containing a surface area of 19.17 acres (834,908 square feet, more or less) of land.

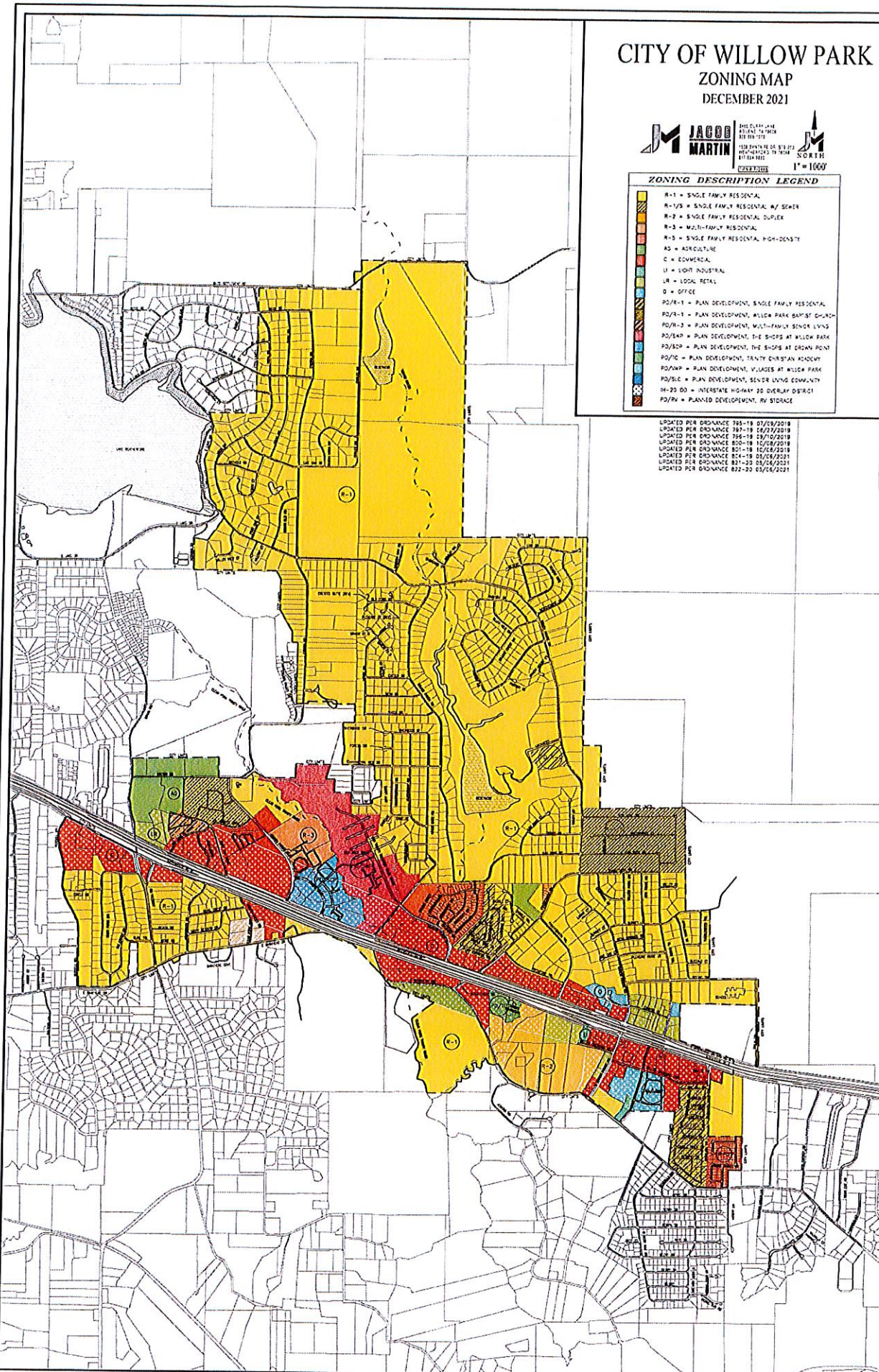
CITY OF WILLOW PARK ZONING MAP DECEMBER 2021



ZONING DESCRIPTION LEGEND

[Yellow]	R-1 = SINGLE FAMILY RESIDENTIAL
[Yellow with diagonal lines]	R-1/S = SINGLE FAMILY RESIDENTIAL W/ SEWER
[Orange]	R-2 = SINGLE FAMILY RESIDENTIAL DUPLEX
[Red]	R-3 = MULTI-FAMILY RESIDENTIAL
[Red with diagonal lines]	R-5 = SINGLE FAMILY RESIDENTIAL HIGH-DENSITY
[Green]	AG = AGRICULTURE
[Blue]	C = COMMERCIAL
[Light Blue]	LI = LIGHT INDUSTRIAL
[Light Green]	LR = LOCAL RETAIL
[Light Yellow]	O = OFFICE
[Yellow with dots]	PO/R-1 = PLAN DEVELOPMENT, SINGLE FAMILY RESIDENTIAL
[Yellow with horizontal lines]	PO/R-1 = PLAN DEVELOPMENT, WILLOW PARK BAPTIST CHURCH
[Yellow with vertical lines]	PO/R-2 = PLAN DEVELOPMENT, MULTI-FAMILY SENIOR LIVING
[Yellow with cross-hatch]	PO/2AP = PLAN DEVELOPMENT, THE SHOPS AT WILLOW PARK
[Yellow with diagonal lines]	PO/2CP = PLAN DEVELOPMENT, THE SHOPS AT CROWN POINT
[Yellow with horizontal lines]	PO/2C = PLAN DEVELOPMENT, TRINITY CHRISTIAN ACADEMY
[Yellow with vertical lines]	PO/2P = PLAN DEVELOPMENT, VILLAGES AT WILLOW PARK
[Yellow with cross-hatch]	PO/2LC = PLAN DEVELOPMENT, SENIOR LIVING COMMUNITY
[Yellow with diagonal lines]	HI-25 00 = INTERSTATE HIGHWAY 25 OVERLAY DISTRICT
[Yellow with diagonal lines]	PO/PV = PLAN-10 DEVELOPMENT, RV STORAGE

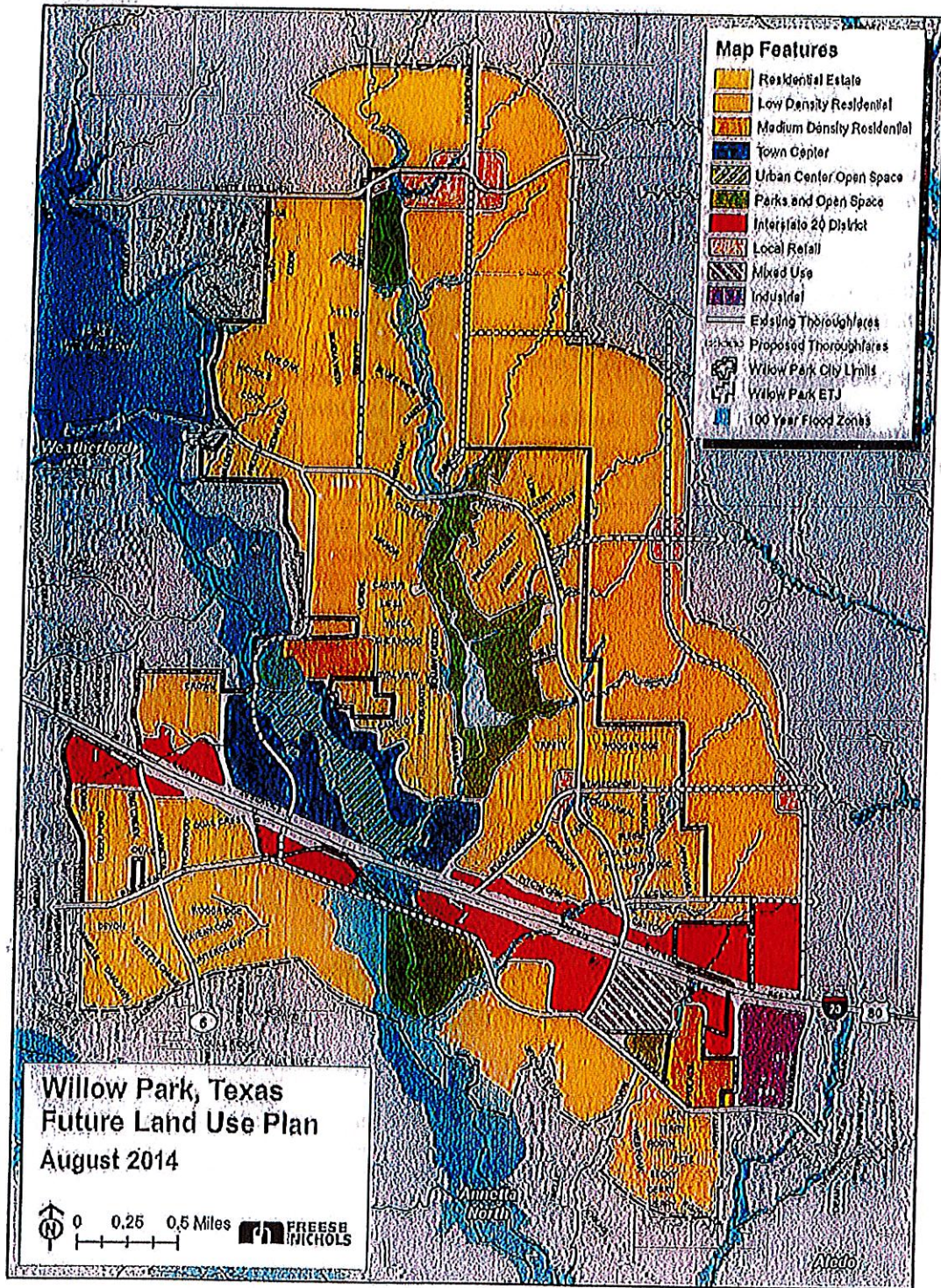
UPDATED PER ORDINANCE 785-19 07/09/2019
 UPDATED PER ORDINANCE 787-19 08/27/2019
 UPDATED PER ORDINANCE 796-19 09/10/2019
 UPDATED PER ORDINANCE 800-19 10/08/2019
 UPDATED PER ORDINANCE 801-19 10/08/2019
 UPDATED PER ORDINANCE 814-19 03/09/2021
 UPDATED PER ORDINANCE 821-20 03/02/2021
 UPDATED PER ORDINANCE 822-20 03/02/2021



THE CITY OF WILLOW PARK MAKES EVERY EFFORT TO ENSURE THIS MAP IS FREE OF ERRORS, BUT DOES NOT WARRANT THE MAP OR ITS FEATURES. THE CITY OF WILLOW PARK PROVIDES THIS MAP WITHOUT ANY WARRANTY OF ANY KIND, INCLUDING, WITHOUT LIMITATION, ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED.



Future Land Use Map



P&Z Meeting – 03/29/22

Red River Development – Rezoning Request

Notice of Public Hearing mailed to:

Malik Imran
153 Camouflage Cir
Aledo TX 76008

James W Harle
157 Camouflage Cir
Willow Park TX 76008

Christopher Dale Frazier
Erin Lesley
161 Camouflage Cir
Aledo TX 76008

Daren Curry
165 Camouflage Cir
Willow Park TX 76008

Joe & Tonya Matlock
219 Sam Bass Rd
Willow Park TX 76008

Gabriel & Jennifer Lopez
173 Camouflage Cir
Willow Park TX 76008

Melanie & Arriaga Ramon Sanchez
177 Camouflage Cir
Willow Park TX 76008

Corby Arthur Mayes
181 Camouflage Cir
Willow Park TX 76008

Eric Richard & Robyn Michelle Shiro
185 Camouflage Cir
Willow Park TX 76008

Resident
189 Camouflage Cir
Willow Park TX 76008

Tony Ross Finch & Lawanda Louise
164 Whitetail Drive
Aledo TX 76008

Kellie M Lindley
168 Whitetail Dr
Aledo TX 76008

Christopher & Rebecca Neill
172 Whitetail Dr
Aledo TX 76008

Diego & Jessica Ann Montalvo
486 Spyglass Dr
Aledo TX 76008

Jason & Karen Hennington
490 Spyglass Drive
Aledo TX 76008

Syntha J West
494 Spyglass Drive
Aledo TX 76008

Ronald H Stephanie Bohannon
171 Winged Foot Drive
Aledo TX 76008

Dakota Mason Liles
165 Winged Foot Drive
Aledo TX 76008

Man Yu
161 Winged Foot Dr
Aledo TX 76008

Jonathan Medina
Crystal Raquel Berumen
157 Winged Foot Dr
Aledo TX 76008

PK Lonestar Properties LLC
153 Winged Foot Dr
Aledo TX 76008

Deborah L Davis
149 Winged Foot Dr
Aledo TX 76008

Blane Hiatt & Peyton Allen
145 Winged Foot Dr
Aledo TX 76008

American Homes 4 Rent
141 Winged Foot Dr
Aledo TX 76008

Kevin & Jenna Sykes
137 Winged Foot Dr
Aledo TX 76008

Jameson Collins
133 Winged Foot Dr
Aledo TX 76008

Shelby Artymovich
202 Bay Hill Dr
Aledo TX 76008

Gordon Ray Grace
200 Bay Hill Dr
Aledo TX 76008

Cynthia Ross-Barr
129 Winged Foot Dr
Aledo TX 76008

Leigh Lauren Giglio
121 Winged Foot Dr
Aledo TX 76008

Kristi Moore
125 Winged Foot Dr
Aledo TX 76008

Cody Sims
117 Winged Foot Dr
Aledo TX 76008

AMH 2015
113 Winged Foot Dr
Aledo TX 76008

2019-I IH Borrower LP
109 Winged Foot Dr
Aledo TX 76008

James Ruse
105 Winged Foot Dr
Aledo TX 76008

American Homes 4 Rent
101 Winged Foot Dr
Aledo TX 76008

John McClendon III & Valerie
105 Troon Dr
Willow Park TX 76008

Mark Wilson & Katie
101 Troon Dr
Aledo TX 76008

Austin Harry McCain & Chelsea
104 Sawgrass Dr
Willow Park TX 76008

Cole Peysen & Brittany Ann
100 Sawgrass Dr
Willow Park TX 76008

Shannon Brown
105 Sawgrass Dr
Willow Park TX 76008

Jeremy Kelso & Ashley
101 Sawgrass Dr
Willow Park TX 76008

Amy Michelle Ferguson & Daniel Ray
104 Firestone Dr
Willow Park TX 76008

Stacy Satomi & Ryan
100 Firestone Dr
Willow Park TX 76008

Yu Man
2809 Oakbriar Trl
Fort Worth TX 76109

Randy L Martin
101 Firestone Dr
Willow Park TX 76008

William Brown & Meredith
174 Winged Foot Dr
Willow Park TX 76008

Alexx Rouse & Jacob R
168 Winged Foot Dr
Aledo TX 76008

Jimmy Newton & Gloria
179 Winged Foot Dr
Willow Park TX 76008

Asia Jackson
175 Winged Foot Dr
Willow Park TX 76008

Justin Morgan & Kristian
106 Muirfield Dr
Willow Park TX 76008

Kenneth Powell & Mannin
102 Muirfield Dr
Aledo TX 76008

SFR Javelin Borrower LP
A Delaware Limited Partnership
1717 Main Street Ste 2000
Dallas TX 75201

Guinyard Sean Konyiac
478 Spyglass Dr
Willow Park TX 76008

James Glenn & Patricia
149 Camouflage Cir
Aledo TX 76008

Ronald Smith & Candice D
132 Camouflage Cir
Willow Park TX 76008

Jessica Reyes & Jaime
136 Camouflage Cir
Aledo TX 76008

Kristopher Kiser
140 Camouflage Cir
Aledo TX 76008

Leonardo D Muggeo & Rebecca Marie
144 Camouflage Cir
Willow Park TX 76008

Roxanne M Westgate
148 Camouflage Cir
Aledo TX 76008

Derek Vierling & Kellye
152 Camouflage Cir
Willow Park TX 76008

Slaten Gough & Brenna
156 Camouflage Cir
Aledo TX 76008

Scott Allen Phenis & Kasey Jo
204 Bay Hill Dr
Aledo TX 76008

Stephanie H Reiter
201 Bay Hill Dr
Willow Park TX 76008

Ryan Atkins & Jessica L
203 Bay Hill Dr
Willow Park TX 76008

Yguyen Khoa
56 Radburn Rd
Glen Rock NJ 07452

Kacie Hamric
100 Troon Dr
Willow Park TX 76008

Date mailed:

3/03/22

By:



CITY OF WILLOW PARK

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM “R-1” SINGLE FAMILY DISTRICT TO “PD” PLANNED DEVELOPMENT DISTRICT FOR 19.16 ACRES SITUATED IN THE JOHN PHELPS SURVEY, ABSTRACT NO 1046, CITY OF WILLOW PARK, TEXAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, Texas, is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 211 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Red River Development 2020 LLC (Owner) has applied for a change in zoning for 19.16 acres situated in the John Phelps Survey, Abstract No. 1046, (the “Property”) from “R-1” Single Family District to “PD/R-5” Planned Development District, Single Family Medium Density; and.

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code and all other laws dealing with notice, publication and procedural requirements of the rezoning of the Property; and

WHEREAS, the City of Willow Park, Texas does hereby deem it advisable and in the public interest to grant the requested zoning.

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

Section 1. The Zoning Ordinance, and the Official Zoning Map are hereby amended insofar as they relate to certain land located in Willow Park, Texas, as shown on the preliminary Zoning Site Plan attached hereto as Exhibit ‘A’, and described by metes and bounds description attached as Exhibit ‘B’, by changing the zoning of said property from R-1 Single Family to PD Planned Development district, including any other conditions and restrictions imposed and approved by the City Council, which are incorporated herein.

Section 2. PD Development Standards

2.0 Planned Development – Single Family

2.01 Purpose: The purpose of this Planned Development District (PD) is to allow for development of standard single family detached housing.

2.02 Requirements: This Planned Development District shall be subject to the requirements of the R-5 Zoning District, except as modified below. The site plan provided shows the general schematic layout of the site and intended uses only. This site plan is subject to change, and

modifications are allowed in the planning and design process, provided that the final site plan matches the characteristic and intent of the plan provided in this ordinance as Exhibit 'A'.

2.03 Permitted Uses: Uses as allowed in the "R-5" zoning are allowed in this Planned Development District.

2.04 Zoning Standards: Standards as defined in the "R-5" zoning are required except as modified below.

- (1) Maximum height. Two (2) stories, but not to exceed thirty (30) feet.
- (2) Minimum lot area. Five thousand (5,000) square feet.
- (3) Maximum family dwelling units. Six (6) dwelling units per acre.
- (4) Minimum gross living area. The following ranges must be followed per each defined subdivision: 50% 1700 - 2000 square feet; 50% greater than 2000 square feet.
- (5) Front yard setback. Twenty (25) feet, from the edge of the sidewalk closest to the residence.
- (6) Rear yard setback. Ten (10) feet.
- (7) Side yard setback. Five (5) feet.
- (8) Maximum lot coverage by structure. Forty-five percent (45%).
- (9) Required parking. Two (2) car attached garage per dwelling unit. Front entrance garages are permitted.
- (10) Required screening. Rear and rear-side yards shall be enclosed with masonry or wooden screening. Screening shall be a minimum of six (6) foot and a maximum of eight (8) foot in height. Wooden screening shall be built with steel reinforced concrete footer which shall be four (4) inches in depth and a minimum six (6) inches wide. Footer shall have drainage holes as necessary. Screening poles shall be metal and set in concrete. All screening shall be uniform throughout individual subdivisions. Developments done in phases shall ensure that screening is complimentary in style and colors.
- (11) Minimum masonry coverage. One hundred percent (100%) below highest top plate. Fireplaces and chimneys must be 100% masonry.
- (12) Landscape requirements. Front and front side yards shall be sodded. The front yard shall have minimum of two (2) trees with minimum three (3) inch trunk diameter as measured twelve (12) inches above the ground and a minimum of six (6) shrubs. Said shrubs shall be a minimum of five (5) gallons at the time of planting. At time of planting, trees shall not be placed nearer than six (6) feet on center.

(13) Architectural relief required. The outside shape of a dwelling unit shall contain a minimum of five (5) outside corners with a minimum wall length of two (2) feet.

(14) Repetition of building form.

(A) Repetition of facade. No front building elevation or plan for a primary structure shall be repeated within any three contiguous lots along a street or streets.

(i) "Block Face" means lots taking access from a street that are contiguous to each other and that are not separated by a street.

(ii) The three hundred (300) foot distance along a street shall be measured from the centerline of the street on which the proposed structure faces at a point perpendicular to a the center point of the lot to contain the structure, thence along the centerline of such street or along an intersecting street for a distance of three hundred (300) feet.

(B) Criteria for determining difference in elevation. A front building elevation or elevation plan shall be considered repeated if it is not visually different from another front building elevation or elevation plan. A front building elevation or elevation plan shall be considered visually different if any three (3) of the following five (5) criteria are met:

(i) "Block face" means lots taking access from a street that are contiguous to each other and that are not separated by a street.

(ii) There is a difference in roof pitch of two (2) inches per twelve (12) inches or greater;

(iii) Articulations in the front facade, i.e., the planes that advance or recede from the line of the main facade by three (3) or more feet, vary in height or width by a minimum of fifteen (15) percent;

(iv) The articulation of windows shall vary a minimum of two (2) of the following methods:

a. The aggregate area of windows on the front facade varies by at least fifteen (15) percent;

b. The distance between two (2) or more windows varies by at least ten (10) percent; or

c. The shape of two (2) or more windows varies in width or height or radius by at least fifteen (15) percent.

(v) The size and shape, or mix, or [of] masonry units (i.e. individual bricks or blocks of stone) are noticeably different. "Noticeably different" as specified herein shall mean at least a fifteen (15) percent variance in size, shape or mix.

(C) Variations not considered. Variations in the following characteristics shall not be considered in determining whether a building elevation for a primary structure is dissimilar:

- (i) Color, or
- (ii) Roofing materials.

(D) Determination by building official.

(i) The building official shall have discretion to approve minor variations in the requirements of this section, so long as those variations are consistent with the overall intent of this section.

(ii) The following process shall be used to approve a front building elevation plan:

a. The applicant shall submit a dimensioned rendering of the front building elevation to the building official.

b. The building official shall determine the elevation plan's compliance with this section and issue an elevation plan approval letter or disapproval letter to the applicant.

c. The applicant shall prepare and submit construction plans to the building official, who shall process the plans in accordance with city ordinances and policies.

d. The elevation plan approval letter, if issued, shall remain in effect until the completion of the construction plan approval process and the issuance of the building permit for the proposed structure.

e. Complete construction plans shall be submitted to the building official within thirty (30) calendar days of the date of the approval letter. If construction plans are not submitted within such period, the elevation plan approval expires.

f. Construction plans shall be consistent with the approved elevation plan. If construction plans are inconsistent, consistent plans shall be submitted or a new elevation plan must be approved for the construction plans under the criteria of this section.

(E) Minimum roof pitch required. A minimum 7:12 roof pitch is required for each primary structure.

(F) Minimum overhang required. Each primary structure must be constructed with a roof overhang of not less than twelve (12) inches as measured from the finished exterior building facade to the soffit.

(G) Roofing system required. Installed roofing shingles must consist of dimensional shingles with a minimum manufacturer's rating of twenty (20) years. Roofing systems or materials exceeding the standards established herein may be used pursuant to approval by the building official or his designee.

(c) Special regulations.

(1) Portable trailers may be used as offices or storage trailers located within a new sub-development subject to the following provisions:

(A) No more than one (1) trailer per platted subdivision[;]

(B) Trailer must be located at least one hundred fifty (150) feet from any occupied residence[;]

(C) A time limit of one (1) year[.]

(2) All streets shall be constructed of concrete, with curb and gutter and adjacent sidewalks.

(3) Connectivity to adjacent subdivisions or commercial areas must be provided.

(4) Amenity provisions[;]

(A) Pocket parks or subdivision specific green space[;]

(B) Benches in common areas[;]

(C) Enhanced landscaping[;]

(D) Enhanced lighting, where appropriate[;]

(E) Trees planted along streets or roadways[;]

(F) Home owner association shall maintain all common area or common to all amenities[;]

(G) All utilities shall be buried underground[.]

Section 3. Severability Clause. This ordinance shall be cumulative of all provisions of ordinances of the City of Willow Park, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinance, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Willow Park's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgement of decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. Penalty Clause. Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provision of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in V.T.C.A. Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED by an affirmative vote of all members of the City Council, this 12th day of April 2022.

APPROVED:

Doyle Moss, Mayor

ATTEST:

Crystal R. Dozier TRMC, City Secretary

Pat Chesser, City Attorney

The Willow Park City Council in acting on Ordinance _____, did on the 12 day of April 2022, vote as follows:

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

EXHIBIT A
PRELIMINARY PD SITE PLAN

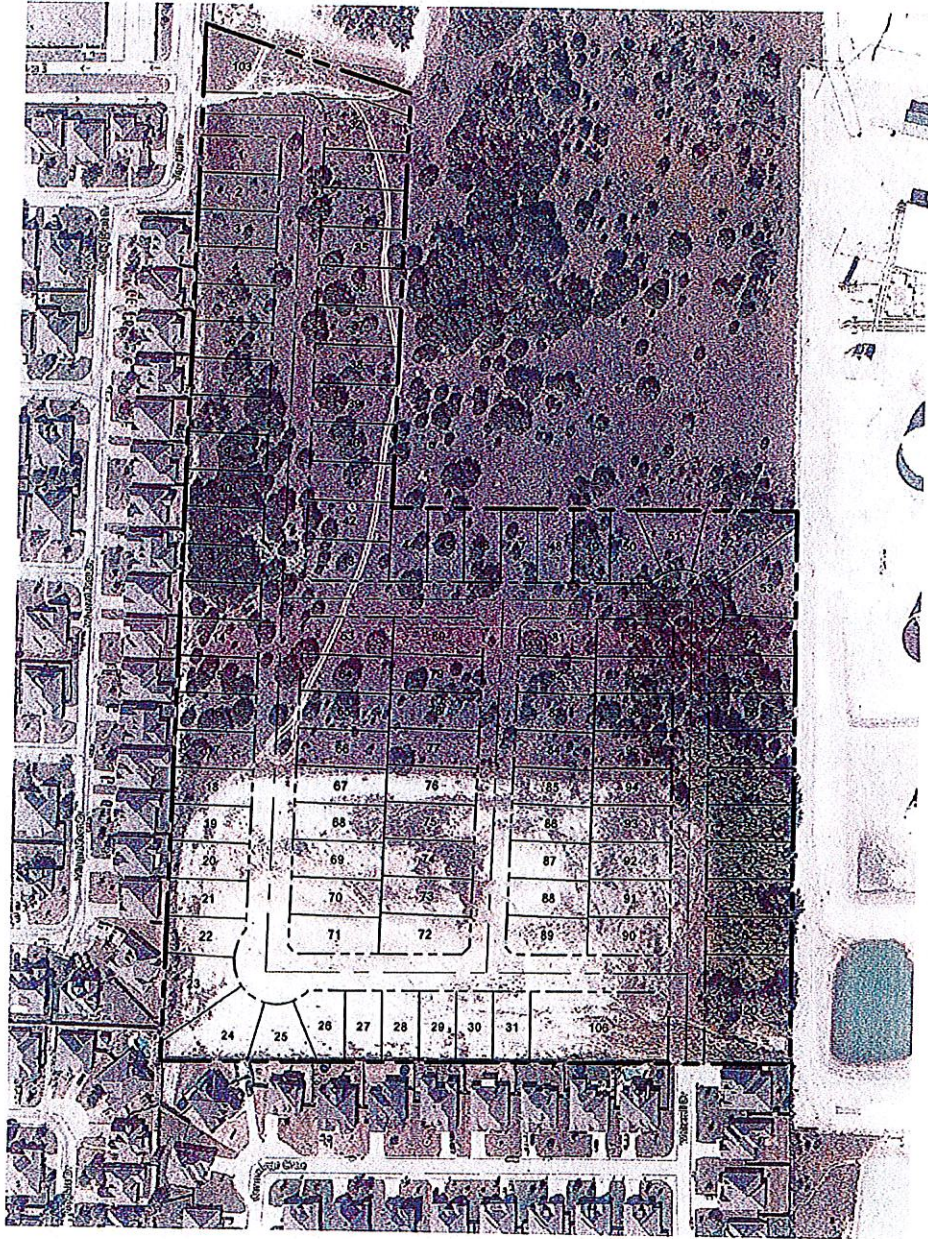


EXHIBIT B
METES AND BOUNDS DESCRIPTION

EXHIBIT "B"

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BEGINNING at the southeast corner of this described tract, a ½ inch rebar rod found in the east line of said 52.283 acre tract, in the west line of that certain tract of land described in deed to Magellan Pipeline Terminals, L.P., recorded in Volume 2563, Page 1768, Real Property Records, Parker County, Texas, and being the northeast corner of HUNTERS GLEN, an Addition to the City of Willow Park, Parker County, Texas, according to the plat of said addition recorded in Plat Cabinet D, Slide 205, Plat Records, Parker County, Texas, and from said point of beginning a found 1/2 inch rebar rod with cap marked "YARGER 5854" in the southerly right-of-way line of Interstate Highway 20, at the northeast corner of said 52.283 acre tract, bears N 00°23'44" W 1478.99 feet;

THENCE S 89°20'29" W 875.48 (N 89°47'55" E 875.61 feet record per Plat), along the north line of said HUNTERS GLEN, to a found 1/2 inch rebar rod in concrete at fence corner in the west line of said 52.283 acre tract, the east line of WILLOW PARK VILLAGE, an addition to said City of Willow Park, according to the plat of said addition recorded in Plat Cabinet C, Slide 344 of said plat records, and said point being at the northwest corner of said HUNTERS GLEN, and the southwest corner of this 19.17 acre tract;

THENCE N 01°30'51" E (N 01°59' E per deed) a distance of 1430.40 feet along the west line of said 52.283 acre tract and the east line of said WILLOW PARK VILLAGE ADDITION, to a 1/2 inch rebar rod with cap marked "YARGER 5854" at the northwest corner of this 19.17 acre tract and the southwest corner of Lot 1, Block 1, EXTREME EXTERIORS ADDITION, City of Willow Park according to the plat of said addition recorded in Plat Cabinet D, Slide 665, Plat Records, Parker County, Texas;

THENCE S 71°54'10" E 299.98 feet (S 71°35'05" E 299.92 feet per deed and N 71°52'50" W 299.24' per plat) along the south line of said Lot 1, Block 1, EXTREME EXTERIORS ADDITION, to a found 1/2 inch rebar rod with cap (marking on cap illegible) at the southeast corner thereof for an interior corner of said 52.283 acre tract and the northerly northeast corner of this 19.17 acre tract, and whence the northeast corner of said Lot 1, Block 1, EXTREME EXTERIORS ADDITION bears N 01°30'59" E 302.91 feet;

THENCE S 01°30'59" W 571.65 feet, over and across said 52.283 acre tract, to a set 1/2 inch rebar rod with cap marked "J&M BOUNDARY", an interior corner of this described tract; THENCE N 89°36'16" E 562.39 feet, over and across said 52.283 acre tract to a set 1/2 inch rebar rod with cap marked "J&M BOUNDARY" in the east line of said 52.283 acre tract and the west line of said Magellan Pipeline Terminals, LP tract, for the southerly northeast corner of this 19.17 acre tract;

THENCE S 00°23'44" E 759.11 feet along said east line of said 52.283 acre tract and said west line of said Magellan Pipeline Terminals, LP tract to the POINT OF BEGINNING and containing a surface area of 19.17 acres (834,908 square feet, more or less) of land.



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Meeting Date: April 12, 2022	Department: Planning & Development	Presented By: Betty Chew Toni Fisher Bill Funderburk
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AGENDA ITEM:

Consider Amendments to the City Of Willow Park Zoning Ordinance Chapter 14; Article 14.12 “Off-Street Parking And Loading Requirements”.

BACKGROUND:

The Staff reviewed the parking regulations in Chapter 14 of the Zoning Ordinance. These changes reflect updated requirements regarding parking and unloading requirements.

STAFF/BOARD/COMMISSION RECOMMENDATION:

The Planning & Zoning Commission conducted a public hearing to consider comments regarding the Zoning Ordinance amendments.

The Planning & Zoning Commission recommends amending the Zoning Ordinance as proposed. The Commission vote was 5-0.

EXHIBITS:

- Zoning Ordinance Chapter 14, Article 14.12 Off-Street Parking and Loading Requirements
- Ordinance No. _____

CITY OF WILLOW PARK
ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WILLOW PARK BY AMENDING CHAPTER 14 OF THE ZONING CODE; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR COMPREHENSIVE AMENDMENTS TO THE ZONING CODE; PROVIDING A CUMULATIVE/REPEALER CLAUSE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has recognized that the City’s Zoning Ordinance, codified in Chapter 14 of the City Code of Ordinances, needs to be updated; and

WHEREAS, the Planning and Zoning Commission of the City of Willow Park (the “Commission”), in compliance with the laws of the State of Texas, gave the requisite notices by publication and otherwise, and held public hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard; and

WHEREAS, the City Council of the City of Willow Park, in compliance with the laws of the State of Texas, having given the requisite notices by publication and otherwise, having held public hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard, and having considered the recommendation of the Planning and Zoning Commission, has determined that the proposed amendments to the Zoning Ordinance are appropriate;

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

Section 1. Incorporation of Premises. That all of the above recitals are found to be true and correct and are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. Amendments. The following amendments to the Zoning Code, Chapter 14 of the City Code of Ordinances shall be enacted:

ARTICLE 14.12 OFF-STREET PARKING AND LOADING REQUIREMENTS

Sec. 14.12.001 Parking requirements based on use

In all districts there shall be provided at the time any building or structure is erected or structurally altered (except as provided in Section 14.12.002), off-street parking spaces in accordance with the following requirements:

Schedule of Parking Requirements

<u>LAND USE</u>	<u>REQUIREMENTS</u>	<u>ADDITIONAL REQUIREMENTS</u>
Residential Uses		
Assisted Living	1 space per 3 beds	1 additional space/300 sq. ft. of office/administrative/employee areas
Bed & Breakfast	2 spaces	1 additional space for each guest unit
Condominium, Multi-Family	1.5 spaces for 1 bedroom unit 2.5 spaces for 2 bedroom unit 3.5 spaces for 3+ bedroom unit	None
Senior Multi-Family (age restricted, 55+)	1.5 spaces per unit	None
Convalescent, Rest, Nursing Home	1 space per 4 beds	None
Duplex	2 spaces per unit	One Enclosed (garage)
HUD Code Manufactured Home	2 spaces per unit	None
Mobile Home/Manufactured Housing Park, Subdivision	2 spaces per unit	None
Retirement Home	1.5 spaces per unit	None
Single-Family Detached, Patio Home, Townhome Units, Duplex	2 spaces per unit	Both spaces are to be enclosed (garage)
Institutional & Public Uses		
Athletic Stadium or Field	1 space per 6 units	None
Church	1 space per 4 seats in the main auditorium	None
Civic Center/Auditorium	1 space per 4 seats of total capacity	1 space per each employee

Community Center, Library, Museum	Minimum 10 spaces, not including auditorium	1 additional space per 300 sq. ft. of floor area in excess of 2,000 sq. ft. plus 1 additional space per 4 seats for auditoriums that are part of the building
Day Care or Day Nursery	1 space per 10 pupils	1 per teacher
Foster Family Home	2 spaces per unit	None
Foster Group Home	2 spaces per unit	1 space per every 3 residents
General Residential Operation	1 space per every 3 residents	1 space per each employee
Educational		
College or University	1 space per each day student	None
Elementary School	1 space per 650 sq. ft.	1 space per each employee
Junior High or Middle School	1 space per 650 sq. ft.	1 space per each employee
Senior High School	1 space per 150 sq. ft.	1 space per each employee
Amusement and Entertainment		
Commercial Amusement/Indoor	1 space per 100 sq. ft. of floor area	None
Commercial Amusement/Outdoor	1 space per 4 seats plus 1 seat per 100 sq. ft. floor area used for amusement with no seating	None
Banquet Hall, Private	1 space per 150 sq. ft. of floor area	None
Bowling Alley	6 spaces per lane or alley	1 space per each employee
Golf Course	5 spaces per hole	None
Golf or Country Club	1 space per 150 sq. ft. of floor area	Or 1 space per 5 members, which results in more spaces
Lodge or Fraternal Organization	1 space per 200 sq. ft.	None
Park and Recreational Facilities	1 space per 500 sq. ft. of site area exclusive of buildings	None
Public Assembly Hall	1 space per 3 seats or bench seating spaces	None

Racetrack	1 space per 500 sq. ft. of site area exclusive of buildings	None
Theater, Sports Arena, Gymnasium, Auditorium, Athletic Fields	1 space per 3 seats or bench seating spaces	None
Office and Professional		
Office Center	1 space per 200 sq. ft.	None
Office or Professional Business	1 space per 200 sq. ft.	None
Real Estate Office	1 space per 200 sq. ft.	None
Personal Services Stores	1 space per 200 sq. ft.	None
Studios	1 space per 300 sq. ft.	None
Retail, Services and Commercial		
Antique Stores	1 space per 400 sq. ft.	None
Bank and Savings & Loan or Other Similar Institution	1 space per 300 sq. ft.	Minimum 3 stacking spaces from teller window or ATM, shall not conflict with required maneuvering
Barber/Salon	1 space per 200 sq. ft.	Minimum 3 spaces
Convenience Store	1 space per 300 sq. ft.	None
Dry Cleaning	1 space per 300 sq. ft.	None
Bakery/Confectionary	1 space per 200 sq. ft.	None
Farmers Market	1 space per vendor plus 1 space for each 400 sq. ft. of market or display area	Farmers Market parking shall be in addition to minimum parking requirements for the primary use of the property
General Market	1 space per 600 sq. ft. of site area utilized for market	None
Furniture, Appliance Sales	Minimum 2 spaces	1 additional space per 300 sq. ft. of area over 1,000 sq. ft.
Grocery Store	1 space per 300 sq. ft. of retail floor area	Minimum 3 car stack space from any pick-up window, shall not conflict with required maneuvering

Hotel or Motel	1 space per room or suite	Plus 1 space per 200 sq. ft. of public assembly area and restaurants
Kennel	1 space per 300 sq. ft.	None
Laundromat	1 space per 200 sq. ft.	None
Mortuary or Funeral Home	1 space per 50 sq. ft. of floor space in parlors or funeral service rooms	None
Restaurant, Café, Cafeteria	1 space per 200 sq. ft.	None
Restaurant - Drive-In	1 space per 150 sq. ft.	Minimum of 5 stacking spaces from voice order board or order window, shall not conflict with required maneuvering
Retail Sales (other than Antique Stores)	1 space per 200 sq. ft.	None
Service and Repair Shops	1 space or 300 sq. ft.	None
Shopping Center	1 space per 300 sq. ft.	None
Veterinary Clinic	1 space per 300 sq. ft.	None
Gym/Exercise/Aerobics	1 space per 200 sq. ft.	None
Wine Tasting Facility (Winery) or Brew-Pub (Micro-Brewery) or Micro-Distillery	1 space per 2.5 seats or 1 space per 300 sq. ft., whichever is greater	None
Medical Uses		
Clinic, Medical, or Dental Office	1 space per 200 sq. ft.	None
Hospital/Sanitorium	1 space per bed	1 space per employee on the largest work shift
Automotive, Communication and Transportation		
Auto or Machinery Sales	1 space per 500 sq. ft.	Or 1 space per 2,000 sq. ft. of lot area for outdoor uses, or whichever is greater
Auto Repair	Minimum of 5 spaces	1 space per 200 sq. ft. of floor area or repair garage

Auto Service Station	Minimum of 6 spaces	None
Auto/Trailer Leasing	1 space per 500 sq. ft.	None
Boat Sales, Repair, Rental	1 space per 500 sq. ft.	None
Car Wash (full service, self-service or automatic)	3 stacking spaces per wash bay	1 space per each employee with a minimum of 1 space
Mobile Home, Recreational Vehicle Sales	1 space per 500 sq. ft.	None
Terminal, Bus/Train/Truck	Minimum of 5 spaces	1 space per 200 sq. ft. of floor area or repair garage
Industrial and Heavy Commercial		
Building Materials, Lumber Storage Yards	1 space per 3 employees	Or 1 space per 1,000 sq. ft. area, whichever results in more spaces
Construction Equipment Rental and/or Sales	1 space per 500 sq. ft.	Minimum of 5 spaces provided
Feed Lot	1 space per 1,000 sq. ft. site area	1 space per each employee
Industrial/Manufacturing Activities	1 space per 3 employees	Or 1 space per 1,000 sq. ft. area, whichever results in more spaces
Heavy Commercial	1 space per 500 sq. ft.	1 space per each employee
Mini-Warehouse	Minimum 4 spaces per complex	1 additional space per 5,000 sq. ft. of storage space
Warehouse, Wholesale	1 space per 3 employees	Or 1 space per 1,000 sq. ft. area, whichever results in more spaces
Portable Building Sales	1 space per 500 sq. ft.	None
Showroom/Warehouse with Office	1 space per 750 sq. ft.	1 space per each employee
Wrecking, Salvage, Reclamation Yard	1 space per 3 employees	Or 1 space per 1,000 sq. ft. area, whichever results in more spaces

Sec. 14.12.003 Location of parking spaces

(a) All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

(1) Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located a distance not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other nonresidential building served.

(2) Not more than fifty (50) percent of the parking spaces required for, (a) theaters, bowling alleys, dance halls, nightclubs, cafes or similar uses, and not more than eight (80) percent of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by (b) similar uses not normally on, used or operated during the same hours as those listed in (a); provided, however, that written agreement thereto is properly executed and filed as specified below.

(3) Accessible parking will be in accordance with the **State of Texas – Elimination of Barriers and the American Disability Act (ADA)**. ~~The requirements to be followed for accessible parking are defined in chapter 31, Accessibility, and the associated appendix chapter 31, Site Accessibility, of the Uniform Building Code.~~

(b) In any case where the required parking spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney and shall be filed with the application for a building permit.

Sec. 14.12.004 Minimum dimensions for off-street parking

(a) Ninety (90) degree angle parking. Each parking space shall be not less than nine (9) feet wide nor less than eighteen (18) feet in length. Maneuvering space shall be in addition to parking space and shall be not less than twenty-four (24) feet perpendicular to the building or parking line.

(b) Sixty (60) degree angle parking. Each parking space shall be not less than ~~eight (8)~~ **nine (9)** feet wide perpendicular to the parking angle nor less than ~~seventeen (17)~~ **eighteen (18)** feet in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than ~~twenty-four (24)~~ **twenty-four (24)** feet perpendicular to the building or parking line.

(c) Forty-five (45) degree angle parking. Each parking space shall be not less than ~~eight (8)~~ **nine (9)** feet wide perpendicular to the parking angle nor less than ~~sixteen (16)~~ **eighteen (18)** feet in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than ~~eighteen (18)~~ **twenty-four (24)** feet perpendicular to the building or parking line.

(d) When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.

(e) When off-street parking facilities are provided in excess of the minimum amounts herein specified, or when off-street parking facilities are provided but not required by this chapter, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space herein specified.

Sec. 14.12.005 Off-street loading space

(a) All retail, commercial and industrial structures shall provide and maintain an off-street area for the loading and unloading of merchandise and goods at ratios according to the following table.

<u>Square Feet of Gross Floor Area in Structure</u>	<u>Maximum Required Spaces or Berths</u>
0 - 4,999 sq. ft.	None
5,000 - 20,000 sq. ft.	1 Space
Each additional 20,000 sq. ft.	1 Additional Space

(b) A loading space shall consist of an area of a minimum of twelve feet (12') by thirty feet (30').

(c) All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks on-site. Each site shall provide a designated maneuvering area for trucks.

(d) No portion of a loading facility may extend into a public right-of-way or into an off-street parking facility elsewhere herein required.

(e) Areas designated for off-street loading shall be used only for the loading and unloading of passengers, equipment, supplies or merchandise.

(f) In all districts when screening of loading areas facing a street is required, screening shall be provided not less than six (6) feet in height adjacent to the loading area at the property line. Said screening shall be required along all streets except where such use was in existence at the date of adoption of this ordinance.

Section 3. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of this ordinance and the remaining portions shall remain in full force and effect.

Section 4. Cumulative/Repealer Clause. This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Willow Park, Texas, whether codified or uncodified, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

Section 5. Savings Clause. All rights and remedies of the City of Willow Park, Texas, are expressly saved as to any and all violations of the provisions of this ordinance or any other ordinance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 6. Penalty.

(a) Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed \$2000.00.

(b) Every act in violation of this Ordinance shall constitute a separate offense.

(c) Unless otherwise specifically set forth herein, an allegation and/or evidence of culpable mental state is not required for the proof of an offense of this Ordinance.

(d) The penal provisions imposed under this Ordinance shall not preclude the City of Willow Park from filing suit to enjoin the violation of this Ordinance. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED by an affirmative vote of all members of the City Council, this 12th day of April 2022.

APPROVED:

Doyle Moss, Mayor

ATTEST:

Crystal R. Dozier TRMC, City Secretary

Pat Chesser, City Attorney

The Willow Park City Council in acting on Ordinance _____, did on the 12 day of April 2022, vote as follows:

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



A Proclamation Honoring Freedom House

***WHEREAS**, Sexual Assault Awareness Month is a time to draw attention to the prevalence of the widespread devastating abuse of power- one that affects people of every age, race, sex, gender identity, national origin, socioeconomic background, and religion; and*

***WHEREAS**, rape, sexual assault, and sexual harassment are harmful within our community with one in five women and one in 67 men sexually assaulted at some point in their; and*

***WHEREAS**, child sexual abuse prevention must be a priority to confront the reality that one in six little boys and one in four little girls will experience sexual assault before turning 18 years of age; and*

***WHEREAS**, 2022 marks the twenty first anniversary of Sexual Assault Awareness Month and this year's campaign theme being **We can Build Safe Online Spaces Together**-jointly we can publicly support victims, share educational information about assault and online harassment, and take a strong stance against victim blaming comments, especially in online spaces; and*

***NOW, THEREFORE I**, Mayor Doyle Moss, by virtue of the authority vested in me do hereby proclaim April 2022 as "Sexual Assault Awareness Month" in the City of Willow Park. We join Freedom House as they help survivors of sexual assault by supporting the eradication of sexual assault through improving victim safety and holding perpetrators accountable for their actions against members of our community.*

***IN WITNESS WHEREOF**, I have set my hand and caused the seal of Willow Park Texas, to be affixed this 12th day of April, 2022.*

Mayor Doyle Moss

Attest:

Crystal R. Dozier, City Secretary



**City of Willow Park
City Council
Regular Meeting Minutes
Municipal Complex
516 Ranch House Rd, Willow Park, TX 76087
Tuesday, March 8, 2022, at 7:00 p.m.**

Call to Order

Mayor Moss called the meeting to order at 7:00 P.M.

Present:

Mayor Doyle Moss
Councilmember Greg Runnebaum
Mayor Pro Tem Lea Young
Councilmember Nathan Crummel

Absent: Councilmember Eric Contreras

Staff Present:

City Manager Bryan Grimes
City Attorney Pat Chesser
City Secretary Crystal Dozier

Pledge of Allegiance and Invocation

Pastor Jonathan Mansur with the First Baptist Church Willow Park gave the invocation followed by the pledge of allegiance.

Proclamation

Mayor Moss presented a proclamation to the Children's Advocacy Center of Parker County.

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 City 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.

Hope Olsen at 509 Willow Park, Chad Dotson at 1236 Sam Bass Rd., and Brandon Rives at 108 Lariat Ct. all spoke before the council regarding Parker County Ice House.

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 Meetings on February 8, 2022.

A motion was made by Councilman Crummel to approve the Regular City Council Meeting Minutes for February 8, 2022 and Councilman Young seconded the motion. The vote to approve the motion was unanimous.

Regular Agenda Items

1. Discussion/Action: to accept a letter of resignation from Councilman Tyler VanSant, Place 2.

A motion was made by Councilman Young to accept a letter of resignation from Councilman Tyler VanSant, Place 2 and Councilman Crummel seconded the motion. The vote to approve the motion was unanimous.

Mayor Moss presented former Councilman Tyler VanSant with an award of appreciation for his dedication and service to the city and our country.

2. Discussion/Action: to appoint a candidate to fill the vacant City Councilmember, Place 2 Seat.

A motion was made by Councilman Young to appoint Chawn Gilliland to fill the vacant City Councilmember, Place 2 Seat and Councilman Crummel seconded the motion. The vote to approve the motion was unanimous.

Crystal Dozier, City Secretary swore in newly appointed Chawn Gilliland into office. Councilman Gilliland took his seat at the dais. Councilman Runnebaum left the meeting due to being ill.

3. Discussion/Action: to adopt an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS, ORDERING THE CANCELLATION OF THE GENERAL ELECTION SCHEDULED FOR MAY 7, 2022;

DECLARING THE UNOPPOSED CANDIDATES FOR COUNCILMEMBER FOR PLACE NO. 3, A COUNCILMEMBER FOR PLACE NO. 4, AND A COUNCILMEMBER FOR PLACE NO. 5; TO BE ELECTED TO OFFICE; DIRECTING THE CITY SECRETARY TO TAKE CERTAIN ACTIONS PERTAINING TO THE CANCELLATION OF THE GENERAL ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

A motion was made by Councilman Young to adopt an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS, ORDERING THE CANCELLATION OF THE GENERAL ELECTION SCHEDULED FOR MAY 7, 2022; DECLARING THE UNOPPOSED CANDIDATES FOR COUNCILMEMBER FOR PLACE NO. 3, A COUNCILMEMBER FOR PLACE NO. 4, AND A COUNCILMEMBER FOR PLACE NO. 5; TO BE ELECTED TO OFFICE; DIRECTING THE CITY SECRETARY TO TAKE CERTAIN ACTIONS PERTAINING TO THE CANCELLATION OF THE GENERAL ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE. Councilman Crummel seconded the motion. The vote to approve the motion was unanimous.

4. Consideration/Action: Approving Agreement with Jacob & Martin to Provide Professional Services to Analyze/Study Water and Wastewater Impact Fees.

A motion was made by Councilman Young to approve and agreement with Jacob & Martin to Provide Professional Services to Analyze/Study Water and Wastewater Impact Fees and Councilman Crummel seconded the motion. The vote to approve the motion was unanimous.

5. Discussion/Action: to consider engineering service provider to complete project implementation for the American Rescue Plan Act (ARP Act) funding administered by the U.S. Department of the Treasury, other Federal or State Agency.

A motion was made by Councilman Young to Jacob Martin for engineering service provider to complete project implementation for the American Rescue Plan Act (ARP Act) funding administered by the U.S. Department of the Treasury, other Federal or State Agency. Councilman Crummel seconded the motion. The vote to approve the motion was unanimous.

6. Discussion/Action: to consider awarding a contract for Mowing & Lawn Maintenance Services for 2022-24.

A motion was made by Councilman Crummel to award I & E Services, Inc a contract for Mowing & Lawn Maintenance Services for 2022-24. Councilman Young seconded the motion. The vote to approve the motion was unanimous.

7. Discussion/Action: to adopt an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS PROVIDING FOR AN UPDATED RECORDS MANAGEMENT POLICY OF THE CITY OF WILLOW PARK; AMENDING ARTICLE 1.08 OF THE CITY OF WILLOW PARK CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS OF THE ORDINANCE IN THE AMOUNT OF \$500.00; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by Councilman Young to adopt an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS PROVIDING FOR AN UPDATED RECORDS MANAGEMENT POLICY OF THE CITY OF WILLOW PARK; AMENDING ARTICLE 1.08 OF THE CITY OF WILLOW PARK CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS OF THE ORDINANCE IN THE AMOUNT OF \$500.00; AND PROVIDING AN EFFECTIVE DATE. Councilman Crummel seconded the motion. The vote to approve the motion was unanimous.

8. Discussion/Action: to authorize the City Manager to approve proposals with Records Consultants, Inc. (RCI), for the processing of inactive records at the City of Willow Park in accordance with the Records Retention Schedules published by the Texas State Library and Archives Commission (TSLAC).

A motion was made by Councilman Young to authorize the City Manager to approve proposals with Records Consultants, Inc. (RCI), for the processing of inactive records at the City of Willow Park in accordance with the Records Retention Schedules published by the Texas State Library and Archives Commission (TSLAC). Councilman Crummel seconded the motion. The vote to approve the motion was unanimous.

9. Discussion/Action: The City Council shall consider participation in the settlements reached by the Texas Attorney General with Endo Pharmaceuticals and Teva Pharmaceuticals and authorize the City Administrator to sign election and release forms and any other documents necessary to participate in the settlements.

A motion was made by Councilman Young that the City of Willow Park participate in the settlements reached by the Texas Attorney General Endo Pharmaceuticals

and Teva Pharmaceuticals and authorize the City Administrator to sign election and release forms and any other documents necessary to participate in the settlements.

10. Discussion/Action: to consider future agenda items.

The following are considered as future agenda items:

Audit Report

Surplus Property

Rules for Public Participation

Noise Ordinance

Executive Session

Informational

A. Mayor & Council Member Comments

Mayor Moss announced on Saturday, March 26th is Streetside Cleanup Day. Volunteers will meet at city hall and the cleanup will be from 9:00 AM to noon.

Mayor Moss also thanked former Councilman VanSant and newly appointed Councilman Gilliland for their service.

B. City Manager's Comments

City Manager Bryan Grimes also thanked former Councilman VanSant and newly appointed Councilman Gilliland for their service.

He also announced that he and the Chief Financial Officer, Candy Scott will be attending the PFIA training in Austin on April 26th.

Adjournment

Councilman Crummel moved to adjourn the meeting. Councilman Gilliland seconded the motion. The vote to approve the motion was unanimous.

Mayor Moss adjourned the meeting at 7:49 P.M.

These minutes were approved on the 12th of April, 2022.

APPROVED:

Doyle Moss, Mayor

ATTEST:

Crystal R. Dozier, TRMC, City Secretary

DRAFT



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: 04/12/2022	Department: Finance	Presented By: CliftonLarsonAllen
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AGENDA ITEM:

Annual Audit Presentation

BACKGROUND:

The Annual Audit was performed by CliftonLarsonAllen, LLP. This is the audit firm selected by City Council on September 11, 2018.

Recommended Motion: I move to accept and approve the Annual Audit for Fiscal Year 20-21 as presented.

STAFF/BOARD/COMMISSION RECOMMENDATION:

To accept and approve the Annual Audit.

EXHIBITS:

Annual Audit Documents

ADDITIONAL INFO:	FINANCIAL INFO:	
	Cost	\$ N/A
	Source of Funding	\$ N/A



City of Willow Park, TX

Audit Presentation – Year Ended September 30, 2021

WEALTH ADVISORY | OUTSOURCING | AUDIT, TAX, AND CONSULTING

Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor

Agenda



Introduction



Audit Results



Required
Communications



Financial Results



Key Highlights



Questions



Audit Results



Audit opinion

- Unmodified
- Highest level of assurance



Internal Controls

- Material Weakness – Audit adjustments related to accounts payable, accrued payroll, disposal of assets and prior period adjustments related to other post-employment benefits and depreciation expense

Required Communications

Overall

- Purpose is to provide an overview of the audit
- No changes in scope of audit
- No new accounting policies/standards

Estimates

- Estimates present in financial statements
 - Depreciable lives of property, plant, and equipment
 - Uncollectible balance of accounts receivable
 - Valuation of net pension liability
 - Valuation of OPEB liability
- We are comfortable with management's estimate

Difficulties

- No difficulties encountered
- No disagreements encountered
- No other findings to report

Other

- Material audit adjustments, including prior period adjustments
- Two passed adjustment
 - Licenses and permits - \$18,234.
 - Accounts payable - \$40,369 (projected)



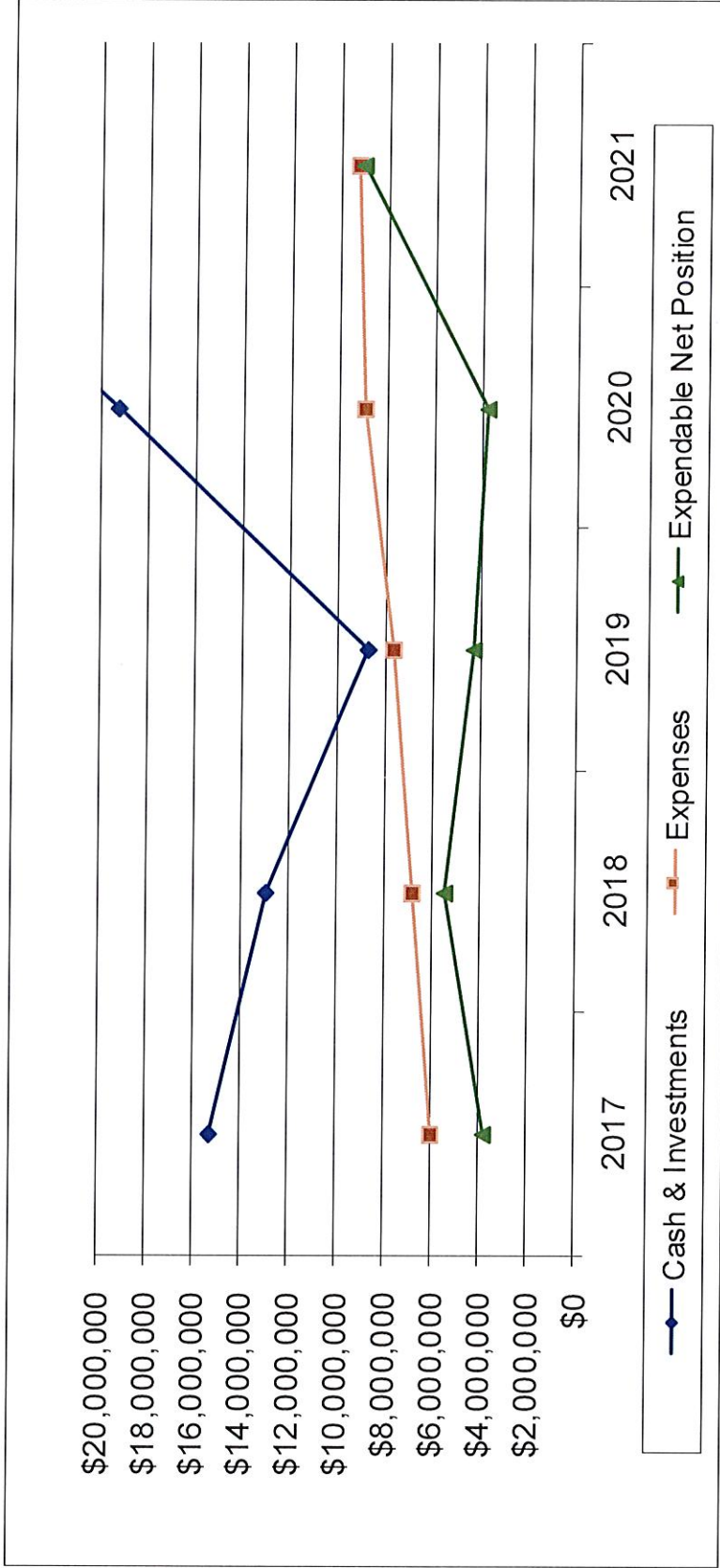


Financial Highlights

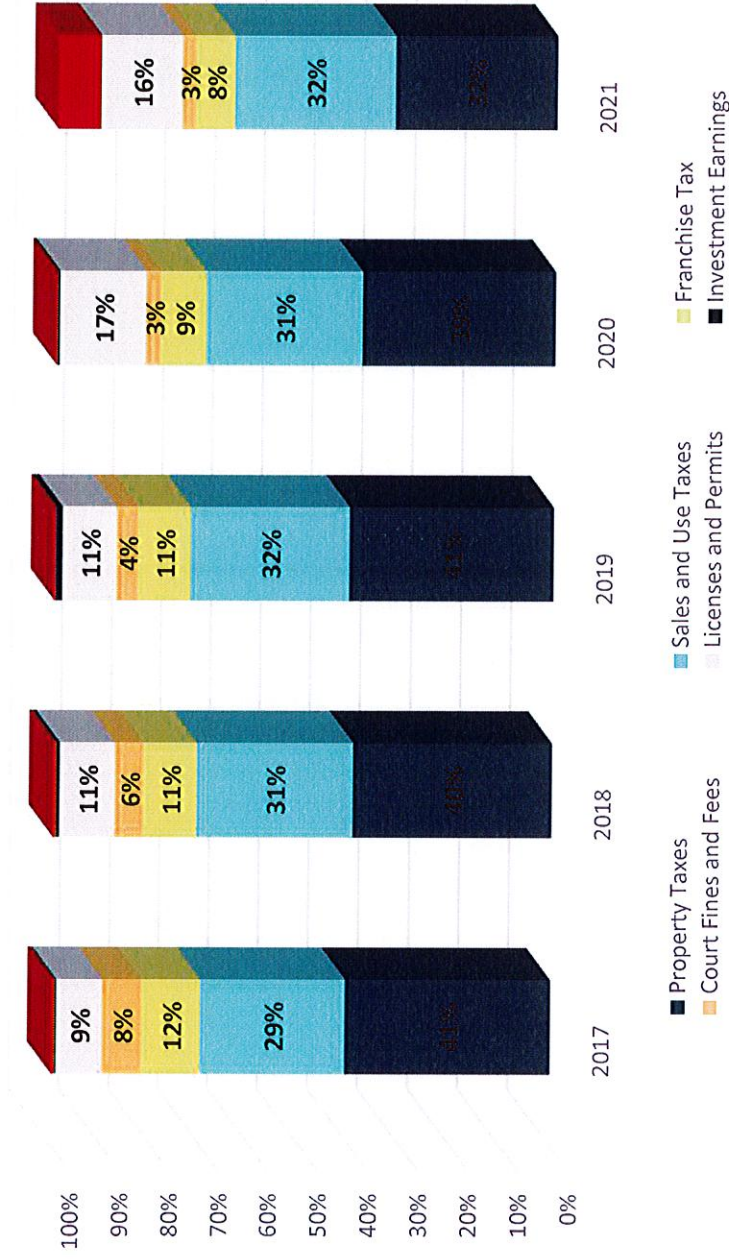
WEALTH ADVISORY | OUTSOURCING
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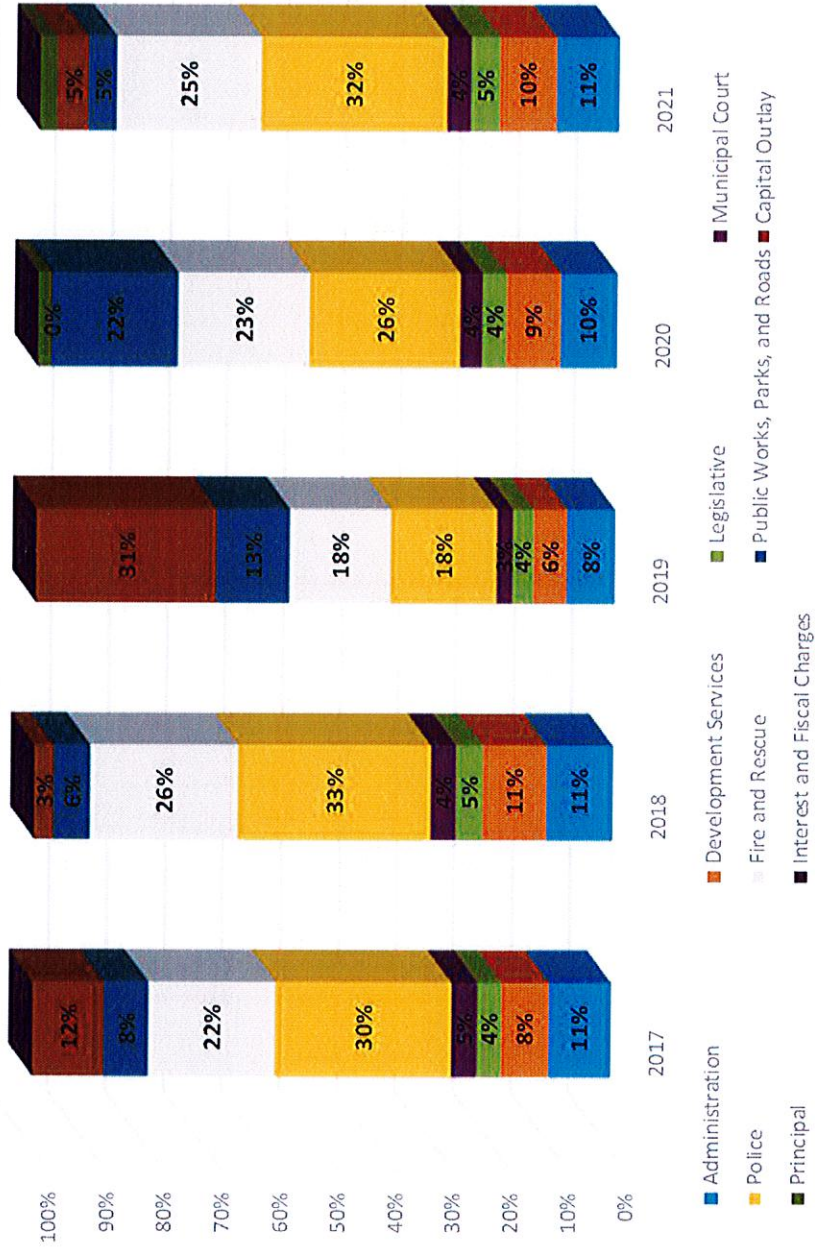
Government-wide Financial Statements



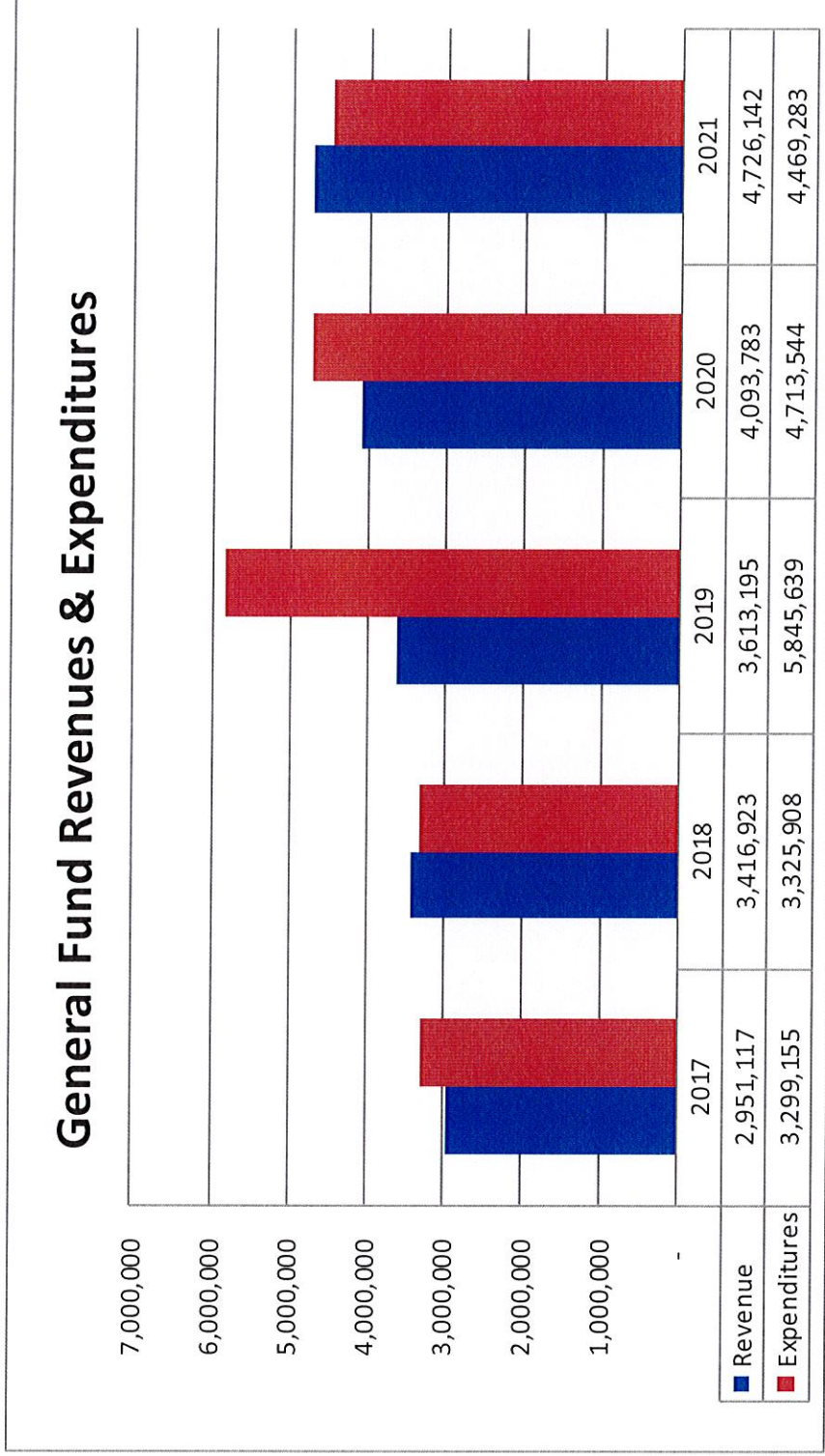
General Fund Revenues by Type



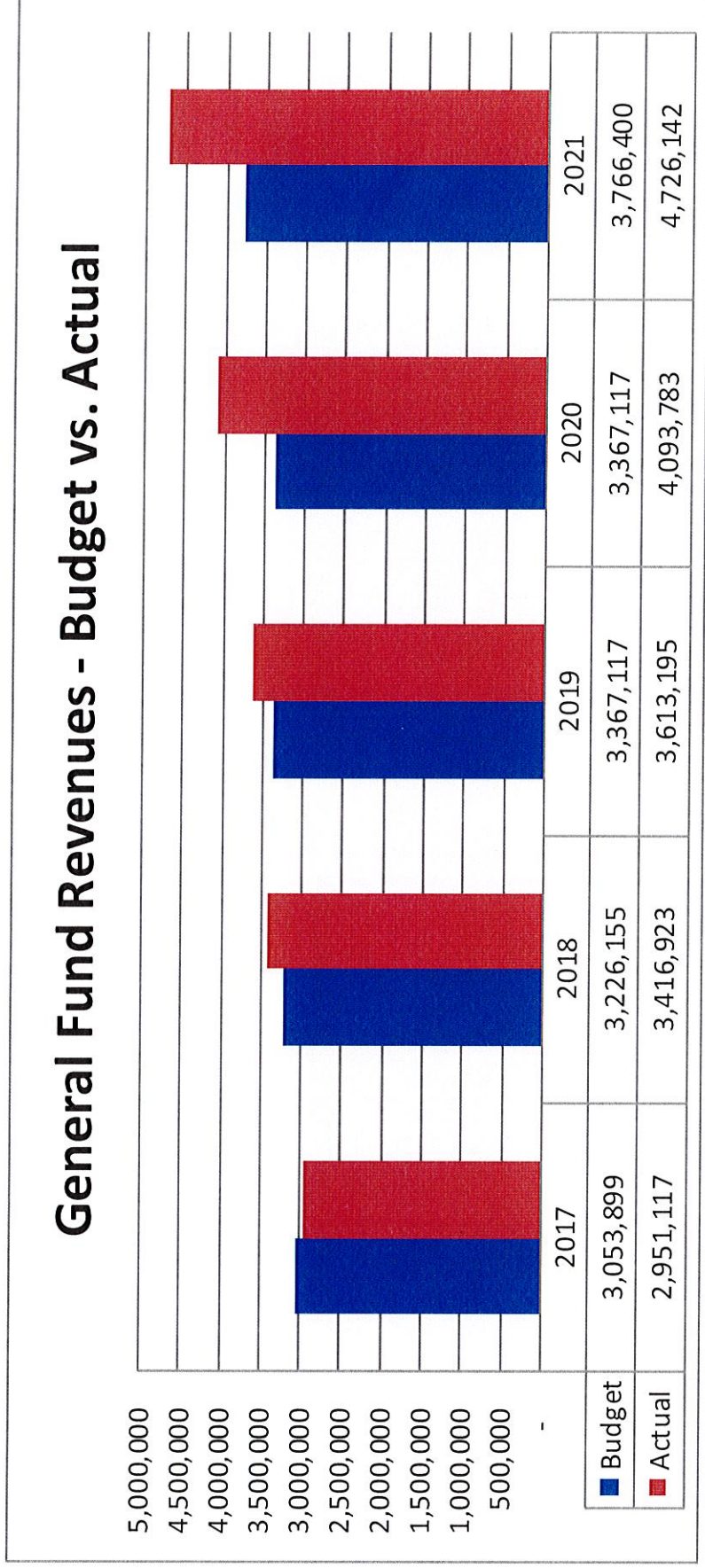
General Fund Expenditures by Type



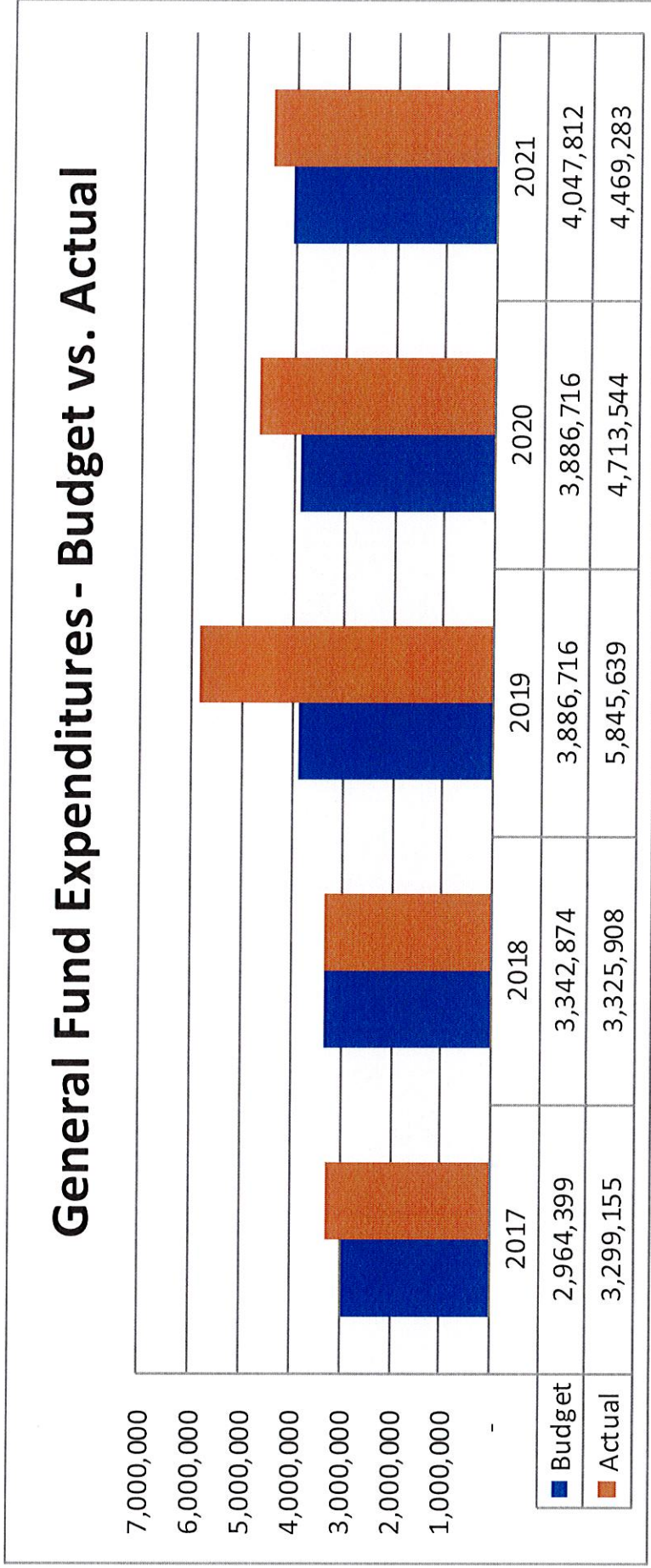
General Fund Revenues and Expenditures



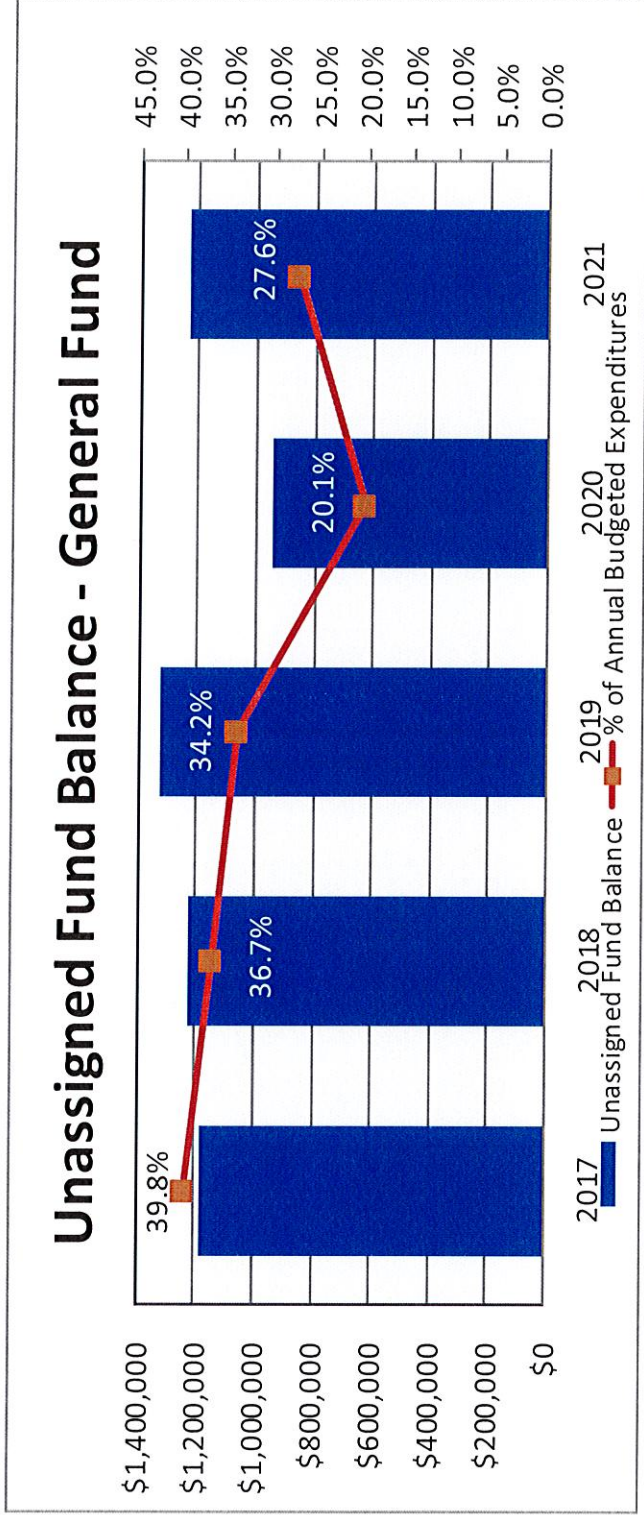
General Fund Revenues – Budget vs Actual



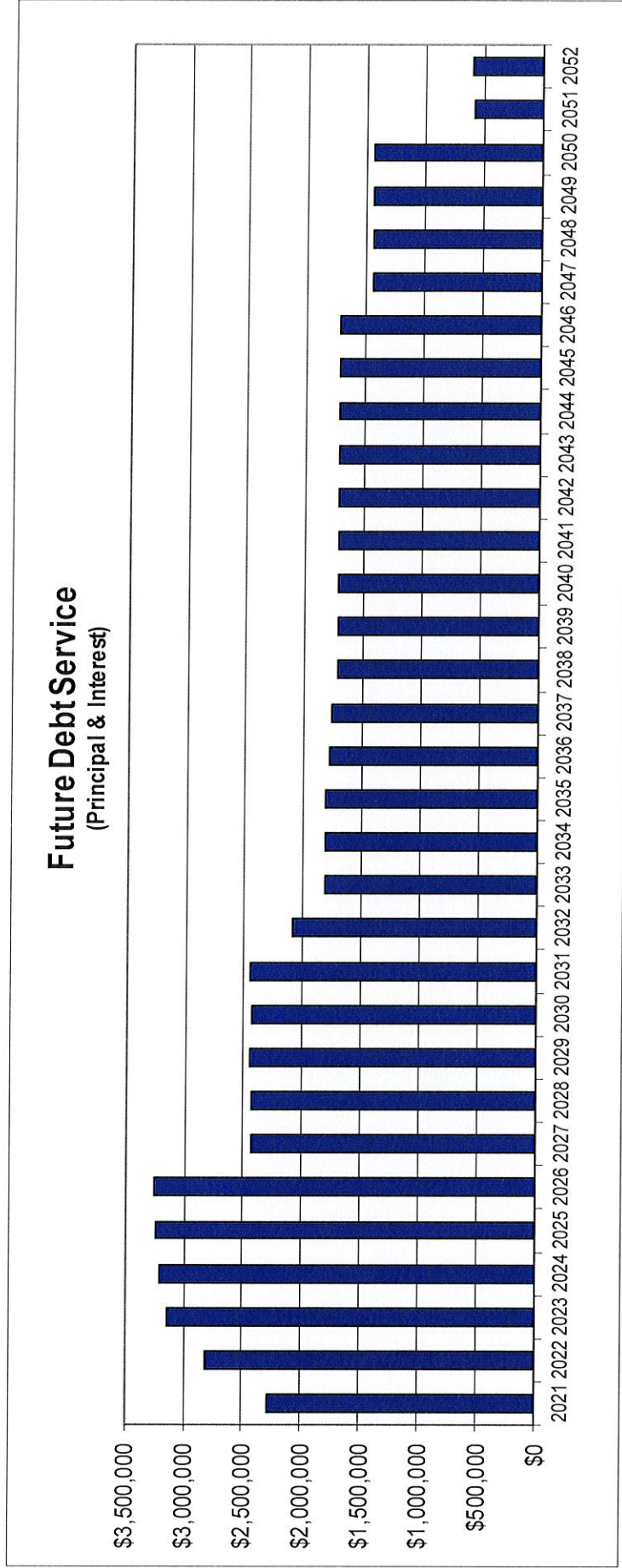
General Fund Expenditures – Budget vs Actual



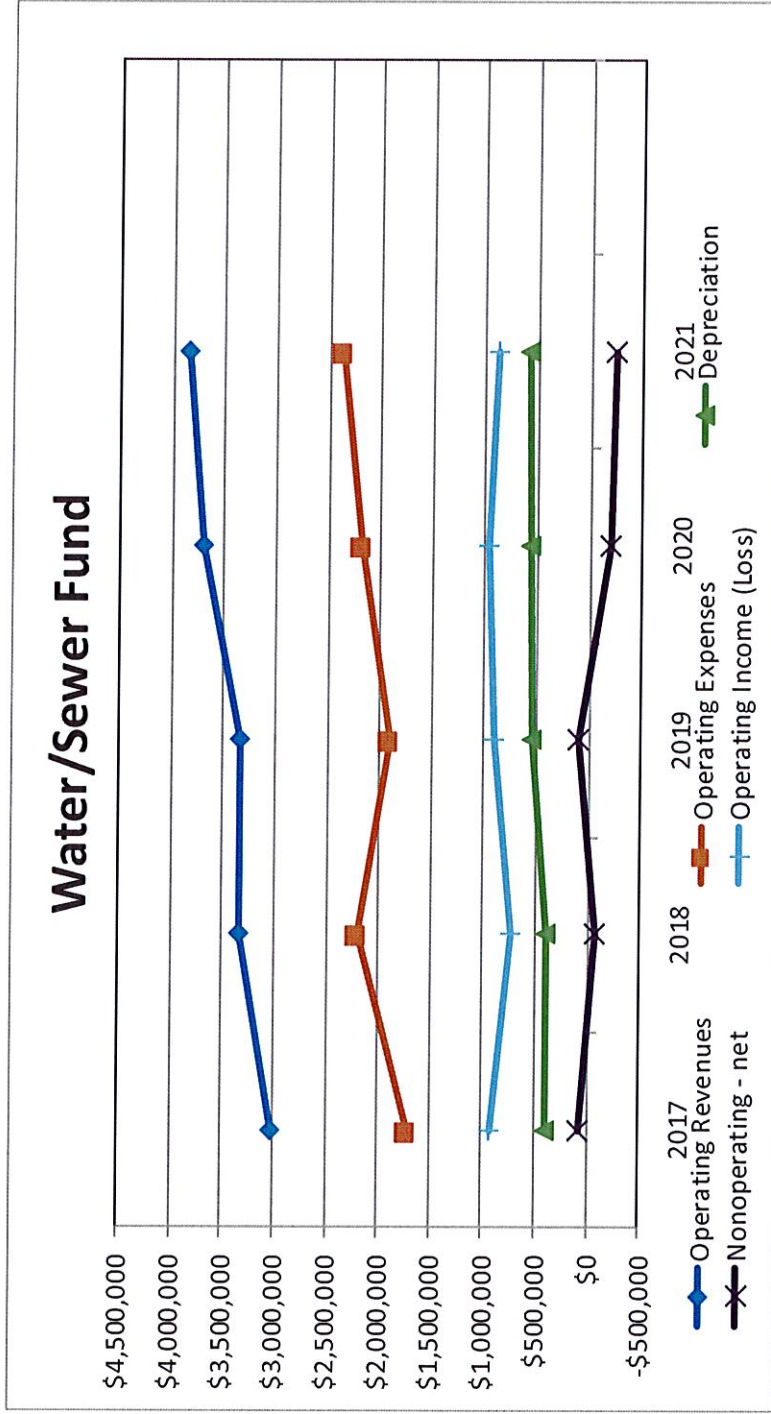
General Fund - Unassigned Fund Balance



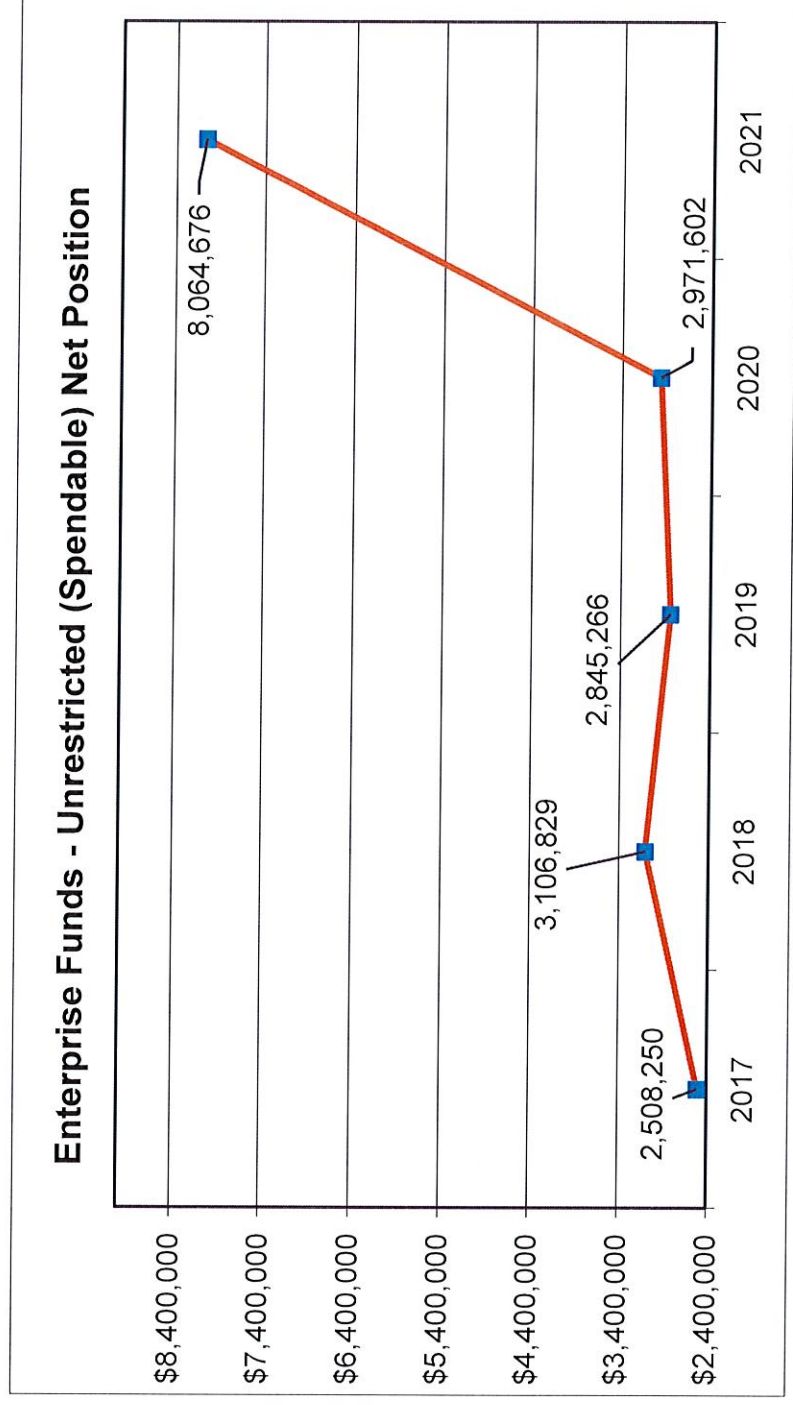
Future Debt Service



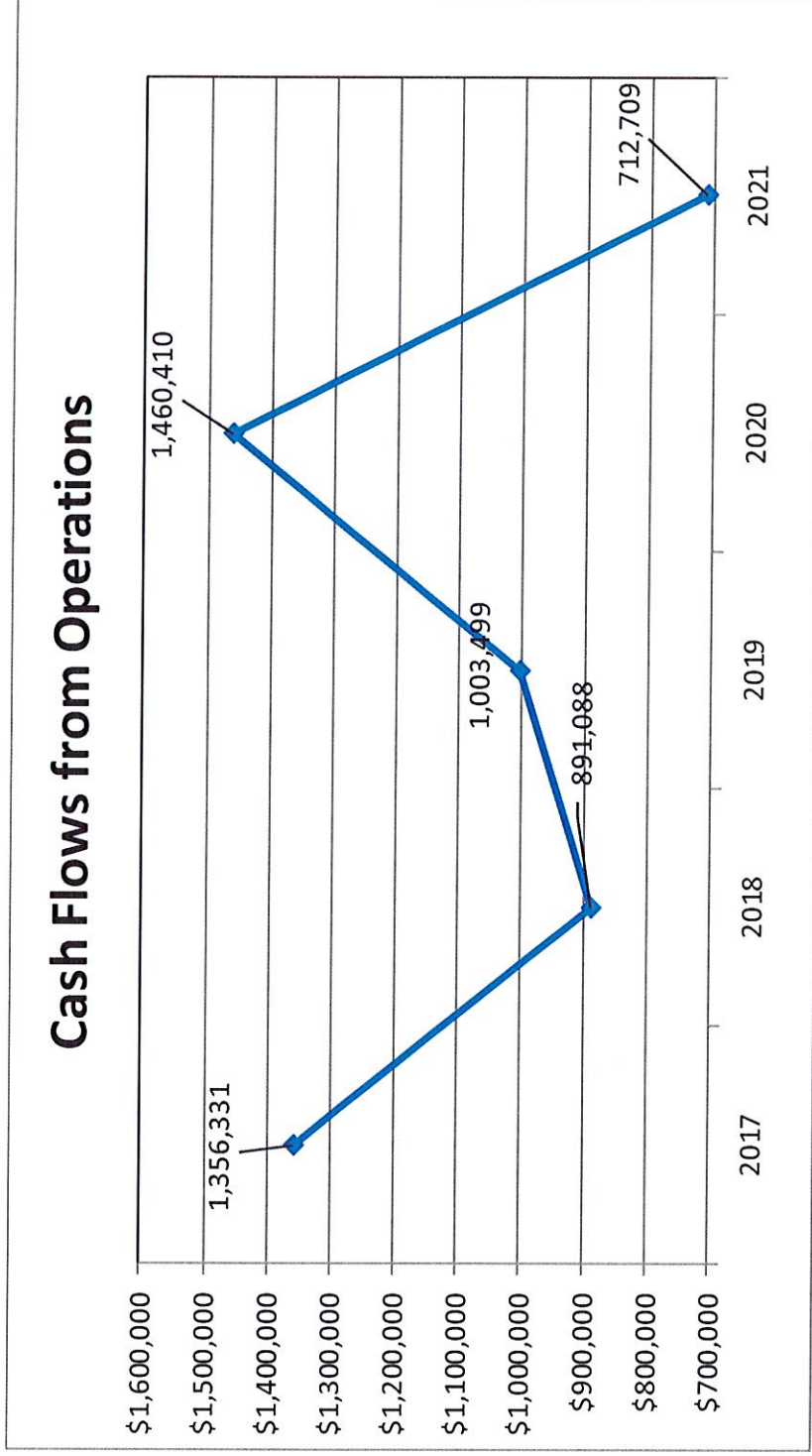
Enterprise Funds – Revenues and Expenses



Enterprise Funds – Unrestricted Net Position



Enterprise Funds – Cash Flows from Operations



Summary of Key Highlights

- All funds have positive fund balance or net position. City appears financially stable.
- Willow Park Fire and Rescue Component Unit dissolved in FY21.
- Change in net position of \$975 thousand in FY21
- Net position for the year ended September 30, 2021 was \$15.4 million



Questions?



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Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor



Honorable Mayor and City Council
City of Willow Park
Willow Park, Texas

We have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of City of Willow Park as of and for the year ended September 30, 2021, and have issued our report thereon dated March 28, 2022. We have previously communicated to you information about our responsibilities under auditing standards generally accepted in the United States of America and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. Professional standards also require that we communicate to you the following information related to our audit.

Significant audit findings

Qualitative aspects of accounting practices

Accounting policies

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by City of Willow Park are described in Note 1 to the financial statements.

No new accounting policies were adopted and the application of existing policies was not changed during 2021.

We noted no transactions entered into by the entity during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate(s) affecting the financial statements was (were):

- Management's estimate of the allowance for doubtful accounts is based on historic water and sewer revenues, historic loss levels, and an analysis of the collectability of individual accounts. We evaluated the key factors and assumptions used to develop the allowance in determining that it is reasonable in relation to the financial statements taken as a whole.
- Management's estimate of the City's net pension and OPEB liabilities are based on TMRS. The related deferred inflows and outflows are based on guidance from GASB Statement No. 68, GASB Statement No. 71, GASB Statement No. 75 and the plan's actuarial valuation. We evaluated the key factors and assumptions used to develop the net pension and OPEB liabilities in determining that they are reasonable in relation to the financial statements taken as a whole.

- Management’s estimate of the depreciation expense on capital assets is based on management’s estimated useful lives of the assets. We evaluated the key factors and assumptions used to develop the estimate in determining that it is reasonable in relation to the financial statements taken as a whole.

Financial statement disclosures

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. There were no particularly sensitive financial statement disclosures.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties encountered in performing the audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Uncorrected misstatements

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has determined that the effects of uncorrected misstatements are immaterial, both individually and in the aggregate, to the financial statements taken as a whole. The following summarizes uncorrected misstatements of the financial statements:

- Licenses and permits recorded in the general fund did not reconcile to the dashboard of permits maintained by the City by \$18,234. The dashboard showed fees, net of refunds, of \$755,205 while the general ledger showed fees of \$773,439.
- Misstatements in accounts payables were identified during the audit and corrected by management. Due to the error rate and the statistical sample selected, a projected error of \$40,369 was calculated.

Corrected misstatements

The following material and immaterial misstatements detected as a result of audit procedures were corrected by management:

No.	Fund	Account	Dr.	Cr.
1.	Governmental activities	Prior period adjustment	\$294,532	
	Governmental activities	Accumulated depreciation		\$294,532
		<i>To record depreciation expense related to prior periods</i>		
2.	Governmental activities	Accumulated depreciation	\$125,051	
	Governmental activities	Vehicles		\$125,051
		<i>To record disposal of asset sold in the current year</i>		

No.	Fund	Account	Dr.	Cr.
3.	Governmental activities	Prior period adjustment	\$48,418	
	Governmental activities	Deferred Outflows - OPEB	12,569	
	Water Fund	Prior period adjustment	16,116	
	Water Fund	Deferred Outflows - OPEB	4,184	
	Wastewater Fund	Prior period adjustment	1,062	
	Wastewater Fund	Deferred Outflows - OPEB	276	
	Governmental activities	OPEB Liability		\$60,987
	Water Fund	OPEB Liability		20,300
	Wastewater Fund	OPEB Liability		\$,338
<i>To record OPEB expense related to prior periods.</i>				
4.	General Fund	Accrued Payroll	\$35,479	
	Water Fund	Accrued Payroll	18,127	
	Wastewater Fund	Accrued Payroll	161	
	General Fund	Salaries Expense		\$35,479
	Water Fund	Salaries Expense		18,127
	Wastewater Fund	Salaries Expense		161
	<i>To record accrued payroll as of 9/30/2021.</i>			
5.	General Fund	Expenditure/ Expense	\$87,860	
	Water Fund	Expenditure/ Expense	76,004	
	Wastewater Fund	Expenditure/ Expense	2,275	
	General Fund	Accounts Payable		\$87,860
	Water Fund	Accounts Payable		76,004
	Wastewater Fund	Accounts Payable		2,275
	<i>To record accounts payable as of 9/30/2021.</i>			

Disagreements with management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors’ report. No such disagreements arose during our audit.

Management representations

We have requested certain representations from management that are included in the management representation letter dated March 28, 2022.

Management consultations with other independent accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a “second opinion” on certain situations. If a consultation involves application of an accounting principle to the entity’s financial statements or a determination of the type of auditors’ opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Significant issues discussed with management prior to engagement

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to engagement as the entity's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our engagement.

Other information in documents containing audited financial statements

With respect to the required supplementary information (RSI) accompanying the financial statements, we made certain inquiries of management about the methods of preparing the RSI, including whether the RSI has been measured and presented in accordance with prescribed guidelines, whether the methods of measurement and preparation have been changed from the prior period and the reasons for any such changes, and whether there were any significant assumptions or interpretations underlying the measurement or presentation of the RSI. We compared the RSI for consistency with management's responses to the foregoing inquiries, the basic financial statements, and other knowledge obtained during the audit of the basic financial statements. Because these limited procedures do not provide sufficient evidence, we did not express an opinion or provide any assurance on the RSI.

With respect to the combining fund financial statements (collectively, the supplementary information) accompanying the financial statements, on which we were engaged to report in relation to the financial statements as a whole, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period or the reasons for such changes, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves. We have issued our report thereon dated March 28, 2022.

* * *

This communication is intended solely for the information and use of the honorable Mayor and City Council and management of City of Willow Park and is not intended to be, and should not be, used by anyone other than these specified parties.

CliftonLarsonAllen LLP

CliftonLarsonAllen LLP

Fort Worth, Texas
March 28, 2022



INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

Honorable Mayor and City Council
City of Willow Park
Fort Worth, Texas

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of City of Willow Park, as of and for the year ended September 30, 2021, and the related notes to the financial statements, which collectively comprise City of Willow Park's basic financial statements, and have issued our report thereon dated March 28, 2022.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered City of Willow Park's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of City of Willow Park's internal control. Accordingly, we do not express an opinion on the effectiveness of City of Willow Park's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. We did identify a deficiency in internal control, described in the accompanying schedule of findings and responses as item 2021-001 that we consider to be a material weakness.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether City of Willow Park's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

City of Willow Park's Response to Findings

City of Willow Park's response to the finding identified in our audit is described in the accompanying schedule of findings and responses. City of Willow Park's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



CliftonLarsonAllen LLP

Fort Worth, Texas
March 28, 2022

**CITY OF WILLOW PARK, TEXAS
SCHEDULE OF FINDINGS AND RESPONSES
YEAR ENDED SEPTEMBER 30, 2021**

Finding Number: 2021-001 – Audit Adjustments and Prior Period Adjustments

Type of Finding: Material Weakness

Criteria: City management is responsible for establishing and maintaining internal controls for the proper recording of all the City's accounting transactions, including depreciation expense, reporting of accruals and accounts payable, disposal of capital assets and reporting for other post-employment benefits (OPEB).

Condition: As part of the audit, we proposed adjustments to the City's general ledger related to: accounts payable, accrued payroll and the disposal of an asset. These adjustments were recorded by management in the financial statements as of and for the year ended September 30, 2021.

In addition, we proposed audit entries to restate beginning fund balance and net position for errors in the prior year financial statements related to depreciation expense and accumulated depreciation as well as OPEB liabilities and the related OPEB expense and deferred outflows.

Cause: Management did not identify the adjustments above in the current year or prior years due to oversight.

Effect: The design of the internal controls over recording transactions and year-end accruals limit the ability of the City to provide accurate accrual basis financial information upon request.

Recommendation: We recommend City management and finance personnel continue to increase their awareness and knowledge of all procedures and processes involved in recording transactions and develop internal control policies to ensure proper recording of these items.

Management Response: The City will continue to review year end closing and financial reporting processes, along with working with the City's contracted accountant to adjust for these items prior to the audit starting.

CITY OF WILLOW PARK, TEXAS
FINANCIAL STATEMENTS AND
SUPPLEMENTARY INFORMATION
YEAR ENDED SEPTEMBER 30, 2021



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FINANCIAL SECTION

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INDEPENDENT AUDITORS' REPORT

Honorable Mayor and City Council
City of Willow Park, Texas
Willow Park, Texas

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Willow Park, Texas, (the City) as of and for the year ended September 30, 2021, and the related notes to the basic financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Willow Park, as of September 30, 2021, and the respective changes in financial position and, where applicable, cash flows, thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As discussed in Note 12, the City restated net position in the governmental activities, the business-type activities, water fund and wastewater fund for the year ended September 30, 2021 to correct errors in previously issued financial statements. Our opinion was not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that management's discussion and analysis on pages 4-11 and budgetary comparison information, schedule of changes in net pension liability and related ratios, schedule of pension contributions, schedule of changes in total OPEB liability and related ratios, and schedule of OPEB contributions on pages 45-51 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information


Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The combining and individual nonmajor governmental fund financial statements are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The combining and individual nonmajor governmental fund financial statements are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining nonmajor governmental funds financial statements are fairly stated in all material respects in relation to the basic financial statements as a whole.

Honorable Mayor and City Council
City of Willow Park, Texas

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated March 28, 2022, on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.



CliftonLarsonAllen LLP

Fort Worth, Texas
March 28, 2022

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**CITY OF WILLOW PARK, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
YEAR ENDED SEPTEMBER 30, 2021**

As management of the City of Willow Park, Texas, we offer readers of the City of Willow Park's financial statements this narrative overview and analysis of the financial activities of the City for the fiscal year ended September 30, 2021 along with certain comparative information between the current year and the prior year.

FINANCIAL HIGHLIGHTS

- The assets and deferred outflows of resources of the City of Willow Park exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year by \$15,393,465 (*net position*). Of this amount, \$9,036,318 (*unrestricted net position*) may be used to meet the City's ongoing obligations to citizens and creditors.
- The City's total net position increased by \$975,116. The City's operations increased the governmental activities by \$324,721 and increased the business-type activities by \$650,395.
- At the end of the current fiscal year, unassigned fund balance for the general fund was \$1,234,926, or 28% of total general fund expenditures.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis are intended to serve as an introduction to the City of Willow Park's basic financial statements. The City's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

Government-wide financial statements. The government-wide financial statements are designed to provide readers with a broad overview of the City's finances, in a manner similar to a private-sector business.

The *statement of net position* presents information on all of the City's assets, deferred outflows of resources, liabilities, and deferred inflows of resources, with the difference between these reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating.

The *statement of activities* presents information showing how the City's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave).

Both of the government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the City include administration, development services, legislation, municipal court, police, fire and rescue, and public works parks and roads. The business-type activities of the City include water, wastewater, and solid waste.

**CITY OF WILLOW PARK, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
YEAR ENDED SEPTEMBER 30, 2021**

The government-wide financial statements include not only the City itself (known as the primary government), but also a legally separate Willow Park Fire and Rescue for which the City is financially accountable. Financial information for this component unit is reported separately from the financial information presented for the primary government itself.

The government-wide financial statements can be found on pages 12-13 of this report.

Fund financial statements. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into two categories: governmental funds and proprietary funds.

Governmental funds. Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balance provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund and debt service fund, are considered major funds. Data from the other governmental funds are combined into a single, aggregated presentation. Individual fund data for each of these nonmajor governmental funds is provided in the form of combining statements elsewhere in this report.

The basic governmental fund financial statements can be found on pages 14-17 of this report.

Proprietary funds. The City maintains one type of proprietary fund. The enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. The City uses enterprise funds to account for its water, wastewater, and solid waste operations.

Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The proprietary fund financial statements provide separate information for the water and wastewater funds, which are considered major funds. The Solid waste enterprise fund is considered nonmajor major fund for presentation.

**CITY OF WILLOW PARK, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
YEAR ENDED SEPTEMBER 30, 2021**

The basic proprietary fund financial statements can be found on pages 18-20 of this report.

Notes to the financial statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the basic financial statements can be found on pages 21-44 of this report.

Other information. In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information that further explains and supports the information in the financial statements. Required supplementary information can be found on pages 45-51 of this report.

The combining nonmajor governmental funds statements are presented immediately following the required supplementary information. These statements can be found on pages 52-55 of this report.

Government-Wide Financial Analysis

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the City, assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources by \$15,393,465 as of September 30, 2021.

\$3,665,464 of the City's net position reflects its investment in capital assets (e.g., land, buildings and improvements, furniture and equipment, vehicles, infrastructure, and construction in progress); less any related debt used to acquire those assets that are still outstanding. The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the City's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since capital assets themselves cannot be used to liquidate these liabilities.

\$2,691,683 in restricted net position represents resources that are subject to external restrictions on how they may be used. The \$9,036,318 balance of unrestricted net position may be used to meet the government's ongoing obligations to citizens and creditors.

At the end of the current fiscal year, the City is able to report positive balances in all three categories of net position, both for the government as a whole, as well as for its separate governmental and business-type activities. The same situation held true for the prior fiscal year.

**CITY OF WILLOW PARK, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
YEAR ENDED SEPTEMBER 30, 2021**

The following is a summary of the City's Statement of Net Position.

Statement of Net Position

	Governmental Activities		Business-Type Activities		Total	
	(Restated)		(Restated)		(Restated)	
	2021	2020	2021	2020	2021	2020
Current and Other Assets	\$ 2,318,418	\$ 2,311,026	\$ 38,783,291	\$ 18,318,970	\$ 41,101,709	\$ 20,629,996
Capital Assets	15,297,759	16,128,303	19,073,470	12,554,617	34,371,229	28,682,920
Total Assets	17,616,177	18,439,329	57,856,761	30,873,587	75,472,938	49,312,916
Deferred Outflows of Resources	139,148	113,175	49,368	40,911	188,516	154,086
Long-Term Liabilities	14,143,283	15,139,948	44,333,062	18,860,695	58,476,345	34,000,643
Other Liabilities	482,592	220,169	1,237,345	352,629	1,719,937	572,798
Total Liabilities	14,625,875	15,360,117	45,570,407	19,213,324	60,196,282	34,573,441
Deferred Inflows of Resources	52,928	97,645	18,779	17,448	71,707	115,093
Net Position:						
Net Investment in Capital Assets	1,665,424	1,366,024	2,000,040	6,809,849	3,665,464	8,175,873
Restricted	439,456	911,428	2,252,227	1,902,275	2,691,683	2,813,703
Unrestricted	971,642	817,290	8,064,676	2,971,602	9,036,318	3,788,892
Total Net Position	\$ 3,076,522	\$ 3,094,742	\$ 12,316,943	\$ 11,683,726	\$ 15,393,465	\$ 14,778,468

Governmental activities. Governmental activities increased the City's net position by \$324,721 in the current year. Total governmental activities revenues increased \$349,313 (6%) to \$6,361,244. Total expenses increased \$34,271 (1%) to \$6,071,523 due primarily to several increased costs in the fire and rescue, police, and general government functions during the current fiscal year.

Business-type activities. Business-type activities increased the City's net position by \$650,395. Total business-type activities revenues increased \$107,958 (3%) to \$3,836,429. Expenses increased by \$261,631 primarily due to the dry summer conditions leading to more water having to be purchased than in the prior year.

**CITY OF WILLOW PARK, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
YEAR ENDED SEPTEMBER 30, 2021**

The following is a summary of the City's Statement of Activities.

Statement of Activities

	Governmental Activities		Business-Type Activities		Total	
	2021	2020	2021	2020	2021	2020
Revenues:						
Program Revenues:						
Charges for Services	\$ 915,949	\$ 843,307	\$ 3,833,852	\$ 3,703,401	\$ 4,749,801	\$ 4,546,708
Operating Grants and Contributions	2,328	39,664	-	-	2,328	39,664
General Revenues:						
Property Taxes	3,221,649	3,050,245	-	-	3,221,649	3,050,245
Sales Taxes	1,530,690	1,280,021	-	-	1,530,690	1,280,021
Franchise Taxes	308,679	374,099	-	-	308,679	374,099
Hotel Occupancy Taxes	-	5,043	-	-	-	5,043
Investment Earnings	4,221	32,857	2,577	25,070	6,798	57,927
Loss on Sale of Capital Assets	-	-	-	-	-	-
Other Revenue	377,728	386,695	-	-	377,728	386,695
Total Revenues	6,361,244	6,011,931	3,836,429	3,728,471	10,197,673	9,740,402
Expenses:						
Administration	607,623	602,695	-	-	607,623	602,695
Development Services	580,985	455,251	-	-	580,985	455,251
Legislative	224,779	198,218	-	-	224,779	198,218
Municipal Court	185,270	191,964	-	-	185,270	191,964
Police	1,600,273	1,379,019	-	-	1,600,273	1,379,019
Fire and Rescue	1,385,158	1,401,421	-	-	1,385,158	1,401,421
Public Works, Parks, and Roads	1,015,177	1,121,842	-	-	1,015,177	1,121,842
Interest on Long-Term Debt	472,258	686,842	-	-	472,258	686,842
Water	-	-	1,875,431	1,717,986	1,875,431	1,717,986
Wastewater	-	-	1,006,953	947,548	1,006,953	947,548
Solid Waste	-	-	303,650	258,869	303,650	258,869
Total Expenses	6,071,523	6,037,252	3,186,034	2,924,403	9,257,557	8,961,655
Increase (Decrease) in Net Position Before Transfers	289,721	(25,321)	650,395	804,068	940,116	778,747
Transfers	-	250,713	-	(250,713)	-	-
Increase in Net Position	289,721	225,392	650,395	553,355	940,116	778,747
Net Position Beginning of Year	3,094,742	2,869,350	11,683,726	11,130,371	14,778,468	13,999,721
Prior Period Restatement	(342,941)	-	(17,178)	-	(360,119)	-
Net Position October 1, as Restated	2,751,801	2,869,350	11,666,548	11,130,371	14,418,349	13,999,721
Net Position End of Year	\$ 3,041,522	\$ 3,094,742	\$ 12,316,943	\$ 11,683,726	\$ 15,358,465	\$ 14,778,468

**CITY OF WILLOW PARK, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
YEAR ENDED SEPTEMBER 30, 2021**

Financial Analysis of the City's Funds

As noted earlier, the City uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds. The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

The general fund is the chief operating fund of the City. At the end of the current fiscal year, unassigned fund balance of the general fund was \$1,234,926. As a measure of the general fund's liquidity, it may be useful to compare unassigned fund balance to total fund expenditures. Unassigned fund balance represents 28% of the total general fund expenditures. Fund balance of the general fund increased by \$291,859.

The debt service fund has a total fund balance of \$187,390, all of which is restricted for the payment of debt service.

Other governmental funds consist of special revenue funds and other capital projects funds. The combined fund balance of these was \$171,181 and \$13,347, respectively. A detailed combining balance sheet and statement of revenues, expenditures, and changes in fund balance can be found on pages 52-55 of this report.

Proprietary funds. The City's proprietary funds provide the same type of information found in the government-wide financial statements, but in more detail.

The City's water fund, wastewater fund and solid waste fund are enterprise funds that comprise the City's proprietary funds. Unrestricted net position of the water fund, wastewater fund and solid waste fund at the end of the year amounted to \$5,894,334, \$1,935,784 , and \$234,558, respectively. The total change in net position for the three funds was (\$581,821), \$1,223,954 , and \$8,262, respectively. In fiscal year 2021, a \$1.5 million loan from the Water Fund to the Wastewater Fund for capital projects was forgiven and recorded as a transfer.

General Fund Budgetary Highlights

The general fund budget was not amended during the year.

During the year, actual revenues were \$959,742 more than budgeted primarily due to greater than anticipated sales tax collections and licenses and permit revenues. Actual expenditures were \$421,471 more than budgeted; however, this is mostly due to additional expenditures incurred related to development and public works and debt service and miscellaneous expenditures being unbudgeted. See page 45 of this report for the general fund budget to actual comparison.

**CITY OF WILLOW PARK, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
YEAR ENDED SEPTEMBER 30, 2021**

Capital Assets

The City's investment in capital assets for its governmental and business type activities as of September 30, 2021, amounts to \$34,371,229 (net of accumulated depreciation). This investment in capital assets includes land, buildings and improvements, furniture and equipment, vehicles, infrastructure and water and wastewater systems.

**The City of Willow Park's Capital Assets
(Net of Depreciation)**

	Governmental Activities		Business-Type Activities		Total	
	(Restated)				(Restated)	
	2021	2020	2021	2020	2021	2020
Land	\$ 126,027	\$ 126,027	\$ 394,576	\$ 383,897	\$ 520,603	\$ 509,924
Construction In Progress	-	54,446	6,772,788	494,223	6,772,788	548,669
Buildings and Improvements	5,470,894	5,723,614	45,596	47,572	5,516,490	5,771,186
Furniture and Equipment	364,656	631,022	322,225	381,954	686,881	1,012,976
Vehicles	1,594,082	1,933,146	183,138	150,460	1,777,220	2,083,606
Infrastructure	7,742,100	7,660,048	-	-	7,742,100	7,660,048
Water System	-	-	7,320,575	6,863,505	7,320,575	6,863,505
Wastewater System	-	-	4,034,572	4,233,006	4,034,572	4,233,006
Total	<u>\$ 15,297,759</u>	<u>\$ 16,128,303</u>	<u>\$ 19,073,470</u>	<u>\$ 12,554,617</u>	<u>\$ 34,371,229</u>	<u>\$ 28,682,920</u>

Additional information on the City's capital assets can be found in the notes to the financial statements.

Long-Term Debt

At year-end, the City had \$51,611,169 in bonds and leases outstanding. \$48,322,769 are general obligation bonds that are backed by the full faith and credit of the City. \$652,230 are certificates of obligation secured by surplus revenues of the water and wastewater fund and ad valorem taxes. The City also had \$2,636,170 in capital leases outstanding.

	Governmental Activities		Business-Type Activities		Total	
	2021	2020	2021	2020	2021	2020
Capital Leases	\$ 2,145,618	\$ 2,384,624	\$ 490,552	\$ 142,645	\$ 2,636,170	\$ 2,527,269
General Obligation Bonds	10,435,000	11,185,000	37,887,769	18,232,759	48,322,769	29,417,759
Certificates of Obligation	447,230	527,240	205,000	380,000	652,230	907,240
Total	<u>\$ 13,027,848</u>	<u>\$ 14,096,864</u>	<u>\$ 38,583,321</u>	<u>\$ 18,755,404</u>	<u>\$ 51,611,169</u>	<u>\$ 32,852,268</u>

More detailed information about the City's debt is presented in the notes to the financial statements.

**CITY OF WILLOW PARK, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
YEAR ENDED SEPTEMBER 30, 2021**

Economic Factors and the Next Year's Budgets and Rates

For fiscal year 2021-2022, the City's steady commercial and residential growth will insure the increase of ad valorem tax revenues and sales tax revenues. Newly completed single-family homes and retail construction have been completed as well as other projects underway are continuing to improve the tax base for Willow Park.

Development has continued on the biggest and most dynamic project ever planned for Willow Park, the Wilks Development. This Tax Increment Financing Zone (TIRZ) project will include retail, residential, entertainment, and recreational facilities that will be financed by the development's incremental tax value increase.

Request for Information

The financial report is designed to provide a general overview of the City's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Finance Department, 516 Ranch House Road, Willow Park, Texas 76087.

BASIC FINANCIAL STATEMENTS

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CITY OF WILLOW PARK, TEXAS
GOVERNMENT WIDE STATEMENT OF NET POSITION
SEPTEMBER 30, 2021

	Primary Government			Component
	Governmental Activities	Business-Type Activities	Total	Unit Willow Park Fire and Rescue
ASSETS				
Cash and Cash Equivalents	\$ 1,666,310	\$ 17,850,626	\$ 19,516,936	\$ -
Receivables (Net of Allowances for Uncollectibles):				
Property Taxes	47,755	-	47,755	-
Sales Taxes	277,660	-	277,660	-
Franchise Taxes	-	-	-	-
Accounts	-	618,081	618,081	-
Miscellaneous	132,812	-	132,812	-
Restricted Assets:				
Cash and Investments	193,881	10,712,700	10,906,581	-
Certificates of Deposit	-	106,833	106,833	-
Due from Other Governments	-	9,495,051	9,495,051	-
Capital Assets:				
Nondepreciable	126,027	7,167,364	7,293,391	-
Depreciable, Net of Accumulated Depreciation	15,171,732	11,906,106	27,077,838	-
Total Assets	<u>17,616,177</u>	<u>57,856,761</u>	<u>75,472,938</u>	<u>-</u>
DEFERRED OUTFLOWS OF RESOURCES				
Deferred Outflows Related to Pensions	116,486	41,328	157,814	-
Deferred Outflows Related to OPEB	22,662	8,040	30,702	-
Total Deferred Outflows of Resources	<u>139,148</u>	<u>49,368</u>	<u>188,516</u>	<u>-</u>
LIABILITIES				
Accounts Payable	306,332	891,530	1,197,862	-
Payroll Liabilities	83,198	41,322	124,520	-
Court Bonds Payable	6,130	-	6,130	-
Current Liabilities Payable from Restricted Assets:				
Interest Payable	86,932	92,615	179,547	-
Customer Deposits	-	211,878	211,878	-
Long-Term Obligations, Due Within One Year	1,192,688	962,438	2,155,126	-
Noncurrent Liabilities:				
Unearned Revenue	48,355	723,783	772,138	-
Net Pension Liability	114,927	40,774	155,701	-
OPEB Liability	80,615	28,601	109,216	-
Long-Term Obligations, Due in More Than One Year	12,706,698	37,833,208	50,539,906	-
Due to Other Governments	-	4,744,258	4,744,258	-
Total Liabilities	<u>14,625,875</u>	<u>45,570,407</u>	<u>60,196,282</u>	<u>-</u>
DEFERRED INFLOWS OF RESOURCES				
Deferred Inflows Related to Pensions	52,928	18,779	71,707	-
Total Deferred Inflows of Resources	<u>52,928</u>	<u>18,779</u>	<u>71,707</u>	<u>-</u>
NET POSITION				
Net Investments in Capital Assets	1,665,424	2,000,040	3,665,464	-
Restricted:				
Debt Service	116,575	-	116,575	-
Police	3,626	-	3,626	-
First Responder	2,544	-	2,544	-
Tourism	68,666	-	68,666	-
Capital Projects	-	2,252,227	2,252,227	-
Court Security and Technology	96,345	-	96,345	-
Public Access Channel Capital Projects	138,353	-	138,353	-
TIRZ	1,008	-	1,008	-
Construction Projects	11,338	-	11,338	-
TexSTAR Parks and Recreation	1,001	-	1,001	-
Unrestricted Net Position	<u>971,642</u>	<u>8,064,676</u>	<u>9,036,318</u>	<u>-</u>
Total Net Position	<u>\$ 3,076,522</u>	<u>\$ 12,316,943</u>	<u>\$ 15,393,465</u>	<u>\$ -</u>

See accompanying Notes to Basic Financial Statements.

**CITY OF WILLOW PARK, TEXAS
GOVERNMENT WIDE STATEMENT OF ACTIVITIES
YEAR ENDED SEPTEMBER 30, 2021**

Functions/Programs	Program Revenues			Net Revenue (Expense) and Changes in Net Position				
	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Government		Component Unit	
					Governmental Activities	Business-Type Activities	Willow Park Fire and Rescue	
						Total		
PRIMARY GOVERNMENT								
Governmental Activities:								
Administration	\$ 607,623	\$ -	\$ -	\$ -	\$ (607,623)	\$ -	\$ (607,623)	\$ -
Development Services	580,985	773,439	-	-	192,454	-	192,454	-
Legislative	224,779	-	-	-	(224,779)	-	(224,779)	-
Municipal Court	185,270	142,510	-	-	(42,760)	-	(42,760)	-
Police	1,600,273	-	1,169	-	(1,599,104)	-	(1,599,104)	-
Fire and Rescue	1,385,158	-	1,159	-	(1,383,999)	-	(1,383,999)	-
Public Works, Parks, and Roads	1,015,177	-	-	-	(1,015,177)	-	(1,015,177)	-
Interest on Long-Term Debt	472,258	-	-	-	(472,258)	-	(472,258)	-
Total Governmental Activities	6,071,523	915,949	2,328	-	(5,153,246)	-	(5,153,246)	-
Business-Type Activities:								
Water	1,875,431	2,744,948	-	-	-	869,517	869,517	-
Wastewater	1,006,953	776,992	-	-	-	(229,961)	(229,961)	-
Solid Waste	303,650	311,912	-	-	-	8,262	8,262	-
Total Business-Type Activities	3,186,034	3,833,852	-	-	-	647,818	647,818	-
Total Primary Government	\$ 9,257,557	\$ 4,749,801	\$ 2,328	\$ -	\$ (5,153,246)	\$ 647,818	\$ (4,505,428)	\$ -
COMPONENT UNIT								
Fire and Rescue	\$ 27,347	\$ -	\$ -	\$ -				(27,347)
GENERAL REVENUES								
Taxes:								
Property Taxes, Levied for General Purposes					1,543,006	-	1,543,006	-
Property Taxes, Levied for Debt Service					1,539,972	-	1,539,972	-
Property Taxes, Levied for TIRZ					138,671	-	138,671	-
Sales and Use					1,530,690	-	1,530,690	-
Franchise					308,679	-	308,679	-
Investment Earnings					4,221	2,577	6,798	-
Other Revenue					377,728	-	377,728	-
Proceeds from the Sale of Capital Assets					35,000	-	35,000	-
Total General Revenues and Transfers					5,477,967	2,577	5,480,544	-
CHANGE IN NET POSITION								
					324,721	650,395	975,116	(27,347)
Net Position - Beginning of Year					3,094,742	11,683,726	14,778,468	27,347
Prior Period Restatement (Note 12)					(342,941)	(17,178)	(360,119)	-
NET POSITION - END OF YEAR					<u>\$ 3,076,522</u>	<u>\$ 12,316,943</u>	<u>\$ 15,393,465</u>	<u>\$ -</u>

See accompanying Notes to Basic Financial Statements.

**CITY OF WILLOW PARK, TEXAS
BALANCE SHEET
GOVERNMENTAL FUNDS
SEPTEMBER 30, 2021**

ASSETS	<u>General</u>	<u>Debt Service Fund</u>	<u>Other Governmental Funds</u>	<u>Total Governmental Funds</u>
Cash and Cash Equivalents	\$ 1,481,289	\$ 182,192	\$ 196,674	\$ 1,860,155
Certificates of Deposit	-	-	-	-
Receivables (Net of Allowances for Uncollectibles)				
Property Taxes	26,440	21,315	-	47,755
Sales Taxes	277,660	-	-	277,660
Franchise Taxes	-	-	-	-
Court	91,928	-	-	91,928
Other	40,884	-	-	40,884
	<u>40,884</u>	<u>-</u>	<u>-</u>	<u>40,884</u>
Total Assets	<u>\$ 1,918,201</u>	<u>\$ 203,507</u>	<u>\$ 196,674</u>	<u>\$ 2,318,382</u>
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES				
LIABILITIES				
Accounts Payable	\$ 294,186	\$ -	\$ 12,146	\$ 306,332
Payroll Liabilities	83,198	-	-	83,198
Court Bonds Escrow	6,130	-	-	6,130
Unearned Revenue - Franchise Taxes	48,355	-	-	48,355
	<u>48,355</u>	<u>-</u>	<u>-</u>	<u>48,355</u>
Total Liabilities	431,869	-	12,146	444,015
DEFERRED INFLOWS OF RESOURCES				
Unavailable Revenue - Court Fines	91,928	-	-	91,928
Unavailable Revenue - Property Taxes	21,125	16,117	-	37,242
Total Deferred Inflows of Resources	113,053	16,117	-	129,170
FUND BALANCES				
Restricted	138,353	187,390	184,528	510,271
Committed	-	-	-	-
Unassigned	1,234,926	-	-	1,234,926
Total Fund Balances	<u>1,373,279</u>	<u>187,390</u>	<u>184,528</u>	<u>1,745,197</u>
Total Liabilities, Deferred Inflows of Resources, and Fund Balances	<u>\$ 1,918,201</u>	<u>\$ 203,507</u>	<u>\$ 196,674</u>	<u>\$ 2,318,382</u>

See accompanying Notes to Basic Financial Statements.

**CITY OF WILLOW PARK, TEXAS
RECONCILIATION OF THE GOVERNMENTAL FUNDS
BALANCE SHEET TO THE STATEMENT OF NET POSITION
SEPTEMBER 30, 2021**

Total Fund Balances - Governmental Funds \$ 1,745,197

Capital assets used in governmental activities are not financial resources and, therefore, are reported in the governmental funds. The cost of these assets was \$22,169,286 and the accumulated depreciation was \$6,871,527. 15,297,759

Some liabilities are not due and payable in the current period and are not included in the fund financial statements, but are included in the governmental activities of the Statement of Net Position. The details of these differences are as follows:

Interest Payable	\$	(86,932)	
General Obligation Bonds		(10,435,000)	
Certificate of Obligation Bonds		(447,230)	
Premium on Bonds		(617,798)	
Capital Leases		(2,145,618)	
Compensated Absences		(253,704)	
Net Pension and OPEB Liability		<u>(195,542)</u>	
			(14,181,824)

Certain receivables are not available soon enough to pay for the current period's expenditures and, therefore, are not reported in the fund financial statements, but are reported in the governmental activities of the Statement of Net Position. The details of these differences are as follows:

Property Taxes		37,242	
Court Fines		<u>91,928</u>	
			129,170

Deferred outflows of resources related to pensions and OPEB not reported in the Governmental Funds 139,148

Deferred inflows of resources related to pensions not reported in the Governmental Funds (52,928)

Net Position of Governmental Activities \$ 3,076,522

CITY OF WILLOW PARK, TEXAS
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES – GOVERNMENTAL FUNDS
YEAR ENDED SEPTEMBER 30, 2021

	General	Debt Service Fund	Other Governmental Funds	Total Governmental Funds
REVENUES				
Taxes:				
Property	\$ 1,543,006	\$ 1,539,972	\$ -	\$ 3,082,978
Sales and Use	1,530,690	-	-	1,530,690
Franchise	373,064	-	-	373,064
Hotel Occupancy Tax	-	-	-	-
TIRZ	-	-	138,671	138,671
Court Fines and Fees	132,049	-	10,461	142,510
Licenses and Permits	773,439	-	-	773,439
Investment Earnings	3,519	375	327	4,221
Intergovernmental	1,169	-	-	1,169
Contributions	1,059	-	100	1,159
Other Revenue	368,147	9,546	-	377,693
Total Revenues	<u>4,726,142</u>	<u>1,549,893</u>	<u>149,559</u>	<u>6,425,594</u>
EXPENDITURES				
Current:				
Administration	482,636	-	-	482,636
Development Services	438,289	-	139,601	577,890
Legislative	225,463	-	-	225,463
Municipal Court	185,797	-	-	185,797
Police	1,435,646	-	8,202	1,443,848
Fire and Rescue	1,113,559	-	10,586	1,124,145
Public Works, Parks, and Roads	219,097	-	-	219,097
Miscellaneous Expenses	-	-	-	-
Capital Outlay	238,313	-	503,411	741,724
Debt Service:				
Principal	130,483	964,095	-	1,094,578
Interest and Fiscal Charges	-	563,632	-	563,632
Total Expenditures	<u>4,469,283</u>	<u>1,527,727</u>	<u>661,800</u>	<u>6,658,810</u>
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	256,859	22,166	(512,241)	(233,216)
OTHER FINANCING SOURCES (USES)				
Proceeds from Sale of Capital Assets	35,000	-	-	35,000
Total Other Financing Sources (Uses)	<u>35,000</u>	<u>-</u>	<u>-</u>	<u>35,000</u>
NET CHANGE IN FUND BALANCES	291,859	22,166	(512,241)	(198,216)
Fund Balance - Beginning of Year	1,081,420	165,224	696,769	1,943,413
FUND BALANCE - END OF YEAR	<u>\$ 1,373,279</u>	<u>\$ 187,390</u>	<u>\$ 184,528</u>	<u>\$ 1,745,197</u>

See accompanying Notes to Basic Financial Statements.

CITY OF WILLOW PARK, TEXAS
RECONCILIATION OF STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN
FUND BALANCES OF THE GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
YEAR ENDED SEPTEMBER 30, 2021

Total Net Change in Funds Balances - Governmental Funds \$ (198,216)

Governmental funds report capital outlays as expenditures and proceeds from the sale of capital assets as revenues. However in the statement of activities, assets are capitalized and the costs are allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which depreciation exceeded capital outlays in the current period.

Capital Outlays	\$ 713,469	
Depreciation Expense	<u>(1,249,491)</u>	(536,022)

Current year capital leases are other financing sources in the fund financial statements, while principal payments are reported as expenditures. The net effect of new capital leases and the repayment of existing capital leases.

New Capital Leases	(25,562)	
Repayment of Capital Leases	<u>264,568</u>	239,006

Certain liabilities are not due and payable in the current period and, therefore, are not reported as liabilities in the funds. Changes in these balances are reported as expenses in the governmental activities of the Statement of Activities.

Bonds Payable	750,000	
Certificates of Obligation	80,010	
Interest Payable	8,556	
Premium on Bonds	47,616	
Compensated Absences	<u>(19,070)</u>	867,112

Revenues in the government-wide statement of activities that do not provide current financial resources are not reported as revenues in the funds. (64,384)

The City recognized its net pension and OPEB liability, deferred outflows of resources related to pensions and OPEB, and deferred inflows of resources related to pensions and OPEB. The changes in these balances decreased net position.

17,225

Change in Net Position of Governmental Activities \$ 324,721

CITY OF WILLOW PARK, TEXAS
STATEMENT OF NET POSITION – PROPRIETARY FUNDS
SEPTEMBER 30, 2021

	Water	Wastewater	Solid Waste	Totals
ASSETS				
Current Assets:				
Cash and Cash Equivalents	\$ 2,754,552	\$ 14,827,233	\$ 268,841	\$ 17,850,626
Receivables (Net of Allowances for Uncollectibles):				
Accounts Receivable	451,679	119,501	46,901	618,081
Due From Other Governments	9,495,051	-	-	9,495,051
Restricted Assets:				
Cash and Cash Equivalents	10,712,700	-	-	10,712,700
Certificates of Deposit	106,833	-	-	106,833
Total Current Assets	<u>23,520,815</u>	<u>14,946,734</u>	<u>315,742</u>	<u>38,783,291</u>
Noncurrent Assets:				
Capital Assets, at Cost:				
Nondepreciable Capital Assets	6,668,246	499,118	-	7,167,364
Depreciable Capital Assets	13,490,937	5,618,299	-	19,109,236
Less: Accumulated Depreciation	<u>(4,870,193)</u>	<u>(2,332,937)</u>	<u>-</u>	<u>(7,203,130)</u>
Capital Assets, Net	<u>15,288,990</u>	<u>3,784,480</u>	<u>-</u>	<u>19,073,470</u>
Total Noncurrent Assets	<u>15,288,990</u>	<u>3,784,480</u>	<u>-</u>	<u>19,073,470</u>
Total Assets	38,809,805	18,731,214	315,742	57,856,761
DEFERRED OUTFLOWS OF RESOURCES				
Deferred Outflows Related to Pensions	38,773	2,555	-	41,328
Deferred Outflows Related to OPEB	7,543	497	-	8,040
Total Deferred Outflows of Resources	<u>46,316</u>	<u>3,052</u>	<u>-</u>	<u>49,368</u>
LIABILITIES				
Current Liabilities:				
Accounts Payable	800,818	9,528	81,184	891,530
Payroll Liabilities	39,122	2,200	-	41,322
Current Portion of Long-Term Liabilities	757,391	205,047	-	962,438
Current Liabilities Payable from Restricted Assets:				
Interest Payable	56,618	35,997	-	92,615
Customer Deposits Payable	<u>211,878</u>	<u>-</u>	<u>-</u>	<u>211,878</u>
Total Current Liabilities	<u>1,865,827</u>	<u>252,772</u>	<u>81,184</u>	<u>2,199,783</u>
Noncurrent Liabilities:				
Unearned Revenue	723,783	-	-	723,783
Compensated Absences	26,054	-	-	26,054
Net Pension Liability	38,253	2,521	-	40,774
OPEB Liability	26,833	1,768	-	28,601
Capital Lease Payable	369,468	2,103	-	371,571
Bonds Payable	20,975,583	16,460,000	-	37,435,583
Due to Other Governments	4,744,258	-	-	4,744,258
Total Noncurrent Liabilities	<u>26,904,232</u>	<u>16,466,392</u>	<u>-</u>	<u>43,370,624</u>
Total Liabilities	28,770,059	16,719,164	81,184	45,570,407
DEFERRED INFLOWS OF RESOURCES				
Deferred Inflows Related to Pensions	<u>17,618</u>	<u>1,161</u>	<u>-</u>	<u>18,779</u>
NET POSITION				
Net Investments in Capital Assets	2,604,051	(604,011)	-	2,000,040
Restricted for Capital Projects	1,570,059	682,168	-	2,252,227
Unrestricted	<u>5,894,334</u>	<u>1,935,784</u>	<u>234,558</u>	<u>8,064,676</u>
Total Net Position	<u>\$ 10,068,444</u>	<u>\$ 2,013,941</u>	<u>\$ 234,558</u>	<u>\$ 12,316,943</u>

See accompanying Notes to Basic Financial Statements.

CITY OF WILLOW PARK, TEXAS
STATEMENT OF REVENUES, EXPENSES, AND CHANGES
IN NET POSITION – PROPRIETARY FUNDS
YEAR ENDED SEPTEMBER 30, 2021

	Water	Wastewater	Solid Waste	Totals
Operating Revenues:				
Charges for Services	\$ 2,424,204	\$ 647,741	\$ 311,912	\$ 3,383,857
Tap Fees	2,000	-	-	2,000
Impact Fees	220,701	129,251	-	349,952
Other Fees	98,043	-	-	98,043
Total Operating Revenues	<u>2,744,948</u>	<u>776,992</u>	<u>311,912</u>	<u>3,833,852</u>
Operating Expenses:				
Personnel	858,078	59,467	-	917,545
Supplies	249,776	60,015	-	309,791
Contractual Services	343,970	151,684	303,650	799,304
Utilities	119,769	61,233	-	181,002
Franchise Fees	128,940	37,220	-	166,160
Depreciation	104,168	475,182	-	579,350
Bad Debt Expense	-	-	-	-
Total Operating Expenses	<u>1,804,701</u>	<u>844,801</u>	<u>303,650</u>	<u>2,953,152</u>
OPERATING INCOME (LOSS)	940,247	(67,809)	8,262	880,700
Nonoperating Revenues (Expenses):				
Investment Earnings	2,197	380	-	2,577
Interest and Fiscal Agent Expense	(70,730)	(162,152)	-	(232,882)
Total Nonoperating Expenses, Net	<u>(68,533)</u>	<u>(161,772)</u>	<u>-</u>	<u>(230,305)</u>
INCOME (LOSS) BEFORE TRANSFERS	871,714	(229,581)	8,262	650,395
Transfers:				
Transfers In	-	1,453,535	-	1,453,535
Transfers Out	(1,453,535)	-	-	(1,453,535)
Total Transfers	<u>(1,453,535)</u>	<u>1,453,535</u>	<u>-</u>	<u>-</u>
CHANGE IN NET POSITION	(581,821)	1,223,954	8,262	650,395
Net Position - Beginning of Year	10,666,381	791,049	226,296	11,683,726
Prior Period Restatement (Note 12)	(16,116)	(1,062)	-	(17,178)
NET POSITION - END OF YEAR	<u>\$ 10,068,444</u>	<u>\$ 2,013,941</u>	<u>\$ 234,558</u>	<u>\$ 12,316,943</u>

See accompanying Notes to Basic Financial Statements.

CITY OF WILLOW PARK, TEXAS
STATEMENT OF CASH FLOWS – PROPRIETARY FUNDS
YEAR ENDED SEPTEMBER 30, 2021

	Water	Wastewater	Solid Waste	Totals
CASH FLOWS FROM OPERATING ACTIVITIES				
Cash Received from Customers	\$ 2,640,700	\$ 735,663	\$ 303,187	\$ 3,679,550
Cash Paid to Suppliers	(59,237)	(1,765,385)	(246,186)	(2,070,808)
Cash Paid to Employees	(837,055)	(58,978)	-	(896,033)
Net Cash Provided (Used) by Operating Activities	<u>1,744,408</u>	<u>(1,088,700)</u>	<u>57,001</u>	<u>712,709</u>
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES				
Proceeds from Operating Grants	<u>723,783</u>	-	-	<u>723,783</u>
Net Cash Provided by Noncapital Financing Activities	<u>723,783</u>	-	-	<u>723,783</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES				
Proceeds from Issuance of Bonds	6,446,357	14,130,000	-	20,576,357
Principal Payments on Long-Term Debt	(657,522)	(200,000)	-	(857,522)
Proceeds from Capital Leases	382,799	-	-	382,799
Repayment of Capital Lease Obligations	(106,076)	(5,094)	-	(111,170)
Payments to Other Governments	(4,271,712)	-	-	(4,271,712)
Capital Asset Purchases	(5,258,049)	(386,619)	-	(5,644,668)
Transfers from (to) Other Funds	(1,453,535)	1,453,535	-	-
Interest Paid on Long-Term Debt	(70,730)	(162,152)	-	(232,882)
Net Cash Provided (Used) by Capital and Related Financing Activities	<u>(4,988,468)</u>	<u>14,829,670</u>	<u>-</u>	<u>9,841,202</u>
CASH FLOWS FROM INVESTING ACTIVITIES				
Investment Earnings	<u>2,197</u>	<u>380</u>	<u>-</u>	<u>2,577</u>
NET INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS				
	(2,518,080)	13,741,350	57,001	11,280,271
Cash and Cash Equivalents - Beginning of Year	<u>16,092,165</u>	<u>1,085,883</u>	<u>211,840</u>	<u>17,389,888</u>
CASH AND CASH EQUIVALENTS - END OF YEAR	<u><u>\$ 13,574,085</u></u>	<u><u>\$ 14,827,233</u></u>	<u><u>\$ 268,841</u></u>	<u><u>\$ 28,670,159</u></u>
CASH AND CASH EQUIVALENTS	<u>\$ 2,754,552</u>	<u>\$ 14,827,233</u>	<u>\$ 268,841</u>	<u>\$ 17,850,626</u>
RESTRICTED CASH AND CASH EQUIVALENTS	<u>10,819,533</u>	<u>-</u>	<u>-</u>	<u>10,819,533</u>
TOTAL CASH AND CASH EQUIVALENTS - END OF YEAR	<u><u>\$ 13,574,085</u></u>	<u><u>\$ 14,827,233</u></u>	<u><u>\$ 268,841</u></u>	<u><u>\$ 28,670,159</u></u>
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED BY OPERATING ACTIVITIES				
Operating Income (Loss)	\$ 940,247	\$ (67,809)	\$ 8,262	\$ 880,700
Adjustments to Reconcile Operating Income (Loss) to Net Cash Provided by Operating Activities:				
Depreciation Expense	104,168	475,182	-	579,350
(Increase) Decrease in Assets:				
Accounts Receivable	(118,026)	(41,329)	(8,725)	(168,080)
Deferred Outflows	(5,488)	1,491	-	(3,997)
Increase (Decrease) in Liabilities:				
Accounts Payable	783,218	(1,455,233)	57,464	(614,551)
Payroll Liabilities	29,856	2,098	-	31,954
Customer Deposits	13,778	-	-	13,778
Net Pension liability	(8,059)	(2,871)	-	(10,930)
OPEB liability	6,533	430	-	6,963
Compensated Absences Payable	(3,809)	-	-	(3,809)
Deferred Inflows	1,990	(659)	-	1,331
Total Adjustments	<u>804,161</u>	<u>(1,020,891)</u>	<u>48,739</u>	<u>(167,991)</u>
Net Cash Provided by (Used for) Operating Activities:	<u><u>\$ 1,744,408</u></u>	<u><u>\$ (1,088,700)</u></u>	<u><u>\$ 57,001</u></u>	<u><u>\$ 712,709</u></u>

See accompanying Notes to Basic Financial Statements.

CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Reporting Entity

The City of Willow Park, Texas (the City) was formed as an incorporated City in 1963. The City is governed by an elected mayor and five-member council and provides the following services to the citizens of the City: administration, development services, municipal court, police, fire and rescue, public works, water, wastewater, and solid waste.

As required by generally accepted accounting principles, these financial statements present the City and its component unit. Component units are legally separate entities for which the City is considered financially accountable or other organizations whose nature and significant relationship with the City are such that exclusion would cause the City's financial statements to be misleading or incomplete. Based on these considerations, the Willow Park Fire and Rescue has been included in the City's reporting entity as a component unit.

Discretely Presented Component Unit

The Willow Park Fire and Rescue is a 501(c)4 nonprofit organization responsible for providing support for fire and rescue services in the City. The organization is governed by a five-member board of directors that is not appointed by the City Council. The organization functions independently of the City however the City provides bookkeeping services for the organization. The organization facilitates volunteer services through grant and contribution funding and provides support to the City's fire department. Willow Park Fire and Rescue does not issue separate financial statements. On May 18, 2021, the Willow Park Volunteer Fire and Rescue Department Board of Directors voted to dissolve the organization. Accordingly, the net position of the discretely presented component unit is \$-0- as of September 30, 2021.

Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support. Likewise, the primary government is reported separately from certain legally separately component units for which the primary government is financially accountable.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Measurement Focus, Basis of Accounting, and Basis of Presentation

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. The government considers all revenues available if they are collected within 60 days after year-end. Expenditures generally are recorded when the related fund liability is incurred, however, debt service expenditures and expenditures related to compensated absences and claims and judgments, are recognized when payment is due.

Property taxes, sales and use taxes, franchise taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when the government receives payment.

The accounts of the City are organized and operated on the basis of funds. A fund is an independent fiscal and accounting entity with a self-balancing set of accounts. Fund accounting segregates funds according to their intended purpose and is used to aid management in demonstrating compliance with finance-related legal and contractual provisions. The minimum number of funds is maintained consistent with legal and managerial requirements.

The City reports the following major governmental funds:

The *general fund* is the City's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The *debt service fund* is used to account for the resources accumulated and payments made for principal and interest on long-term general obligation debt of governmental funds.

CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Measurement Focus, Basis of Accounting, and Basis of Presentation (Continued)

The City reports the following major proprietary funds:

The *water fund* accounts for the operation of the water system.

The *wastewater fund* accounts for the operation of the wastewater system.

The *solid waste fund* accounts for the operation of solid waste collection services.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are charges and transfers between the governmental activities and the business-type activities, which cannot be eliminated.

Amounts reported as program revenues include 1) charges for customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

Proprietary funds distinguish *operating* revenues and expenses from *nonoperating* items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the City's enterprise funds are charges to customers for sales and services. Operating expenses for the enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the government's policy to use restricted resources first, then unrestricted resources as they are needed.

Assets, Liabilities, and Net Position or Equity

1. *Cash and Cash Equivalents* – The City pools cash resources of its various funds to facilitate the management of cash. Cash applicable to a particular fund is readily identifiable.

The City's cash and cash equivalents are considered to be cash on hand, demand deposits and short-term investments that are highly liquid with maturity within three months or less when purchased.

2. *Receivables and Payables* – Transactions between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as "due to/from other funds." Any residual balances outstanding between the governmental activities and the business-type activities are reported in the government-wide financial statements as "internal balances".

All trade and property tax receivables are shown net of an allowance for uncollectibles. Enterprise funds accounts receivable aged 90 days or more comprise the allowance for uncollectible accounts of \$321,136. The municipal court receivable allowance of \$827,352 is equal to 90% of the outstanding balance at September 30, 2021.

**CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021**

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Assets, Liabilities, and Net Position or Equity (Continued)

3. *Unbilled Service* – Utility operating revenues (water, wastewater, and solid waste) are billed on monthly cycles. The City records estimated revenues for services delivered during the fiscal year, which will be billed during the next fiscal year. Unbilled service reported in accounts receivable of the enterprise funds was \$155,476 at September 30, 2021.

4. *Capital Assets* – Capital assets, which include property, plant, equipment, and infrastructure, are reported in the applicable governmental activities or business-type activities columns in the government-wide financial statements and in the proprietary funds’ financial statements. The City defines capital assets as assets with an initial, individual cost of more than \$2,500 and an estimated useful life in excess of one year. Such assets are recorded at cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated acquisition value at the date of donation.

The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets’ lives are not capitalized.

Major outlays for capital assets and improvements are capitalized as projects are constructed. Property, plant, and equipment of the primary government and component unit are depreciated using the straight-line method over the following estimated useful lives:

Buildings and Improvements	20 to 40 Years
Furniture and Equipment	5 to 10 Years
Vehicles	5 Years
Infrastructure	20 Years
Water and Wastewater Systems	25 to 40 Years

5. *Compensated Absences* – It is the City’s policy to permit employees to accumulate earned but unused compensatory time, vacation leave, sick leave, and holiday time benefits. Nonexempt employees may earn compensatory time in lieu of being paid overtime. Employees may carry over 120 hours of compensatory time and upon separation from employment will be paid for the time at their hourly rate at the time of termination. Employees may carry over a maximum of 240 hours of vacation leave and upon termination will be paid for vacation time up to 240 hours at their hourly rate at the time of termination. Employees may carry over a maximum of 480 hours of sick leave, however, upon termination, resignation or other separation from employment, no payment will be made for unused sick leave. Police employees may accrue holiday time when they work on a holiday up to a maximum of 104 hours each year. Upon termination, resignation or other separation from employment, no payment will be made for unused holiday time. A liability for the accrued compensatory time and vacation leave amounts are reported in the government-wide and proprietary fund financial statements but in governmental funds only if they have matured, for example, as a result of employee resignations and retirements.

CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Assets, Liabilities, and Net Position or Equity (Continued)

6. *Pensions and OPEB* – For purposes of measuring the net pension liability and OPEB liability, deferred outflows of resources and deferred inflows of resources related to pensions and OPEB, and pension and OPEB expense, information about the Fiduciary Net Position of the Texas Municipal Retirement System (TMRS) and additions to/deductions from TMRS' Fiduciary Net Position have been determined on the same basis as they are reported by TMRS. For this purpose, plan contributions are recognized in the period that compensation is reported for the employee, which is when contributions are legally due. Benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.
7. *Long-Term Obligations* – In the government-wide financial statements and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statements of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the straight-line method. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuances cost, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

8. *Fund Balance - Governmental Funds* – In the fund financial statements, governmental funds report the following classifications of fund balance:

Nonspendable – includes amounts that cannot be spent because they are either not spendable in form (such as prepaid expenses or inventory) or are legally or contractually required to be maintained intact (such as endowment funds).

Restricted – includes amounts restricted by external sources (creditors, laws of other governments, etc.) or by constitutional provision or enabling legislation.

Committed – includes amounts constrained to specific purposes by a government itself, using its highest decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest-level action to remove or change the constraint (City Council ordinance).

Assigned – includes amounts a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority. The Authority has been delegated to the City CFO and City Manager.

Unassigned – All amounts not included in other spendable classifications.

**CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021**

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Assets, Liabilities, and Net Position or Equity (Continued)

8. Fund Balance - Governmental Funds (Continued)

The details of the fund balances of the governmental funds are as follows:

	General Fund	Debt Service Fund	Other Governmental Funds	Total Governmental Funds
Restricted:				
Debt Service	\$ -	\$ 187,390	\$ -	\$ 187,390
Construction	-	-	11,338	11,338
Court Security and Tech	-	-	96,345	96,345
Police	-	-	3,626	3,626
First Responder	-	-	2,544	2,544
Tourism	-	-	68,666	68,666
Public Access Channel Capital Projects	138,353	-	-	138,353
TIRZ	-	-	1,008	1,008
TexSTAR Parks and Recreation	-	-	1,001	1,001
Unassigned	1,234,926	-	-	1,234,926
Total	<u>\$ 1,373,279</u>	<u>\$ 187,390</u>	<u>\$ 184,528</u>	<u>\$ 1,745,197</u>

When an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available, the City considers restricted fund balance to have been spent first. When an expenditure is incurred for which committed, assigned, or unassigned fund balances are available, the City considers amounts to have been first spent out of committed funds, then assigned, and finally unassigned as needed.

The City Council adopted a minimum fund balance policy for the general fund. The policy requires the City to strive to maintain an unassigned fund balance in the general fund of 75 days of annual budgeted expenditures. At the end of the year, the unassigned fund balance of \$1,233,503 was \$401,761 above the minimum fund balance requirement of \$831,742.

9. *Net Position* – Net position represents the difference between assets and deferred outflows of resources and liabilities and deferred inflows of resources. Net investment in capital assets consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction or improvements of those assets, and adding back unspent proceeds. Net position is reported as restricted when there are limitations imposed on their use either through the enabling legislations adopted by the City or through external restrictions imposed by creditors, grantors, or laws or regulations of other governments.

10. *Use of Estimates* – The preparation of financial statements, in conformity with Generally Accepted Accounting Principles, requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the reporting period. Actual amounts could differ from those estimates.

CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021

NOTE 2 DEPOSITS AND INVESTMENTS

Deposits

Custodial Credit Risk - Deposits

Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty to a transactions, a government will not be able to recover the value of its investment or collateral securities that are in the possession of another party. The Public Funds Investment Act and the City's investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for deposits or investments, other than the following provision for deposits: The Public Funds Investment Act requires that a financial institution secure deposits made by state or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the governmental unit).

The market value of the pledged securities in the collateral pool must equal at least the bank balance less the FDIC insurance at all times. At September 30, 2021, the carrying amount of the City's cash on hand and deposits were \$24,013,524 and the bank balance was \$24,172,125. At September 30, 2021, all cash was fully collateralized.

Investments

The Texas Public Funds Investment Act authorizes the government to invest in obligations of the U.S. Treasury, obligations of states, agencies, counties, cities and other political subdivisions, secured certificates of deposit, repurchase agreements, bankers' acceptance, commercial paper, mutual funds, guaranteed investment contracts and investment pools. Investments are state at fair value except for short-term highly liquid investments which are stated at cost or amortized cost. During the year ended September 30, 2021, the City did not own any types of securities other than those permitted by statute.

The City invests idle funds in the Texas Short-Term Asset Reserve Fund (TexSTAR). TexSTAR is a local government investment pool organized under the authority of the Interlocal Cooperation Act, Chapter 791, Texas Government Code, and the Public Funds Investment Act, Chapter 2256, Texas Government Code. The investment pool is stated at amortized cost, which in most cases approximates the market value of the securities. The objective of the pool is to maintain a stable \$1.00 net asset value; however, the \$1.00 net asset value is not guaranteed or insured by the state of Texas. An advisory board composed of participants in TexSTAR and other persons who do not have a business relationship with TexSTAR has been established and maintained.

Credit Risk – Investments

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. The minimum rating required by (where applicable) the Public Funds Investment Act, the City's investment policy, or debt agreements, is AAA. The actual rating as of September 30, 2021 for TexSTAR was AAAM.

**CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021**

NOTE 2 DEPOSITS AND INVESTMENTS (CONTINUED)

Concentration of Credit Risk

The investment policy of the City contains no limitations on the amount that can be invested in any one issuer. As of September 30, 2021 other than external investment pools and certificates of deposit, the City did not have 5% or more of its investments with one issuer.

Investment in State Investment Pools

The City is a voluntary participant in the TexSTAR external investment pool. The State Comptroller of Public Accounts exercises responsibility over TexSTAR. Oversight includes the ability to significantly influence operations, designation of management, and accountability for fiscal matters. Additionally, the State Comptroller has established an advisory board composed of both participants in TexSTAR and other persons who do not have a business relationship with TexSTAR. TexSTAR uses net asset value rather than market value to report net assets to compute share prices. Accordingly, the fair value of the position in TexSTAR is the same as the value of TexSTAR shares. The City, at its option, can withdraw funds within a 24-hour period from TexSTAR.

Interest Rate Risk – Investments

In accordance with its investment policy, the City manages its risk of market price changes by avoiding over-concentration of assets in specific maturity sectors, limitation of average maturity of operating funds investments to one year, and avoidance of over-concentration of assets in specific instruments other than U.S. Treasury Securities and insured or collateralized certificates of deposit. As of September 30, 2021, the City was not invested in any securities which are highly sensitive to interest rate fluctuation.

The City’s investments at September 30, 2021 included the following:

<u>Investment</u>	<u>Weighted Average Maturities</u>	<u>Percentage of Total Investments</u>	<u>Cost</u>	<u>Fair Value</u>
TexSTAR Pool	39 Days	100.00%	<u>\$ 2,079,325</u>	<u>\$ 2,079,325</u>

The City’s investments are included with cash and cash equivalents in the financial statements.

**CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021**

NOTE 2 DEPOSITS AND INVESTMENTS (CONTINUED)

Restricted Assets

The following cash and cash equivalents and certificates of deposit in the governmental and enterprise funds are restricted for the following purposes:

	Debt Service Fund	Nonmajor Fund	Water Fund
Customer Deposits			\$ 106,833
2003 Bond Funds	\$ 182,192		
Truancy Prevention		\$ 8,601	
Police Contributions		544	
First Responder Donations		2,544	
Total	<u>\$ 182,192</u>	<u>\$ 11,689</u>	<u>\$ 106,833</u>

NOTE 3 PROPERTY TAX

The City's property tax is levied (assessed) each October 1, on the assessed value listed as of the prior January 1, for all real property and personal property located in the City. The appraisal property within the City is the responsibility of a countywide appraisal district as required by legislation passed by the Texas Legislature. The appraisal district is required under such legislation to assess all property within the appraisal district on the basis of 100% of its appraised value and is prohibited from applying any assessment ratios. The value of property within the appraisal district must be reviewed every three years; however, the government may, at its own expense require annual reviews of appraised values. The government may challenge appraised values established by the appraisal district through various appeals and, if necessary, legal action.

Taxes are billed and due on October 1 each year. The last date for payment without penalty is the following January 31. Delinquent penalties are added on February 1. Liens attach to the properties on the February 1 following levy date. Parker County Appraisal District bills and collects the property taxes for the City.

In the governmental funds the City's property tax revenues are recognized when levied to the extent that they result in current receivables available for financing current operations. The remaining receivables are reflected in deferred inflows of resources as unavailable revenue.

NOTE 4 DEFERRED OUTFLOWS/INFLOWS OF RESOURCES

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position or fund balance that applies to a future period(s) and thus, will not be recognized as an outflow of resources (expense/expenditure) until then. Deferred outflows related to pensions and OPEB are reported in the government-wide statement of net position and proprietary funds statement of net position.

**CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021**

NOTE 4 DEFERRED OUTFLOWS/INFLOWS OF RESOURCES (CONTINUED)

In addition to liabilities, the statement of financial position and governmental fund balance sheet will sometimes report a separate section for deferred inflows of resources. This separate financial statement element represents an acquisition of net position or fund balance that applies to a future period(s) and so will not be recognized as an inflow of resource (revenue) until that time. The City has three types of items in this category: unavailable revenues for the governmental funds, revenues received in advance of the period they are for in the governmental funds, and deferred inflows related to pensions in the government-wide statement of net position and proprietary funds statements. At the end of the fiscal year, the various components of deferred inflows of in the governmental funds were as follows:

	General	Debt Service	Total
Property Taxes Receivable	\$ 21,125	\$ 16,117	\$ 37,242
Court Fines and Fees Receivable	91,928	-	91,928
Total Deferred Inflows	\$ 113,053	\$ 16,117	\$ 129,170

NOTE 5 INTERFUND RECEIVABLE, PAYABLES, AND TRANSFERS

The composition of transfers for the City's individual major funds and nonmajor funds at September 30, 2021, is as follows:

Transfer In	Transfer Out	Amount	Purpose
Wastewater	Water	\$ 1,453,535	Infrastructure

The water fund loaned the wastewater fund for lift station improvements and working capital. The loan was scheduled to be repaid in annual installments over 20 years at 0.0% interest through September 30, 2035. However, the loan was forgiven in fiscal year 2021 and recorded as a transfer from the water fund to the wastewater fund.

CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021

NOTE 6 CAPITAL ASSETS

Capital asset activity for the year ended September 30, 2021 for governmental activities was as follows:

	Beginning Balance (Restated)	Increases	Decreases	Reclassification	Ending Balance
Governmental Activities					
Nondepreciable Assets:					
Land	\$ 126,027	\$ -	\$ -	\$ -	\$ 126,027
Construction in Progress	54,446	628,889	-	(683,335)	-
Total Nondepreciable Assets	180,473	628,889	-	(683,335)	126,027
Depreciable Assets:					
Buildings and Improvements	6,011,438	40,370	-	-	6,051,808
Furniture and Equipment	1,095,039	25,000	-	-	1,120,039
Vehicles	3,478,288	-	(125,051)	-	3,353,237
Infrastructure	10,690,579	19,210	-	683,335	11,393,124
Total Capital Assets Being Depreciated	21,275,344	84,580	(125,051)	683,335	21,918,208
Accumulated Depreciation:					
Buildings and Improvements	328,267	252,647	-	-	580,914
Furniture and Equipment	619,464	135,919	-	-	755,383
Vehicles	1,545,142	339,064	(125,051)	-	1,759,155
Infrastructure	3,129,163	521,861	-	-	3,651,024
Total Accumulated Depreciation	5,622,036	1,249,491	(125,051)	-	6,746,476
Governmental Activities Capital Assets, Net	\$ 15,833,781	\$ (536,022)	\$ -	\$ -	\$ 15,297,759

Capital asset activity for the year ended September 30, 2021 for business-type activities was as follows:

	Beginning Balance	Increases	Decreases	Reclassification	Ending Balance
Business-Type Activities					
Nondepreciable Assets:					
Land	\$ 383,897	\$ 10,679	\$ -	\$ -	\$ 394,576
Construction in Progress	494,223	6,278,565	-	-	6,772,788
Total Nondepreciable Assets	878,120	6,289,244	-	-	7,167,364
Depreciable Assets:					
Buildings and Improvements	79,050	-	-	-	79,050
Furniture and Equipment	842,129	-	-	-	842,129
Vehicles	452,992	80,256	-	-	533,248
Water System	11,372,636	728,701	-	-	12,101,337
Wastewater System	5,553,471	-	-	-	5,553,471
Total Capital Assets Being Depreciated	18,300,278	808,957	-	-	19,109,235
Accumulated Depreciation:					
Buildings and Improvements	31,478	1,976	-	-	33,454
Furniture and Equipment	460,177	59,727	-	-	519,904
Vehicles	302,530	47,580	-	-	350,110
Water System	4,509,132	271,630	-	-	4,780,762
Wastewater System	1,320,464	198,435	-	-	1,518,899
Total Accumulated Depreciation	6,623,781	579,348	-	-	7,203,129
Business-Type Activities Capital Assets, Net	\$ 12,554,617	\$ 6,518,853	\$ -	\$ -	\$ 19,073,470

**CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021**

NOTE 6 CAPITAL ASSETS (CONTINUED)

Depreciation expense was charged to functions/programs of the primary government as follows:

Governmental Activities:	
Administration	\$ 37,356
Police	158,146
Fire and Rescue	257,594
Public Works, Parks, and Roads	<u>796,395</u>
Total Depreciation Expense - Governmental Activities	<u>\$ 1,249,491</u>
Business-Type Activities:	
Water	\$ 104,168
Wastewater	<u>475,180</u>
Total Depreciation Expense - Business-Type Activities	<u>\$ 579,348</u>

NOTE 7 LONG-TERM LIABILITIES

Capital Leases Payable

Governmental Activities

In February 2014, the City acquired a Chevy Tahoe for the police department with a capital lease. The lease requires annual payments of \$4,443 including interest at 3.92% through February 28, 2022.

In February 2014, the City acquired a brush truck for the fire department and a 2015 Freightliner for the water department with a capital lease. The lease requires annual payments of \$27,524 including interest at 3.626% through February 29, 2024. This lease is split between the governmental activities and business-type activities.

In April 2017, the City acquired a pumper fire truck with a capital lease. The lease requires annual payments of \$48,292 including interest at 3.28% through April 21, 2027.

In August 2018, the City entered into a lease agreement with Enterprise for a fleet of vehicles for a total of \$412,648 through February 29, 2024. This lease is split between the governmental activities and business-type activities.

**CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021**

NOTE 7 LONG-TERM LIABILITIES (CONTINUED)

Capital Leases Payable (Continued)

In September 2018, the City acquired radios and equipment for \$373,072 with a capital lease. The lease requires annual payments of \$47,013 including interest at 4.38% through October 30, 2028.

In December 2018, the City acquired a Chassis Ladder Truck for \$1,499,005 with a capital lease. The lease requires annual payments of \$195,691 including interest at 4.29% through January 16, 2030.

Business-Type Activities

In December 2020, the City acquired a water meters for \$382,799 with a capital lease. The lease requires annual payments of \$82,373 including interest at 2.49% through March 4, 2026.

	<u>Governmental Activities</u>	<u>Business-Type Activities</u>
Assets:		
Vehicles	\$ 3,168,630	\$ 647,904
Less: Accumulated Depreciation	<u>(1,417,177)</u>	<u>(162,540)</u>
Total	<u>\$ 1,751,453</u>	<u>\$ 485,364</u>

The future minimum lease obligations and the net present value of these minimum lease payments as of September 30, 2021 were as follows:

<u>Year Ending September 30,</u>	<u>Governmental Activities</u>	<u>Business-Type Activities</u>
2022	\$ 365,304	\$ 122,521
2023	360,862	122,521
2024	321,210	110,796
2025	290,956	82,373
2026	290,956	85,184
2027-2030	<u>924,923</u>	<u>-</u>
Total Minimum Lease Payments	2,554,211	523,395
Less: Interest Portion	<u>(408,593)</u>	<u>(32,843)</u>
Obligations Under Capital Lease	<u>\$ 2,145,618</u>	<u>\$ 490,552</u>

NOTE 7 LONG-TERM LIABILITIES (CONTINUED)

Bonds Payable

General Obligation bonds are direct obligations and pledge the full faith and credit of the government. Certificates of obligations are direct borrowings in the form of loan commitments from the Texas Water Development Board (Board) for financial assistance and are secured by surplus revenues of the water and wastewater funds and ad valorem taxes. Bonds and Certificates of Obligations outstanding are as follows:

CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021

NOTE 7 LONG-TERM LIABILITIES (CONTINUED)

Bonds Payable (Continued)

<u>Description</u>	<u>Governmental Activities</u>	<u>Business-Type Activities</u>
\$5,135,000; 2012 Refunding bond due in annual installments through February 15, 2023 at interest rates ranging from 2.0% to 3.0%	\$ 1,000,000	\$ 205,000
\$685,000; 2014 Combination Tax and Revenue Certificates of Obligation due in annual installments through February 15, 2035 at interest rates ranging from 0.00% to 2.59%	-	505,000
\$1,380,000; 2015 Certificates of Obligation due in annual installments through February 15, 2031 at an interest rate of 2.14%	447,230	302,770
\$995,000; 2016 Combination Tax and Revenue Certificates of Obligation due in annual installment through February 15, 2037 at interest rates ranging from 0.04% to 1/62%	-	815,000
\$6,330,000; 2016 General Obligation Bonds due in annual installments through February 15, 2046 at interest rates ranging from 3.0% to 4.0%	6,330,000	-
\$2,725,000; 2017 Combination Tax and Revenue Certificates of Obligation due in annual installments through February 15, 2032 at an interest rate of 2.74%	-	2,530,000
\$640,000; 2018 Tax Notes due in annual installments through February 15, 2025 at an interest rate of 2.76%	320,000	-
\$875,000; 2018 Tax Notes due in annual installments through February 15, 2025 at an interest rate of 2.81%	730,000	-
\$2,365,000; 2019 Tax Notes due in annual installments through February 15, 2026 at an interest rate of 2.15%	2,055,000	-
\$13,770,000; 2019 Certificate of Obligation due in annual installments through February 2050 at an interest rate of 0.56%	-	13,335,000
\$6,270,000; 2021 Certificate of Obligation due in annual installments through February 2050 at an interest rate of 3.0%	-	6,270,000
\$14,130,000; 2021a Certificate of Obligation due in annual installments through February 2052 at interest rates ranging from 0.6% to 2.11%	-	14,130,000
Bond Premiums	617,834	186,270
Total	<u>\$ 11,500,064</u>	<u>\$ 38,279,040</u>

CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021

NOTE 7 LONG-TERM LIABILITIES (CONTINUED)

Bonds Payable (Continued)

The annual debt service requirements to maturity for bonds outstanding as of September 30, 2021 are as follows:

Certificates of Obligation Due Fiscal Year Ending September 30,	Governmental Activities			Business-Type Activities		
	Principal	Interest	Total	Principal	Interest	Total
2022	\$ 83,685	\$ 9,850	\$ 93,535	\$ 751,315	\$ 665,705	\$ 1,417,020
2023	86,417	7,966	94,383	1,173,580	529,997	1,703,577
2024	38,538	5,868	44,406	1,321,462	518,878	1,840,340
2025	38,532	5,043	43,575	1,336,468	504,449	1,840,917
2026	38,525	4,217	42,742	1,346,475	489,599	1,836,074
2027-2031	161,533	8,872	170,405	6,978,469	2,204,385	9,182,854
2032-2036	-	-	-	6,165,000	1,787,584	7,952,584
2037-2041	-	-	-	5,875,000	1,405,379	7,280,379
2042-2046	-	-	-	6,300,000	925,296	7,225,296
2047-2051	-	-	-	6,050,000	331,459	6,381,459
Thereafter	-	-	-	590,000	6,225	596,225
Total	\$ 447,230	\$ 41,816	\$ 489,046	\$ 37,887,769	\$ 9,368,956	\$ 47,256,725

General Obligation Bonds Due Fiscal Year Ending September 30,	Governmental Activities			Business-Type Activities		
	Principal	Interest	Total	Principal	Interest	Total
2022	\$ 870,000	\$ 323,002	1,193,002	\$ 100,000	\$ 4,650	\$ 104,650
2023	935,000	297,815	1,232,815	105,000	1,575	106,575
2024	1,045,000	269,738	1,314,738	-	-	-
2025	1,110,000	238,612	1,348,612	-	-	-
2026	1,165,000	206,808	1,371,808	-	-	-
2027-2031	2,060,000	755,600	2,815,600	-	-	-
2032-2036	905,000	455,500	1,360,500	-	-	-
2037-2041	1,085,000	273,350	1,358,350	-	-	-
2042-2046	1,260,000	97,050	1,357,050	-	-	-
Total	\$ 10,435,000	\$ 2,917,475	\$ 13,352,475	\$ 205,000	\$ 6,225	\$ 211,225

Changes in Long-Term Liabilities

	Beginning Balance	Additions	Retirements	Ending Balance	Due Within One Year
Governmental Activities:					
General Obligation Bonds	\$ 11,185,000	\$ -	\$ 750,000	\$ 10,435,000	\$ 870,000
Certificates of Obligation Bonds	527,240	-	80,010	447,230	83,685
Bond Premiums	665,414	-	47,580	617,834	-
Total Bonds Payable	12,377,654	-	877,590	11,500,064	953,685
Capital Leases	2,384,624	25,562	264,568	2,145,618	239,003
Compensated Absences	234,634	19,070	-	253,704	-
Total Governmental Activities	\$ 14,996,912	\$ 44,632	\$ 1,142,158	\$ 13,899,386	\$ 1,192,688
Business-Type Activities:					
Certificates of Obligation	\$ 18,232,759	\$ 20,400,000	\$ 744,990	\$ 37,887,769	\$ 751,315
General Obligation Bonds	380,000	-	175,000	205,000	100,000
Bond Premiums	23,724	176,357	13,810	186,271	-
Total Bonds Payable	18,636,483	20,576,357	933,800	38,279,040	851,315
Capital Leases	142,645	382,799	34,892	490,552	111,123
Compensated Absences	29,863	-	3,809	26,054	-
Total Business-Type Activities	18,808,991	20,959,156	972,501	38,795,646	962,438
Total Long-Term Liabilities	\$ 33,805,903	\$ 21,003,788	\$ 2,114,659	\$ 52,695,032	\$ 2,155,126

Compensated absences of the governmental activities and business-type activities are paid by the general fund and water and wastewater funds, respectively.

CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021

NOTE 8 RISK MANAGEMENT

The City is exposed to various risk of loss related to torts; theft of, damage to and destruction of assets, errors and omissions; injuries to employees; and natural disasters. The City is a member of the Texas Municipal League and participates in the Intergovernmental Risk Pool. Premiums are paid to the Pool who administers all claims. The City retains, as a risk, only the deductible amount of each policy. The City has maintained insurance coverage in all major categories of risk comparable to that of the prior year with no reduction in coverage. The amount of settlements during the past three years has not exceeded the insurance coverage.

NOTE 9 RETIREMENT PLAN

Plan Description

The City participates as one of 887 plans in the nontraditional, joint contributory, hybrid defined benefit pension plan administered by the Texas Municipal Retirement System (TMRS). TMRS is an agency created by the state of Texas and administered in accordance with the TMRS Act, Subtitle G, Title 8, Texas Government Code (the TMRS Act) as an agent multiple-employer retirement system for municipal employees in the state of Texas. The TMRS Act places the general administration and management of the System with a six-member Board of Trustees. Although the Governor, with the advice and consent of the Senate, appoints the Board, TMRS is not fiscally dependent on the state of Texas. TMRS' defined benefit pension plan is a tax-qualified plan under Section 401 (a) of the Internal Revenue Code. TMRS issues a publicly available comprehensive annual financial report (CAFR) that can be obtained at www.tmr.com.

All eligible employees of the city are required to participate in TMRS.

Benefits Provided

TMRS provides retirement, disability, and death benefits. Benefit provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS.

At retirement, the benefit is calculated as if the sum of the employee's contributions, with interest, and the city-financed monetary credits with interest were used to purchase an annuity. Members may choose to receive their retirement benefit in one of seven payments options. Members may also choose to receive a portion of their benefit as a Partial Lump Sum Distribution in an amount equal to 12, 24, or 36 monthly payments, which cannot exceed 75% of the member's deposits and interest.

**CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021**

NOTE 9 RETIREMENT PLAN (CONTINUED)

Benefits Provided (Continued)

The plan provisions are adopted by the governing body of the City, within the options available in the state statutes government TMRS. Plan provisions for the City for 2021 and 2020 were as follows:

<u>Plan Year</u>	<u>2021</u>
Employee Deposit Rate	6.75%
Matching Ratio (City to Employee)	2 to 1
Years Required for Vesting	5
Service Retirement Eligibility (Expressed as Age/Years of Service)	60/5, 0/20
Updated Service Credit	0
Annuity Increase (to Retirees)	0% of CPA

Employees Covered by Benefit Terms

At the December 31, 2020 valuation and measurement date, the following employees were covered by the benefit terms:

Inactive Employees or Beneficiaries Currently Receiving Benefits	14
Inactive Employees Entitled to but Not Receiving Benefits	31
Active Employees	<u>42</u>
Total	<u><u>87</u></u>

Contributions

The contribution rates for employees in TMRS are either 5%, 6%, or 7% of employee gross earnings, and the City matching percentages are either 100%, 150%, or 200%, both as adopted by the governing body of the City. Under the state law governing TMRS, the contribution rate for each City is determined annually by the actuary, using the Entry Age Normal (EAN) actuarial cost method. The actuarially determined rate is the estimated amount necessary to finance the cost of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability.

Employees for the City were required to contribute 7.2% of their annual gross earnings during the fiscal year. The contribution rates for the City were 7.54% and 7.35% in calendar years 2020 and 2019, respectively. The City's contributions to TMRS for the year ended September 30, 2021 were \$219,176.

Net Pension Liability

The City's Net Pension Liability (NPL) was measured as of December 31, 2020, and the Total Pension Liability (TPL) used to calculate the Net Pension Liability was determined by an actuarial valuation as of that date.

**CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021**

NOTE 9 RETIREMENT PLAN (CONTINUED)

Actuarial Assumptions

The Total Pension Liability in the December 31, 2020 actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.5% Per Year
Overall Payroll Growth	2.5% Per Year
Investment Rate of Return	6.75%, Net of Pension Plan Investment Expense, Including Inflation

Salary increases were based on a service-related table. Mortality rates for active members are based on the PUB(10) mortality tables with the Public Safety table used for males and the General Employee table used for females. Mortality rates for healthy retirees and beneficiaries are based on the Gender-distinct 2019 Municipal Retirees of Texas mortality tables. The rates for actives, healthy retirees and beneficiaries are projected on a fully generational basis by Scale UMP to account for future mortality improvements. For disabled annuitants, the same mortality tables for healthy retirees is used with a 4-year set-forward for males and a 3-year set-forward for females. In addition, a 3.5% and 3.0% minimum mortality rate is applied, for males and females respectively, to reflect the impairment for younger members who become disabled. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

The actuarial assumptions were developed primarily from the actuarial investigation of the experience of TMRS over the four-year period from December 31, 2014 to December 31, 2018. They were adopted in 2019 and first used in the December 31, 2019 actuarial valuation. The postretirement mortality assumption for healthy annuitants and Annuity Purchase Rate (APRs) are based on the Mortality Experience Investigation Study covering 2009 through 2011 and dated December 31, 2013. Plan assets are managed on a total return basis with an emphasis on both capital appreciation as well as the production of income in order to satisfy the short-term and long-term funding needs of TMRS.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. In determining their best estimate of a recommended investment return assumption under the various alternative asset allocation portfolios, GRS focused on the area between (1) arithmetic mean (aggressive) without an adjustment for time (conservative) and (2) the geometric mean (conservative) with an adjustment for time (aggressive). The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the following table:

CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021

NOTE 9 RETIREMENT PLAN (CONTINUED)

Actuarial Assumptions (Continued)

<u>Asset Class</u>	<u>Target Allocation</u>	<u>Long-Term Expected Real Rate of Return</u>
Global Equity	30.00 %	5.30%
Core Fixed Income	10.00	1.25
Non-Core Fixed Income	20.00	4.14
Real Return	10.00	3.85
Real Estate	10.00	4.00
Absolute Return	10.00	3.48
Private Equity	10.00	7.75
Total	100.00 %	

Discount Rate

The discount rate used to measure the Total Pension Liability was 6.75%. The projection of cash flows used to determine the discount rate assumed that employee and employer contributions will be made at the rates specified in statute. Based on that assumption, the pension plan's Fiduciary Net Position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the Total Pension Liability.

Changes in the Net Pension Liability

	<u>Total Pension Liability</u>	<u>Increase (Decrease) Plan Fiduciary Net Position</u>	<u>Net Pension Liability</u>
Balance - December 31, 2019	\$ 2,503,505	\$ 2,308,765	\$ 194,740
Changes for the Year:			
Service Cost	331,554	-	331,554
Interest	178,464	-	178,464
Change of Benefit Terms	-	-	-
Difference Between Expected and Actual Performance	(14,917)	-	(14,917)
Changes of Assumptions	-	-	-
Contributions - Employer	-	184,986	(184,986)
Contributions - Employee	-	174,765	(174,765)
Net Investment Income	-	175,567	(175,567)
Benefit Payments, Including Refunds of Employee Contributions	(50,737)	(50,737)	-
Administrative Expense	-	(1,134)	1,134
Other Changes	-	(44)	44
Net Changes	444,364	483,403	(39,039)
Balance - December 31, 2020	\$ 2,947,869	\$ 2,792,168	\$ 155,701

**CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021**

NOTE 9 RETIREMENT PLAN (CONTINUED)

Sensitivity of the Net Position Liability to Changes in the Discount Rate

The following presents the net pension liability of the City, calculated using the discount rate of 6.75%, as well as what the City's net pension liability would be if it were calculated using a discount rate that is one percentage point lower (5.75%) or one percentage point higher (7.75%) than the current rate:

	<u>1% Decrease in Discount Rate (5.75%)</u>	<u>Discount Rate (6.75%)</u>	<u>1% Increase in Discount Rate (7.75%)</u>
City's Net Pension Liability	<u>\$ 656,173</u>	<u>\$ 155,701</u>	<u>\$ (248,642)</u>

Pension Plan Fiduciary Net Position

Detailed information about the pension plan's Fiduciary Net Position is available in a separately issued TMRS financial report. That report may be obtained on the Internet at www.tmr.com.

Pension Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

For the year ended September 30, 2021, the City recognized pension expense of \$170,460. At September 30, 2021, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences in Expected and Actual Experience	\$ -	\$ 7,458
Assumptions Changes	3,612	-
Net Differences in Projected and Actual Investment Earnings	-	64,249
Contributions Subsequent to the Measurement Date	154,202	-
Total	<u>\$ 157,814</u>	<u>\$ 71,707</u>

\$154,2020 is reported as deferred outflows of resources related to pensions resulting from, contributions subsequent to the measurement date which will be recognized as a reduction of the net pension liability for the year ending September 30, 2022. Other amounts reported as deferred outflows and inflows of resources related to pensions will be recognized in pension expense as follows:

<u>Year Ending September 30,</u>	<u>Pension Expense</u>
2022	\$ (23,655)
2023	(1,512)
2024	(36,095)
2025	(6,834)
Total	<u>\$ (68,096)</u>

CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021

NOTE 10 OTHER POSTEMPLOYMENT BENEFITS

Plan Description

The City provides for an other postemployment benefits (OPEB) plan through a single-employer defined benefit medical plan, the TMRS Supplemental Death Benefits Fund (SDBF). The plan is described in detail below.

TMRS administers a defined benefit group-term life insurance plan known as the SDBF. This is a voluntary program in which participating member cities may elect, by ordinance, to provide group-term life insurance coverage for their active members, including or not including retirees. Employers may terminate coverage under and discontinue participation in the SDBF by adopting an ordinance before November 1 of any year to be effective the following January 1. The City has elected to participate in the SDBF for its active members including retirees. As the SDBF covers both active and retiree participants, with no segregation of assets, the SDBF is considered to be an unfunded single-employer OPEB plan (i.e. no assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement No. 75) for City reporting.

Benefits Provided

The death benefit for active employees provides a lump-sum payment approximately equal to the employee's annual salary (calculated based on the employee's actual earnings, for the 12-month period preceding the month of death). The death benefit for retirees is considered an OPEB and is a fixed amount of \$7,500.

At the December 31, 2020 valuation and measurement date, the following employees were covered by the benefit terms:

Inactive employees or beneficiaries currently receiving benefits	11
Inactive employees entitled to but not yet receiving benefits	9
Active employees	<u>42</u>
Total	62

Contributions

The member city contributes to the SDBF at a contractually required rate as determined by an annual actuarial valuation. The rate is equal to the cost of providing one-year term life insurance. The funding policy for the SDBF program is to assure that adequate resources are available to meet all death benefit payments for the upcoming year. The intent is not to pre-fund retiree term life insurance during employees' entire careers. Contributions are made monthly based on the covered payroll of employee members of the participating member city. The contractually required contribution rate is determined annually for each city. The rate is based on the mortality and service experience of all employees covered by the SDBF and the demographics specific to the workforce of the city. There is a one-year delay between the actuarial valuation that serves as the basis for the employer contribution rate and the calendar year when the rate goes into effect. The funding policy of this plan is to assure that adequate resources are available to meet all death benefit payments for the upcoming year.

The retiree portion of contribution rates to the SDBF for the City were 0.03% and 0.01% in calendar years 2021 and 2020, respectively. The City's contributions to the SDBF for the year ended September 30, 2021 were \$760 and were equal to the required contributions.

**CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021**

NOTE 10 OTHER POSTEMPLOYMENT BENEFITS (CONTINUED)

Total OPEB Liability

The City's Total OPEB Liability (TOL) was measured as of December 31, 2020 and was determined by an actuarial valuation as of that date.

Actuarial Assumptions

The Total OPEB Liability in the December 31, 2020 actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.5% per year
Salary increases	3.50% to 11.50%, including inflation
Discount rate	2.00%
Retirees' share of benefit-related costs	\$0
Actuarial cost method	Entry Age Normal
Amortization method	Level percentage of payroll, closed

Salary increases were based on a service-related table. Mortality rates for postretirement were based on the 2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis by Scale UMP. Mortality rates for pre-retirement were based on PUB(10) mortality tables, with the Public Safety table used for males and the General Employee table used for females. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements. Based on the size of the city, rates are multiplied by an additional factor of 100.0%.

The actuarial assumptions used in the December 31, 2020 valuation were based on the results of an actuarial experience study for the period December 31, 2014 to December 31, 2018.

The discount rate used to measure the Total OPEB Liability was 2.00% and was based on the Fidelity Index's "20-Year Municipal GO AA Index" rate as of December 31, 2020. The discount rate used to measure the Total OPEB Liability was 2.75% was based on the Fidelity Index's "20-Year Municipal GO AA Index" rate as of December 31, 2019.

Changes in Total OPEB Liability

Total OPEB Liability - 12/31/2019	\$ 82,625
Changes for the year:	
Service Cost	5,742
Interest on Total OPEB Liability	2,348
Difference between expected and actual experience	544
Changes in assumptions or other inputs	18,207
Benefit payments	<u>(250)</u>
Net Changes	<u>26,591</u>
Total OPEB Liability - 12/31/2020	109,216

The OPEB liability for supplemental death benefits as a percentage of covered payroll was 4.37%.

**CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021**

NOTE 10 OTHER POSTEMPLOYMENT BENEFITS (CONTINUED)

Sensitivity of the Total OPEB Liability to Changes in the Discount Rate

The following presents the total OPEB liability of the City, calculated using the discount rate of 2.00%, as well as what the City's total OPEB liability would be if it were calculated using a discount rate that is 1 percentage-point lower (1.00%) or 1 percentage-point higher (3.00%) than the current rate:

	in Discount Rate (1.00%)	Discount Rate (2.00%)	in Discount Rate (3.00%)
Total OPEB Liability	\$ 141,278	\$ 109,216	\$ 85,853

OPEB Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB

For the year ended September 30, 2021, the City recognized OPEB expense of \$12,979. At September 30, 2021, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences in expected and actual experience	\$ 828	\$ -
Changes in assumptions and other inputs	27,814	-
Employer benefit payments made subsequent to the measurement date	2,060	-
Total	\$ 30,702	\$ -

The reported as deferred outflows of resources related to OPEB resulting from employer benefit payments subsequent to the measurement date will reduce the Total OPEB liability during the year ending September 30, 2022. The other amounts reported as deferred outflows and inflows of resources related to OPEB will be recognized in OPEB expense as follows:

Year Ending September 30,	Net Deferred Outflows (Inflows)
2022	\$ 4,889
2023	4,889
2024	4,889
2026	4,889
2026	4,273
Thereafter	4,813
Total	\$ 28,642

**CITY OF WILLOW PARK, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2021**

NOTE 11 COMMITMENTS

The City has issued bonds for construction projects that were not complete at September 30, 2021. The following is a schedule of the projects and remaining balance of funds to spend:

<u>Bonds Issued</u>	<u>Projects</u>	<u>Proceeds</u>	Expenditures as of Sept 30, 2021	Balance as of Sept 30, 2021
2019 Certificates of Obligation	Fort Worth Water Line	<u>\$ 13,770,000</u>	<u>\$ 6,339,849</u>	<u>\$ 7,430,151</u>

NOTE 12 PRIOR PERIOD ADJUSTMENTS

The City restated its beginning net position in the Governmental Activities in the government-wide financial statements in the previously issued financial statements. Net position decreased by \$342,941 due to depreciation expense for certain capital assets and OPEB expense not being reported in prior years. The City restated its beginning net position in the Water and Wastewater funds and Business-Type Activities in the government-wide financial statements in the previously issued financial statements. Net position decreased by \$16,116, \$1,062 and \$17,178, respectively due to OPEB expense not being recorded in prior years. The following is a summary of the prior period adjustments:

<u></u>	<u>Prior Period Adjustment</u>
<u>Governmental Activities</u>	
Prior year depreciation expense	\$ (294,523)
Prior year OPEB expense	(48,418)
	<u>\$ (342,941)</u>
<u>Water Fund</u>	
Prior year OPEB expense	\$ (16,116)
<u>Wastewater Fund</u>	
Prior year OPEB expense	\$ (1,062)
<u>Business-Type Activities</u>	
Prior year OPEB expense	\$ (17,178)

NOTE 13 SUBSEQUENT EVENTS

On December 15, 2021, the City issued Combination Tax and Revenue Certificates of Obligation, Series 2022 in the amount of \$5,045,000. The proceeds from the sale will be used to (i) acquire, construct, improve and maintain streets, thoroughfares, bridges, alleyways and sidewalks within the City, including related storm drainage improvements, traffic signalization and signage, streetscaping and median improvements, and utility relocations and the acquisition of rights of way, (ii) construct, acquire, purchase, renovate, enlarge, and equip park facilities and acquire rights of way, and (iii) pay the costs associated with the issuance of the Certificates.

**REQUIRED SUPPLEMENTARY INFORMATION
(UNAUDITED)**

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CITY OF WILLOW PARK, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN
FUND BALANCE – BUDGET AND ACTUAL – GENERAL FUND
YEAR ENDED SEPTEMBER 30, 2021
(SEE INDEPENDENT AUDITORS' REPORT)

	Budget		Actual Amounts GAAP Basis	Variance with Final Budget Positive (Negative)
	Original	Final		
REVENUES				
Taxes:				
Property	\$ 1,528,193	\$ 1,528,193	\$ 1,543,006	\$ 14,813
Sales and Use	1,275,000	1,275,000	1,530,690	255,690
Franchise	457,722	457,722	373,064	(84,658)
Court Fines and Fees	204,600	204,600	132,049	(72,551)
Licenses and Permits	278,700	278,700	773,439	494,739
Investment Earnings	-	-	3,519	3,519
Intergovernmental	-	-	1,169	1,169
Contributions	-	-	1,059	1,059
Other Revenue	22,185	22,185	368,147	345,962
Total Revenues	<u>3,766,400</u>	<u>3,766,400</u>	<u>4,726,142</u>	<u>959,742</u>
EXPENDITURES				
Current:				
Administration	370,597	370,597	482,636	(112,039)
Development Services	289,053	289,053	438,289	(149,236)
Legislative	209,265	209,265	225,463	(16,198)
Municipal Court	170,285	170,285	185,797	(15,512)
Police	1,377,352	1,377,352	1,435,646	(58,294)
Fire and Rescue	1,158,037	1,158,037	1,113,559	44,478
Public Works, Parks, and Roads	368,223	368,223	219,097	149,126
Capital Outlay	105,000	105,000	238,313	(133,313)
Miscellaneous Expenses	-	-	-	-
Debt Service	-	-	130,483	(130,483)
Total Expenditures	<u>4,047,812</u>	<u>4,047,812</u>	<u>4,469,283</u>	<u>(421,471)</u>
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	(281,412)	(281,412)	256,859	538,271
OTHER FINANCING SOURCES (USES)				
Transfers In	-	-	-	-
Transfers Out	-	-	-	-
Proceeds from Sale of Capital Assets	-	-	35,000	35,000
Total Other Financing Sources (Uses)	<u>-</u>	<u>-</u>	<u>35,000</u>	<u>35,000</u>
NET CHANGE IN FUND BALANCES	(281,412)	(281,412)	291,859	573,271
Fund Balance - Beginning of Year	<u>1,081,420</u>	<u>1,081,420</u>	<u>1,081,420</u>	<u>-</u>
FUND BALANCE - END OF YEAR	<u>\$ 800,008</u>	<u>\$ 800,008</u>	<u>\$ 1,373,279</u>	<u>\$ 573,271</u>

See accompanying Notes to Required Supplementary Information.

CITY OF WILLOW PARK, TEXAS
SCHEDULE OF CHANGES IN NET PENSION LIABILITY AND RELATED RATIOS
LAST TEN MEASUREMENT PERIODS
(SEE INDEPENDENT AUDITORS' REPORT)

	2014	2015	2016	2017	2018	2019	2020
Total Pension Liability:							
Service Cost	\$ 88,122	\$ 240,748	\$ 272,355	\$ 258,362	\$ 285,527	\$ 314,289	\$ 331,554
Interest (on the Total Pension Liability)	60,307	68,080	86,596	107,654	127,139	150,778	178,464
Changes of Benefit Terms	122,676	-	-	-	-	-	-
Differences Between Expected and Actual Experience	(71,540)	(4,518)	9,269	(32,349)	15,830	7,612	(14,917)
Change of Assumptions	-	43,222	-	-	-	6,156	-
Benefit Payments, Including Refunds of Employee Contributions	(41,148)	(43,186)	(62,812)	(35,695)	(81,467)	(103,874)	(50,737)
NET CHANGE IN TOTAL PENSION LIABILITY	158,417	304,346	305,408	297,972	347,029	374,961	444,364
Total Pension Liability - Beginning of Year	715,372	873,789	1,178,135	1,483,543	1,781,515	2,128,544	2,503,505
TOTAL PENSION LIABILITY - END OF YEAR (a)	\$ 873,789	\$ 1,178,135	\$ 1,483,543	\$ 1,781,515	\$ 2,128,544	\$ 2,503,505	\$ 2,947,869
Plan Fiduciary Net Position:							
Contribution - Employer	\$ 30,615	\$ 136,696	\$ 134,415	\$ 136,098	\$ 155,766	\$ 166,714	\$ 184,986
Contributions - Employee	75,037	139,169	141,641	134,065	150,395	161,411	174,765
Net Investment Income	35,393	1,060	64,397	170,238	(48,854)	279,601	175,567
Benefit Payments, Including Refunds of Employee Contributions	(41,148)	(43,186)	(62,812)	(35,695)	(81,467)	(103,874)	(50,737)
Administrative Expense	(369)	(645)	(726)	(882)	(945)	(1,578)	(1,134)
Other	(30)	(32)	(40)	(45)	(49)	(49)	(44)
NET CHANGE IN PLAN FIDUCIARY NET POSITION	99,498	233,062	276,875	403,779	174,846	502,225	483,403
Plan Fiduciary Net Position - Beginning of Year	618,481	717,979	951,040	1,227,915	1,631,694	1,806,540	2,308,765
PLAN FIDUCIARY NET POSITION - END OF YEAR (b)	\$ 717,979	\$ 951,041	\$ 1,227,915	\$ 1,631,694	\$ 1,806,540	\$ 2,308,765	\$ 2,792,168
NET PENSION LIABILITY - END OF YEAR	\$ 155,810	\$ 227,094	\$ 255,628	\$ 149,821	\$ 322,004	\$ 194,740	\$ 155,701
Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	47.84%	50.68%	60.68%	85.20%	84.91%	100.13%	111.84%
Covered Payroll	\$ 1,500,744	\$ 1,876,446	\$ 2,023,438	\$ 1,915,208	\$ 2,127,623	\$ 2,305,864	\$ 2,496,645
Net Pension Liability as a Percentage of Covered Payroll	10.38%	12.10%	12.63%	7.82%	15.13%	8.45%	6.24%

The Schedule of Changes in the City's Net Pension Liability and Related Ratios shows the changes in Total Pension Liability less the changes in Fiduciary Net Position, resulting in the net pension liability calculation for the City. Note that this is a 10-year schedule, to be created by the City prospectively, over the next 10-year period. This schedule is provided in the GRS Reporting Package (for the current period).

**CITY OF WILLOW PARK, TEXAS
SCHEDULE OF PENSION CONTRIBUTIONS
LAST TEN YEARS
(SEE INDEPENDENT AUDITORS' REPORT)**

	2015	2016	2017	2018	2019	2020	2021
Actuarially Determined Contribution	\$ 106,037	\$ 134,745	\$ 136,067	\$ 158,377	\$ 155,766	\$ 166,714	\$ 184,986
Contributions in Relation to the Actuarially Determined Contribution	<u>106,037</u>	<u>134,745</u>	<u>136,067</u>	<u>141,009</u>	<u>176,287</u>	<u>190,527</u>	<u>219,176</u>
Contribution Deficiency (Excess)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 17,368</u>	<u>\$ (20,521)</u>	<u>\$ (23,813)</u>	<u>\$ (34,190)</u>
Covered Payroll	\$ 1,749,548	\$ 1,988,189	\$ 1,954,990	\$ 1,913,221	\$ 2,019,522	\$ 2,298,296	\$ 2,532,785
Contributions as a Percentage of Covered Payroll	6.06%	6.78%	6.96%	7.37%	8.73%	8.29%	8.65%

The Schedule of Employer Contributions shows the City's required annual contributions from the actuarial valuation, compared with the actual contributions remitted. This schedule is based on the City's respective fiscal year-end and will be built over the next 10-year period.

CITY OF WILLOW PARK, TEXAS
SCHEDULE OF CHANGES IN TOTAL OPEB LIABILITY AND RELATED RATIOS
LAST TEN MEASUREMENT PERIODS
(SEE INDEPENDENT AUDITORS' REPORT)

	2017	2018	2019	2020
Total OPEB Liability:				
Service Cost	\$ 3,447	\$ 4,468	\$ 4,381	\$ 5,742
Interest (on the Total OPEB Liability)	1,830	1,982	2,293	2,348
Changes of Benefit Terms	-	-	-	-
Differences Between Expected and Actual Experience	-	1,280	(606)	544
Change of Assumptions	5,810	(5,561)	17,069	18,207
Benefit Payments, Including Refunds of Employee Contributions	-	(213)	(231)	(250)
NET CHANGE IN TOTAL OPEB LIABILITY	<u>11,087</u>	<u>1,956</u>	<u>22,906</u>	<u>26,591</u>
Total OPEB Liability - Beginning of Year	<u>46,676</u>	<u>57,763</u>	<u>59,719</u>	<u>82,625</u>
TOTAL OPEB LIABILITY - END OF YEAR	<u><u>\$ 57,763</u></u>	<u><u>\$ 59,719</u></u>	<u><u>\$ 82,625</u></u>	<u><u>\$ 109,216</u></u>
Covered Payroll	\$ 1,915,208	\$ 2,127,623	\$ 2,305,846	\$ 2,496,645
Total OPEB Liability as a Percentage of Covered Payroll	3.02%	2.81%	3.58%	4.37%

Note: Only 4 years of data is presented in accordance with GASB Statement No. 75. Additional years' information will be displayed as it becomes available.

The TMRS Supplementary Death Benefit Fund (SDBF) is considered to be an unfunded OPEB plan; therefore, no plan fiduciary net position and related ratios are reported in the above schedule.

**CITY OF WILLOW PARK, TEXAS
SCHEDULE OF OPEB CONTRIBUTIONS
LAST TEN YEARS
(SEE INDEPENDENT AUDITORS' REPORT)**

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Actuarially Determined Contribution	\$ 191	\$ 202	\$ 230	\$ 760
Contributions in Relation to the Actuarially Determined Contribution	<u>191</u>	<u>202</u>	<u>230</u>	<u>760</u>
Contribution Deficiency (Excess)	<u>\$ 0</u>	<u>\$ (0)</u>	<u>\$ (0)</u>	<u>\$ (0)</u>
Covered Payroll	\$ 1,913,221	\$ 2,019,522	\$ 2,298,296	\$ 2,532,785
Contributions as a Percentage of Covered Payroll	0.01%	0.01%	0.01%	0.03%

Note: Only 4 years of data is presented in accordance with GASB Statement No. 75. Additional years' information will be displayed as it becomes available.

The TMRS Supplementary Death Benefit Fund (SDBF) is considered to be an unfunded OPEB plan; therefore, no plan fiduciary net position and related ratios are reported in the above schedule.

CITY OF WILLOW PARK, TEXAS
NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
SEPTEMBER 30, 2021
(SEE INDEPENDENT AUDITORS' REPORT)

NOTE 1 STEWARDSHIP AND ACCOUNTABILITY

Budgetary Information

Annual budgets are adopted on a basis consistent with generally accepted accounting principles. The City Council follows these procedures in establishing budgetary data reflected in the financial statements. Prior to the beginning of the fiscal year, the City Manager submits to the City Council proposed operating budgets. The operating budgets include proposed expenditures and the means of financing them. Public hearings are conducted to obtain taxpayer comments. Prior to October 1, the budget is legally enacted by fund through passage of an ordinance. Encumbrances lapse at year-end.

NOTE 2 DEFINED BENEFIT PENSION PLANS

Notes to Schedule of Pension Contributions

Valuation Date: Actuarially determined contribution rates are calculated as of December 31 and become effective in January, 13 months later.

Methods and Assumptions Used to Determine Contribution Rates:

Actuarial Cost Method	Entry Age Normal
Amortization Method	Level Percentage of Payroll, Closed
Remaining Amortization Period	25 Years
Asset Valuation Method	10-Year Smoothed Market; 15% Soft Corridor
Inflation	2.50%
Salary Increases	3.50% to 10.50% including Inflation
Investment Rate of Return	6.75%
Retirement Age	Experience-based table of rates that are specific to the City's plan of benefits. Last updated for the 2019 valuation pursuant to an experience study of the period 2014-2019.

Mortality Postretirement: PUB(10) mortality tables, with the Public Safety table used for males and the General Employee tables used for females. The rates are projected on a fully generational basis with scale UMP.

Other Information: There were no benefit changes during the year.

CITY OF WILLOW PARK, TEXAS
NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
SEPTEMBER 30, 2021
(SEE INDEPENDENT AUDITORS' REPORT)

NOTE 3 OPEB PLANS

Notes to Schedule of OPEB Contributions

Valuation Date: Actuarially determined contribution rates are calculated as of December 31 and become effective in January, 13 months later.

Methods and Assumptions Used to Determine Contribution Rates:

Actuarial Cost Method	Entry Age Normal
Amortization Method	Level Percentage of Payroll, Closed
Asset Valuation Method	N/A
Inflation	2.50%
Salary Increases	3.50% to 11.50% including Inflation
Retirement Age	Experience-based table of rates that are specific to the City's plan of benefits. Last updated for the 2019 valuation pursuant to an experience study of the period 2014-2018.
Mortality	Postretirement: PUB(10) mortality tables, with the Public Safety table used for males and the General Employee tables used for females. The rates are projected on a fully generational basis with scale UMP.

Other Information: There were no benefit changes during the year.

Factors that significantly affect trends:

Salary increases in plan years 2017 and 2018 was 3.50% to 10.50% and was revised to 3.50% to 11.50% beginning in 2019. Discount rates for 2017, 2018 and 2019 were 3.31%, 3.71% and 2.75%, respectively. The discount rate remained at 2.75% for 2020. The mortality rates were based on RP2000 Combined Mortality Table with Blue Collar Adjustment with male rates multiplied by 109% and female rates multiplied by 103% and projected on a fully generational basis with scale BB in 2017 and 2018. Mortality rates were based on the tables noted above beginning 2020.

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**COMBINING NONMAJOR
GOVERNMENTAL FUND STATEMENTS
(UNAUDITED)**

CITY OF WILLOW PARK, TEXAS
NONMAJOR GOVERNMENTAL FUNDS – COMBINING BALANCE SHEET
SEPTEMBER 30, 2021
(SEE INDEPENDENT AUDITORS' REPORT)

	Special Revenue Funds							Total Special Revenue
	Court Security	Court Technology	Seizure Fund	Tourism Fund	Police Contributions	First Responder Donations	Truancy Fund	
ASSETS								
Cash and Cash Equivalents	\$ 40,596	\$ 55,749	\$ 3,082	\$ 68,666	\$ 544	\$ 2,544	\$ 8,601	\$ 179,782
LIABILITIES AND FUND BALANCE								
LIABILITIES								
Accounts Payable	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,601	\$ 8,601
FUND BALANCE								
Restricted	40,596	55,749	3,082	68,666	544	2,544	-	171,181
Total Fund Balance	40,596	55,749	3,082	68,666	544	2,544	-	171,181
Total Liabilities and Fund Balance	\$ 40,596	\$ 55,749	\$ 3,082	\$ 68,666	\$ 544	\$ 2,544	\$ 8,601	\$ 179,782

CITY OF WILLOW PARK, TEXAS
NONMAJOR GOVERNMENTAL FUNDS – COMBINING BALANCE SHEET (CONTINUED)
SEPTEMBER 30, 2021
(SEE INDEPENDENT AUDITORS' REPORT)

	Capital Projects					Total Nonmajor Funds
	Building Capital Projects	Roads Capital Projects	TexStar Parks & Recreation	TIRZ Reimbursement Fund	Total Capital Projects	
ASSETS						
Cash and Cash Equivalents	\$ 14,368	\$ 515	\$ 1,001	\$ 1,008	\$ 16,892	\$ 196,674
LIABILITIES AND FUND BALANCE						
LIABILITIES						
Accounts Payable	\$ 3,545	\$ -	\$ -	\$ -	\$ 3,545	\$ 12,146
FUND BALANCE						
Restricted	10,823	515	1,001	1,008	13,347	184,528
Total Fund Balance	10,823	515	1,001	1,008	13,347	184,528
Total Liabilities and Fund Balance	\$ 14,368	\$ 515	\$ 1,001	\$ 1,008	\$ 16,892	\$ 196,674

CITY OF WILLOW PARK, TEXAS
NONMAJOR GOVERNMENTAL FUNDS – COMBINING STATEMENT OF
REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR ENDED SEPTEMBER 30, 2021
(SEE INDEPENDENT AUDITORS' REPORT)

	Special Revenue Funds							Total Special Revenue
	Court Security	Court Technology	Seizure Fund	Tourism Fund	Police Contributions	First Responder Donations	Truancy Fund	
REVENUES								
Court Fines and Fees	\$ 5,316	\$ 5,145	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,461
Investment Earnings	-	-	5	68	-	-	-	73
Contributions	-	-	-	-	100	-	-	100
TIRZ	-	-	-	-	-	-	-	-
Total Revenues	<u>5,316</u>	<u>5,145</u>	<u>5</u>	<u>68</u>	<u>100</u>	<u>-</u>	<u>-</u>	<u>10,634</u>
EXPENDITURES								
Current:								
Fire and Rescue	-	-	-	-	-	10,586	-	10,586
Police	-	2,093	6,109	-	-	-	-	8,202
Capital Outlay	-	-	-	-	-	-	-	-
TIRZ	-	-	-	-	-	-	-	-
Total Expenditures	<u>-</u>	<u>2,093</u>	<u>6,109</u>	<u>-</u>	<u>-</u>	<u>10,586</u>	<u>-</u>	<u>18,788</u>
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	5,316	3,052	(6,104)	68	100	(10,586)	-	(8,154)
OTHER FINANCING SOURCES (USES)								
Transfers In	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Other Financing Sources (Uses)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
NET CHANGE IN FUND BALANCES	5,316	3,052	(6,104)	68	100	(10,586)	-	(8,154)
Fund Balance - Beginning of Year	<u>35,280</u>	<u>52,697</u>	<u>9,186</u>	<u>68,598</u>	<u>444</u>	<u>13,130</u>	<u>-</u>	<u>179,335</u>
FUND BALANCE - END OF YEAR	<u>\$ 40,596</u>	<u>\$ 55,749</u>	<u>\$ 3,082</u>	<u>\$ 68,666</u>	<u>\$ 544</u>	<u>\$ 2,544</u>	<u>\$ -</u>	<u>\$ 171,181</u>

CITY OF WILLOW PARK, TEXAS
NONMAJOR GOVERNMENTAL FUNDS – COMBINING STATEMENT OF
REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE (CONTINUED)
YEAR ENDED SEPTEMBER 30, 2021
(SEE INDEPENDENT AUDITORS' REPORT)

	Capital Projects					Total Nonmajor Funds
	Building Capital Projects	Roads Capital Projects	TexStar Parks & Recreation	TIRZ Reimbursement Fund	Total Capital Projects	
REVENUES						
Court Fines and Fees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,461
Investment Earnings	67	1	126	60	254	327
Contributions	-	-	-	-	-	100
TIRZ	-	-	-	138,671	138,671	138,671
Total Revenues	<u>67</u>	<u>1</u>	<u>126</u>	<u>138,731</u>	<u>138,925</u>	<u>149,559</u>
EXPENDITURES						
Current:						
Operating Expenses	-	-	-	-	-	10,586
Police	-	-	-	-	-	8,202
Capital Outlay	69,038	1	434,372	-	503,411	503,411
TIRZ	-	-	-	139,601	139,601	139,601
Total Expenditures	<u>69,038</u>	<u>1</u>	<u>434,372</u>	<u>139,601</u>	<u>643,012</u>	<u>661,800</u>
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	(68,971)	-	(434,246)	(870)	(504,087)	(512,241)
OTHER FINANCING SOURCES (USES)						
Transfers In	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-
Total Other Financing Sources (Uses)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
NET CHANGE IN FUND BALANCES	(68,971)	-	(434,246)	(870)	(504,087)	(512,241)
Fund Balance - Beginning of Year	79,794	515	435,247	1,878	517,434	696,769
FUND BALANCE - END OF YEAR	<u>\$ 10,823</u>	<u>\$ 515</u>	<u>\$ 1,001</u>	<u>\$ 1,008</u>	<u>\$ 13,347</u>	<u>\$ 184,528</u>

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CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: April 12, 2022	Department: Administration	Presented By: Bryan Grimes, City Manager
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AGENDA ITEM:

Discuss/Action: To consider a Resolution for selection for administrative and engineering services by Jacob Martin to complete project implementation for the American Rescue Plan Act (ARP Act) funding administered by the U.S. Department of the Treasury, other Federal or State Agency.

BACKGROUND:

The City is required to pass the Resolution as per the City Council's selection of Jacob Martin for administrative and engineering services on March 8, 2022 as part of the American Rescue Plan Act funding.

STAFF/BOARD/COMMISSION RECOMMENDATION:

Staff recommends the acceptance of the Resolution for engineering services which were awarded to Jacob Martin by City Council on March 8, 2022.

EXHIBITS:

Resolution

RECOMMENDED MOTION:

A motion to approve a Resolution for selection for administrative and engineering services by Jacob Martin to complete project implementation for the American Rescue Plan Act (ARP Act) funding administered by the U.S. Department of the Treasury, other Federal or State Agency.

RESOLUTION NO. 2022-__

**A RESOLUTION OF THE CITY OF WILLOW PARK, TEXAS,
AUTHORIZING PROFESSIONAL SERVICE PROVIDER(S)
SELECTION FOR AMERICAN RESCUE PLAN ACT (ARP ACT)
PROGRAM(S).**

WHEREAS, participation in American Rescue Plan Act (ARP Act) program(s) requires implementation by professionals experienced in federally-funded projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) process for engineering services has been completed in accordance with federal requirements;

WHEREAS, the Statement of Qualifications received by the due date have been reviewed to determine the most qualified and responsive providers for each professional service giving consideration to ability to perform successfully under the terms and conditions of the proposed procurement, integrity, compliance with public policy, record of past performance, and financial and technical resources.

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

Section 1. That Jacob Martin Engineering Firm was selected by City Council on March 8, 2022 to provide application and project-related professional engineering services for the ARP ACT program(s).

Section 2. That any and all project-related services contracts or commitments made with the above-named service provider are dependent on the award of ARP ACT funds and successful negotiation of a contract with the service provider.

PASSED, APPROVED, and ADOPTED this 12th day of April, 2022.

Doyle Moss, Mayor

ATTEST:

Crystal Dozier, City Secretary
City of Willow Park



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: April 12, 2022	Department: Planning & Development	Presented By: Bill Funderburk
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AGENDA ITEM:

Consideration/Action Amending Development Services Fees and Building Permit & Inspection Fees.

BACKGROUND:

In the last few months City staff has studied and analyzed the Building Permit and Inspection fees to make sure that we are following state law and city ordinances. What is important in any fee structure of this nature is to have a reasonable and fair cost for services provided and following budget guidelines. The new recommended fees will set a cost on square foot, not on an estimated cost basis.

The only change at this time under Development Services is the Parkland Dedication Fee. Currently, this is \$250.00 per acre/lot/dwelling unit. After considering other nearby cities and the loss of land for recreational and leisure activities from development, staff is recommending an increase to \$600.00.

STAFF/BOARD/COMMISSION RECOMMENDATION:

Staff recommends City Council approve amending the fee schedule in these categories.

EXHIBITS:

Development Services and Building Permit & Inspection Fee Schedule

RECOMMENDED MOTION:

Approve Parkland Dedication Fee and Approve Fee Schedule for Building Permits & Inspections

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS, ADOPTING A FEE SCHEDULE FOR: DEVELOPMENT SERVICES, INCLUDING FEES FOR BUILDING PERMITS AND INSPECTIONS, MISCELLANEOUS PERMITS, OTHER INSPECTIONS OR PLAN REVIEWS, AND IRRIGATION PERMITS; FIRE PERMIT SERVICES, INCLUDING FIRE ALARM CODE REVIEW AND INSPECTION SERVICES, FIRE SPRINKLER FIRE CODE PLAN REVIEW AND INSPECTION AND ADDITIONAL FIRE CODE REVIEW AND INSPECTION; HEALTH PERMITS; SPECIAL EVENT PERMITS; ONSITE SEWAGE FACILITY PERMITS AND REPAIR PERMITS; OIL AND GAS WELL PERMITS; DEMOLITION PERMITS; SIGN PERMITS; CONTRACTOR REGISTRATION; AND CODE ENFORCEMENT; AMENDING VARIOUS CITY ORDINANCES; AND CONTAINING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park has adopted numerous ordinances that provide for various fees and charges that are subject to change from time to time; and

WHEREAS, the City has determined that it would be convenient to consolidate many of those fees in one ordinance that can be reviewed and amended as needed from time to time; and

WHEREAS, the City has determined that the fees and charges specified herein are reasonable, necessary, fair and designed to fund the various activities to which they pertain; and

WHEREAS, the City has determined that the fees set forth herein will promote the health, safety, and welfare of the citizens of Willow Park; and

WHEREAS, this ordinance was adopted at a meeting of the Willow Park City Council held in strict compliance with the Texas Open Meetings Act at which a quorum of the City council was present and voting;

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

Section 1. Rates Imposed

The City hereby adopts the Fee Schedule attached as Exhibit "A" hereto and imposes the fees set forth therein upon the services, activities, events, materials, and supplies that are

described therein. These rates shall be collected by the City in accordance with the various City ordinances that more particularly describe each of these fees.

Section 2. Ordinances Amended

Each City ordinance that originally provided a fee, charge, or fine that is mentioned on Exhibit “A” is hereby amended as shown on Exhibit “A”.

Section 3. Severability

Should any portion or part of this ordinance be held for any reason invalid or unenforceable by a court of competent jurisdiction, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect.

Section 4. Effective Date.

This Ordinance shall be effective upon its passage.

PASSED, APPROVED AND ADOPTED this the 12th day of April, 2022.

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. _____, did on the 12th day of April, 2022 vote as follows:

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



Development Services Fees

Preliminary Plat	\$300 + \$15 per lot
Final Plat	\$300 + \$25 per lot
Easement modification/vacation	\$100
Board of Adjustments Application	\$150
Rezoning Application	\$250
Annexation Application	\$150
Planned Development Application	\$500
Special Use Permit Application	\$100
Site Plan	\$150
Parkland Dedication Fee	\$600 per acre/lot/dwelling unit
Flood Plain Development Permit Review Fee	\$150

Building Permits & Inspections

Residential Building Permits Fees: Single Family Dwellings, Duplexes, Townhouses and any associated habitable or conditioned accessory structures shall be calculated per unit. One permit is issued for all new construction, remodels and manufactured homes per building or address. This includes mechanical, electrical, and plumbing fee. All fees to be determined by the Building Official.

- (1) New construction: \$1.09 square foot
(Includes mechanical, electrical, plumbing fees)
- (2) Remodels, Alterations and Repairs requiring inspection: \$0.66 square foot
(Includes mechanical, electrical, plumbing fees)
- (3) Detached Garages \$0.43 square foot, includes electrical
- (4) Carports, Sheds, or other Non-habitable Accessory Buildings \$0.30 square foot, includes electrical
- (5) Residential Plan Review Fee 30% of building permit fee
(Not refundable if review completed)
- (6) Residential Electrical
 - Permit Issuance \$25.00
 - New Construction (If Separate permit) \$0.08 per square foot + Permit Issuance Fee
 - Remodel, Alteration or Repair \$70.00 (includes issuance fee)
 - Temporary Electric Pole \$70.00
 - Unlisted Permits (Repairs, etc.) \$70.00
- (7) Residential Mechanical
 - Permit Issuance \$25.00
 - New Construction (If Separate permit) \$0.07 per square foot of AC area + Permit Issuance Fee
 - Remodel, Alteration, or Repair \$70.00 (includes issuance fee)
 - Unlisted Permits (Repairs, etc.) \$70.00
- (8) Residential Plumbing
 - Permit Issuance \$25.00
 - New Construction (If Separate permit) \$0.09 per square foot + Permit Issuance Fee
 - Remodel, Alteration or Repair \$70.00 (includes issuance fee)
 - Unlisted Permits (Repairs, etc.) \$70.00

Commercial Building Permit Fees:

(1) Commercial Buildings - Valuations to be determined by Building Official based upon 2021 Edition of Table 1-Square Foot Construction Costs, in the permit fee process as published by the International Code Council along with the current City adopted Table 3 Valuation Chart and any local Willow Park fee modifiers.

Note: One permit is issued for all new construction, additions and remodels per building or address. This includes mechanical, electrical, and plumbing fee.

(2) Non-residential Plan Review Fee 65% of building permit fee

(3) Commercial Electrical
Permit Issuance \$25.00

New Construction (If Separate permit) \$0.10 per square foot + Permit Issuance Fee.
Remodel, Alteration or Repair (Based upon project valuation/contract amount)

Temporary Electric Pole \$75.00

(4) Commercial Mechanical
Permit Issuance \$25.00

New Construction (If Separate permit) \$0.10 per square foot of AC area + Permit Issuance Fee
Remodel, Alteration or Repair (Based upon project valuation/contract amount)

(5) Commercial Plumbing
Permit Issuance \$25.00

New Construction (If Separate permit) \$0.10 per square foot + Permit Issuance Fee
Remodel, Alteration or Repair (Based upon project valuation/contract amount)

(6) Commercial Local Willow Park Fee Modifiers applied to Table 1

New Commercial = As per Table 1 no modification

Commercial Interior Remodel of Existing Business = .73

Willow Park Table 3 Valuation Chart – Commercial Construction Fees

<u>Total Sq. Ft. Valuation</u>	<u>Fee</u>
\$0.00 to \$500.00	\$70.00
\$501.00 to \$2,000.00	\$70.00 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$70.00 for the \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.75 for the \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$99,999.99 plus \$5.60 for Each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1,000 or fraction thereof.

Miscellaneous Permit Fees:**(All miscellaneous permits include issuance fee)**

General/Misc. Permits	\$100.00
Minimum Construction Permit Fee	\$100.00
Residential Fence Permit	\$70.00
Residential Retaining Wall > 4' or Taller	\$100.00
Temporary Portable /Moving Storage Building Permit	\$25.00
Curb Cut Permit	\$100.00
Drive Approach Permit	\$100.00
Lawn Irrigation	\$100.00
Grading Permit (Commercial or Residential)	\$70.00
Propane Tanks & Piping	\$100.00
New/Reconnect Natural Gas Meter/Testing	\$70.00
Structure Moving Permit	\$200.00
In Ground Swimming pools	\$550 + 30% plan review
Hot Tubs and Above Ground Pools	\$70.00
Commercial Construction Trailers	\$100.00 + Plan Review + MEP's
Commercial Industrialized Buildings	Based upon contract amount

Other Inspection or Plan Review Fees:

Review of application without a permit issued	\$150.00
Additional plan review required by changes, addendums, or revisions	\$50.00/hr.
Use of outside consultants for plan checking or inspections	Actual costs
Replacing damaged, lost, or stolen permit documents	\$50.00 plus copy costs
Flood Plain Development Permit	\$200.00
Certificate of Occupancy (Not associated with bldg. permit)	\$150.00
Temporary CO Permit (6 mos. max.)	\$75.00
All Re-inspections:	\$75.00
All outside business hour inspections	\$75.00/hr. (minimum 2hr. callout)

Irrigation Permits

Residential Irrigation system	\$100
Commercial Irrigation system	\$250
Irrigation Well	\$1,500

*All irrigation systems and wells must provide backflow inspection

**All wells must provide Upper Trinity Groundwater Conservation District approval documentation prior to permit issuance

Fire Permit Service Fees:**Fire Alarm Fire Code Plan Review including Inspection Services**

Valuation	Fee
Up to \$250,000	\$500
\$251,000 to \$500,000	\$850
\$501,000 to \$1,000,000	\$1,100
\$1,001,000 to \$3,000,000	\$1,600
\$3,001,000 to \$6,000,000	\$2,400
\$6,000,000 and up	\$2,400 plus \$0.25 for each additional \$1,000

*Valuation is based on construction valuation for project

Fire Sprinkler Fire Code Plan Review including Inspection Services

Valuation	Fee
Up to \$250,000	\$500
\$251,000 to \$500,000	\$850
\$501,000 to \$1,000,000	\$1,100
\$1,001,000 to \$3,000,000	\$1,600
\$3,001,000 to \$6,000,000	\$2,400
\$6,000,000 and up	\$2,400 plus \$0.25 for each additional \$1,000

* Valuation is based on construction valuation for project

Additional Fire Code Review and Inspection Fees

Fire Code Re-Inspection Fee (Each Inspection after the 3rd Inspection)	\$75
Residential Subdivision Fire Code Plan Review & Inspection Fee	\$250
Emergency Response Plan Review	\$50
Fire Watch	\$35/hr. Off Duty Detail Charge

Health Permit Fees

Food Establishment Health Permit (annual)	\$240
Health Permit Re-Inspection Fee	\$75
Food Handling Permit Manager	\$150
Food Handling Permit - Individual	\$5 each
Swimming Pool Annual Inspection (public/commercial)	\$240
Food Truck-Itinerant Merchant (annual)	\$250 + Health Permit
Health Permit Plan Review Fee (Commercial Kitchen)	\$100

Special Event Permits

Special Event Permit	\$100 + Food Handling Permit
Special Event Permit (Local Non-Profit)	\$50 + Food Handling Permit
Food Truck at Special Event	\$50 + Food Handling Permit

Onsite Sewage Facility

New OSFF Permit (Includes application, permit, inspections, and notice of approval)

Conventional (non-aerobic)	\$400
Professional (aerobic)	\$600

OSSF System Repair Permit (Includes application, permit, inspections, and notice of approval)

Minor Repair - Increasing, lengthening, or expanding the treatment (tanks) or disposal system (drain field/disposal area), spray area relocation, a single tank replacement (such as a collapsed pump tank)	\$150
Major Repair - System replacement, drain field or disposal area replacement, or any replacements to a previously un-permitted system	\$400

Oil & Gas Well Permits:

Gas/Oil Well Permit	\$5,000.00 + S.U.P. Permit
Gas/Oil Application	\$1,000.00

Demolition Permits:

Residential Building	\$100.00
Residential Accessory Building	\$ 25.00
Commercial Building or Business	\$125.00

Signs

Permanent Signs:

(1-50 s.f.)	\$100.00
(51-100 s.f.)	\$150.00
(101-150 s.f.)	\$200.00
(151-200 s.f.)	\$225.00
(> than 200 s.f.)	\$275.00
Offsite Sign	\$3,000 + (S.U.P. required)
Electronic Message Center	\$1,000 + (S.U.P. required)

Temporary Signs:

Portable Sign (15 days) (Maximum 30 days per year six months)	\$75.00
Weekend Builders Advertising	\$75.00 annual fee
New Subdivision Development Sign up to 15' tall	\$75.00
Vertical Banners	\$75.00 annual fee
Horizontal Banner	\$75.00 annual fee

Contractor Registration

First Annual/Renewal	\$120.00
ROW Contractors	\$120.00

Code Enforcement

Working without construction permits approved and issued	Double building permit fee to a maximum of \$500.00
Occupying commercial or residential space without prior City approval or Certificate of Occupancy	Each offense \$2,000.00 maximum

**Failure to obtain a permit will result in a doubling of the Permit Fee plus any penalties permitted by law.

CITY OF WILLOW PARK TABLE 1- SQUARE FOOT CONSTRUCTION COSTS

International Building Code Occupancies	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	298.55	288.43	280.93	269.54	253.09	245.77	260.87	235.34	226.84
A-1 Assembly, theaters, without stage	273.51	263.39	255.89	244.51	228.06	220.73	235.84	210.31	201.80
A-2 Assembly, nightclubs	233.39	226.42	220.85	211.80	199.64	194.14	204.26	180.65	174.48
A-2 Assembly, restaurants, bars, banquet halls	232.39	225.42	218.85	210.80	197.64	193.14	203.26	178.65	173.48
A-3 Assembly, churches	276.84	266.72	259.22	247.83	231.83	225.68	239.17	214.08	205.57
A-3 Assembly, general, community halls, libraries, museums	231.62	221.50	213.00	202.61	185.16	178.84	193.94	167.42	159.91
A-4 Assembly, arenas	272.51	262.39	253.89	243.51	226.06	219.73	234.84	208.31	200.80
B Business	240.93	232.14	224.41	213.38	194.94	187.44	204.97	171.50	163.65
E Educational	253.16	244.50	238.07	227.82	212.65	201.92	219.97	185.88	180.09
F-1 Factory and industrial, moderate hazard	142.51	135.81	128.20	123.31	110.60	105.32	118.02	91.13	85.44
F-2 Factory and industrial, low hazard	141.51	134.81	128.20	122.31	110.60	104.32	117.02	91.13	84.44
H-1 High Hazard, explosives	133.05	126.35	119.74	113.85	102.42	96.14	108.56	82.95	N.P.
H234 High Hazard	133.05	126.35	119.74	113.85	102.42	96.14	108.56	82.95	76.26
H-5 HPM	240.93	232.14	224.41	213.38	194.94	187.44	204.97	171.50	163.65
I-1 Institutional, supervised environment	240.35	232.11	225.21	216.12	198.77	193.28	216.40	178.22	172.87
I-2 Institutional, hospitals	403.60	394.81	387.08	376.05	356.54	N.P.	367.65	333.11	N.P.
I-2 Institutional, nursing homes	280.29	271.50	263.77	252.74	235.00	N.P.	244.34	211.57	N.P.
I-3 Institutional, restrained	273.98	265.19	257.46	246.43	229.58	221.08	238.03	206.14	196.29
I-4 Institutional, day care facilities	240.35	232.11	225.21	216.12	198.77	193.28	216.40	178.22	172.87
M Mercantile	174.08	167.12	160.55	152.50	140.10	135.60	144.96	121.12	115.94
R-1 Residential, hotels	242.77	234.53	227.63	218.55	200.90	195.42	218.82	180.35	175.00
R-2 Residential, multiple family	203.34	195.11	188.20	179.12	162.64	157.15	179.40	142.08	136.73
R-3 Residential, one- and two-family ^d									1.09
R-4 Residential, care/assisted living facilities	240.35	232.11	225.21	216.12	198.77	193.28	216.40	178.22	172.87
S-1 Storage, moderate hazard	132.05	125.35	117.74	112.85	100.42	95.14	107.56	80.95	75.26
S-2 Storage, low hazard	131.05	124.35	117.74	111.85	100.42	94.14	106.56	80.95	74.26
U Utility, miscellaneous	104.03	98.14	92.46	88.40	79.71	73.77	84.55	62.84	59.88



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Meeting Date:

April 12, 2022

Department:

Public Works

Presented By:

Michelle Guelker

AGENDA ITEM

Discussion/ Action: Request for permission to sell, by bid, the following items:

1997 John Deere 310E Backhoe

Komatsu D21P-5 Bulldozer

2- 2016 Ford F-150s (1- 4-wheel drive, 1- 2-wheel drive)

1996 Ford Aeromax Truck Tractor with Work Horse Dump Bed

BACKGROUND:

1997 John Deere 310E Backhoe

The backhoe is currently sitting at Willow Springs Oaks well site and is unable to be moved. The backhoe starts but is not drivable due to the transmission issues. The backhoe has been at that location for over 2 years and the cost to purchase a new transmission for the backhoe is more than the machine is worth. PW currently has 2 newer backhoes with less working hours and is not in need of the older model backhoe. This backhoe has 85,773 hours. Whoever purchases would be responsible for hauling off of the City's property.

Komatsu D21P-5 Bulldozer

The bulldozer has not been used in several years and currently sits at the Public Works barn under a shed taking up valuable space. Public Works is unable to use the bulldozer as it is too small and doesn't have any power. All work requiring a bulldozer is currently being done with the skid steer. There are 1204 hours, and the bulldozer does run.

2016 Ford-150s

Neither of these trucks are currently being used by Public Works. The 4-Wheel drive has 105827 miles, while the 2-wheel drive has 113795 miles. Both trucks are in good running condition, only requiring new batteries. Both trucks are currently parked in the lot of the Public Works barn.

1996 Ford Aeromax Truck Tractor with Work Horse Dump Bed

In 2021, Public Works purchased a new smaller dump truck which is easier to operate and can get into smaller spaces. With the purchase, the larger dump truck is no longer needed. Dump truck does run and is in good condition. It does have over 350,000 miles. Dump bed has a capacity of approximately 6 cubic yards. The dump truck is currently parked in the lot at the Public Works yard.

STAFF/BOARD/COMMISSION RECOMMENDATION:

To approve the sell, by bid, of a 1997 John Deere 310E Backhoe, Komatsu D21P-5 Bulldozer, two 2016 Ford F-150s (1- 4-wheel drive, 1- 2-wheel drive), and a 1996 Ford Aeromax Truck Tractor with Work Horse Dump Bed.

EXHIBITS: Pictures of the equipment.

2- 2016 Ford F-150s



1996 Ford Aeromax Truck Tractor with Work Horse Dump Bed



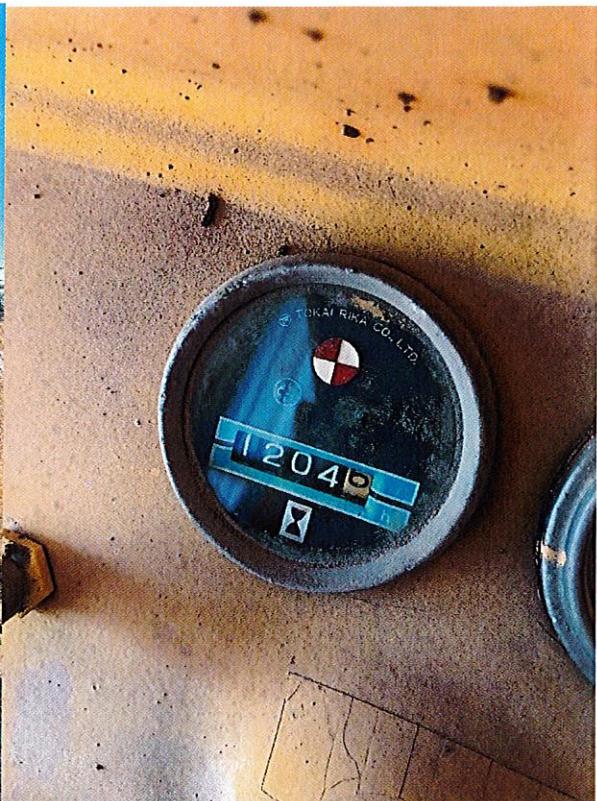
1996 Ford Aeromax Truck Tractor with Work Horse Dump Bed



1997 John Deere 310E Backhoe



Komatsu D21P-5 Bulldozer





CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: April 12, 2022	Department: FIRE	Presented By: Chief Mike LeNoir
--	----------------------------	---

AGENDA ITEM:

To approve an ordinance regulating outdoor burning.

BACKGROUND:

The city currently does not have an ordinance regulating outdoor burning. This ordinance will prohibit outdoor burning of waste materials and during a Parker County burn ban and/or no burning permitted by Parker County.

This ordinance would allow City peace officers, which include the Fire Chief/Fire Marshal, Assistant Fire Chief and Assistant Fire Marshal, to issue citations for illegal outdoor burning.

STAFF/BOARD/COMMISSION RECOMMENDATION:

Recommend approving an Ordinance regulating outdoor burning in the City.

EXHIBITS: TCEQ Outdoor Burning in Texas RG-049.

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF WILLOW PARK CODE OF ORDINANCES BY ADDING AN ARTICLE 5.05 REGARDING THE REGULATION OF OUTDOOR BURNING WITHIN THE CITY LIMITS; PROVIDING FOR ENFORCEMENT, INCLUDING CRIMINAL PENALTIES UP TO \$2,000.00 FOR EACH VIOLATION; PROVIDING CIVIL PENALTIES FOR VIOLATIONS; PROVIDING THAT THE ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park is a Type A general-law municipality, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Willow Park seeks to provide for the safe and orderly outdoor burning within the corporate limits of the City; and

WHEREAS, the City Council finds it to be in the best interest of the public safety, health and general welfare to regulate outdoor burning within the corporate limits of the City; and

WHEREAS, the City Council finds that the requirements of this ordinance are consistent with the Texas Clean Air Act, Subchapter E, Authority of Local Governments, and the regulations of the Texas Commission on Environmental Quality (“TCEQ”) relating to Outdoor Burning, 30 Tex. Admin. Code Chapter 111, Subchapter B; and

WHEREAS, the City Council is authorized to adopt reasonable rules related to fire safety pursuant to the City’s police powers;

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

SECTION 1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Willow Park and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. AMENDMENT

Chapter 5, entitled Fire Protection and Prevention, is hereby amended by adding an Article 5.05, entitled Outdoor Burning, such amendment to read as follows:

“ARTICLE 5.05 OUTDOOR BURNING

Sec. 5.05.001 Adoption of Texas Administrative Code Regarding Outdoor Burning. The City hereby adopts the outdoor burning rules as outlined in the Texas Administrative Code, Title 30, Part 1, Chapter 111, Subchapter B, and as may be amended. If a conflict occurs between the Texas Administrative Code and this Article, the most stringent provision shall prevail.

Sec. 5.05.002 Outdoor Burning Prohibited. Outdoor burning of any kind is prohibited except where such burning is authorized pursuant to an exception as specified below. This prohibition includes the burning of household trash, furniture, electrical insulation, treated and untreated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, chemical wastes, natural or synthetic rubbers, garbage of any form, or municipal solid waste (hereinafter “waste”). Waste does not include leaves, grass clippings, tree limbs or other materials that may be used as fuel for a fire under the exceptions below.

Sec. 5.05.003 EXCEPTIONS. Outdoor burning may be authorized under the following exceptions:

- (i) Fire training. Outdoor burning is authorized for training fire-fighting personnel. Facilities dedicated solely for fire-fighting training shall provide an annual written notification of intent as to such burning to the fire code official and the Texas Commission on Environmental Quality ("TCEQ") or its successor, and shall provide each with notice at least 24 hours in advance of any scheduled training session. No more than one such notification is required for multiple training sessions scheduled within any one-week period, provided the initial notice includes the specific dates and times of all sessions.
- (ii) Outdoor fires for non-commercial food preparation. Outdoor fires are authorized for cooking, provided such fire is built and maintained in a pit that fully contains the fire, or a fireproof container such as a barbeque pit or chimenea made of brick,

stone, metal, or other fireproof material in such a manner as to prevent any fire from escaping. This exception does not permit or authorize the burning of waste or other matters not being prepared for consumption.

- (iii) Fires used for recreation and ceremony. The City may authorize outdoor burning for fires used solely for recreational or ceremonial purposes, provided such fire is built and maintained in a pit that fully contains the fire, or a fireproof container such as a barrel, barbeque pit or chimenea made of brick, stone, metal, or other fireproof material in such a manner as to prevent any fire from escaping. This exception does not permit or authorize the burning of waste.
- (iv) Outdoor fires for warmth. Outdoor fires are authorized for warmth, provided such fire is built and maintained in a pit that fully contains the fire, or a fireproof container such as a barrel, barbeque pit or chimenea made of brick, stone, metal, or other fireproof material in such a manner as to prevent any fire from escaping. This exception does not permit or authorize the burning of waste.
- (v) Outdoor fires for disposal of leaves, grass clippings, tree limbs and other similar materials. Outdoor fires are authorized for the disposal of leaves, grass clippings, and tree limbs, provided such fire is built and maintained in a pit that fully contains the fire, or a fireproof container such as a barrel, barbeque pit or chimenea made of brick, stone, metal, or other fireproof material in such a manner as to prevent any fire from escaping. This exception does not permit or authorize the burning of waste.
- (vi) Disposal fires. The City may authorize outdoor burning for the following purposes, such activities being subject to prior written notification to, and/or inspection by, the Fire Chief, Fire Marshal (or their designee):
 - A. Diseased animal carcass burning where burning is the most effective means of controlling the spread of disease.
 - B. On-site burning of trees, brush, limbs and other plant growth for right-of-way maintenance, land clearing operations, and maintenance along water ways when a practical alternative to burning does not exist for any such purpose and when the materials are generated only from that property. Sensitive receptors, such as neighboring properties, persons, animals, must not be negatively affected by the burn. For a single project entailing multiple days of burning, an initial notice delineating the scope of the burn is sufficient if the scope does not constitute circumvention of any other provision provided herein and with the understanding that the Fire Chief, Fire Marshal (or their designee) may revoke such authorization for reasons such as where conditions change or a violation occurs.
 - C. Crop residue burning for agricultural maintenance purposes when no practical alternative exists. Structures containing sensitive receptors must not be negatively affected by the burn.

- D. Brush, trees, and other plant growth causing a detrimental public health and safety condition may be burned by a local government at a site it owns upon receiving approval from the Fire Chief, Fire Marshal (or their designee). Such a burn may only be authorized where there is no practical alternative and, it may be done no more frequently than once every two months.
- E. Prescribed burn. The City may authorize outdoor burning for prescribed burning for forest, range, and wildland/wildlife management purposes. Such burning is prohibited where the Fire Chief, Fire Marshal (or their designee) determines that the burning will have an adverse effect on any building or structure. In addition, the Fire Chief, Fire Marshal (or their designee) may revoke the authority to burn at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of this Article, or causes a violation of any air quality standard.
- F. Other necessary burning. If not otherwise authorized by this Article, outdoor burning may be authorized by the City if there is no practical alternative and if the burning will not cause or contribute to a nuisance, traffic hazard, or violate any federal or state law. The Fire Chief, Fire Marshal (or their designee) may specify procedures or methods to control or abate emissions from outdoor burning as authorized. The Fire Chief, Fire Marshal (or their designee) may revoke the authority to burn at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of this Article, or causes a violation of any air quality law.

Sec. 5.05.004 Revocation of authority to burn. The Fire Chief, Fire Marshal (or their designee) may revoke any person's or entity's right to conduct outdoor burning and may pursue any legal recourse against the person or entity if the fire official determines that federal or state law or this Article was violated.

Sec. 5.05.005 Prohibition of outdoor burning during burn ban. Outdoor burning, including under the exceptions described in Section 5.05.003, shall be prohibited when a burn ban is in effect for Parker County and the outdoor burning violates and/or conflicts with the terms of the burn ban.

Sec. 5.05.006 Right of entry and inspection. The Fire Chief, Fire Marshal (or their designee) or any officer, agent, employee or representative of the City may inspect any property for the purpose of ascertaining compliance with the provisions of this Article.

Sec. 5.05.007 Enforcement.

A. Civil and Criminal Penalties

The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this ordinance is hereby declared to be a nuisance.

B. Criminal Prosecution

Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00). Each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a Class C Misdemeanor.

C. Civil Remedies

A person conducting or using an outdoor burn of any kind shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire. The City will not be liable for any fire suppression costs or any other liability resulting from damage caused by a fire being conducted under this Article. Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law, including, but not limited to the following:

- (1) injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
- (2) a civil penalty of up to \$1,000.00 per day that a violation exists when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and
- (3) other available relief."

SECTION 3. MISCELLANEOUS

(A) This ordinance shall be cumulative of all provisions of ordinances of the City of Willow Park, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

(B) It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the

City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

(C) The City Secretary of the City of Willow Park is hereby directed to publish in the official newspaper of the City of Willow Park, the caption, the penalty clause, and the effective date clause of this ordinance as authorized by Section 52.011 of the Local Government Code.

(D) This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED, APPROVED AND ADOPTED on this the 12th day of April, 2022

Doyle Moss, Mayor

ATTEST:

Crystal Dozier, City Secretary

The Willow Park City Council is acting on Ordinance No. _____, did on the 12th day of April vote as follows:

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



Outdoor Burning in Texas

Field Operations

Texas Commission on Environmental Quality



Texas Commission on Environmental Quality

Bryan W. Shaw, Ph.D., P.E., *Chairman*

Toby Baker, *Commissioner*

Zak Covar, *Commissioner*

Richard A. Hyde, P.E., *Executive Director*

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Outdoor Burning in Texas

Field Operations

Texas
Commission on
Environmental
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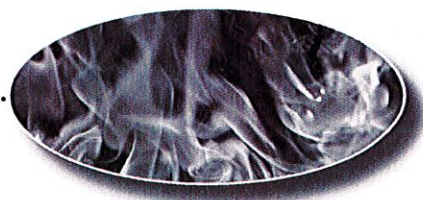
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 printed on recycled paper using vegetable-based ink.



Introduction

This guide helps interpret the revised Outdoor Burning Rule, Title 30, Texas Administrative Code, Sections 111.201–221,¹ for the general public, the regulated community, and responsible state and local officials.

This document covers all aspects of the outdoor burning rule, including:

- exceptions that allow outdoor burning
- general requirements for allowing outdoor burning
- notification requirements for allowable outdoor burning

At the end of various sections, common questions relating to the material in the section are answered.

State and local officials may find Appendixes C and D to be particularly useful. They contain a copy of the rule itself and background information for each of its sections.

This guide is not a substitute for the actual rule. A current copy of the rule can be obtained from the TCEQ by calling 512-239-0028, or online at <www.tceq.texas.gov/rules>.

Limitations of This Guide

This document does not include requirements of other government agencies. Local ordinances and governmental entities may restrict when, where, how, and if individuals and organizations can conduct outdoor burning.

Some municipalities have enacted local ordinances that prohibit or restrict outdoor fires within their corporate limits. Residents should always check with municipal officials about possible limitations on outdoor burning so they do not unintentionally violate an existing ordinance.

During extreme fire danger, governmental units may ban outdoor burning to help prevent possibly disastrous wildfires. A county judge and county commissioners' court may issue a ban on outdoor burning that is applicable to unincorporated portions of the county.

In addition, Texas criminal statutes specify penalties that pertain to escaped control fires and wildland fires that were deliberately set. Persons responsible for escaped control or arson wildfires may also be faced with civil suits for damages caused by these fires.

¹ In this document, "30 TAC 111" is short for "Title 30, Texas Administrative Code, Chapter 111."

Numerous authorities, including the National Weather Service and the Texas A&M Forest Service, may issue advisories, watches, or warnings when weather and fuel conditions increase the risk of escaped fires or the severity of wildfires. Public cooperation during the dangerous wildfire conditions is essential to prevent needless wildfires and the losses they may cause.

The Outdoor Burning Rule Explained

The current version of the Outdoor Burning Rule is the result of a concerted effort to produce a streamlined, unambiguous rule that can be applied consistently and fairly throughout Texas. Its purpose is to protect the environment, promote public health and safety, and avoid nuisance conditions through the sensible regulation of outdoor burning.

Summary of the Rule

The Outdoor Burning Rule first prohibits outdoor burning anywhere in Texas, and then allows exceptions for specific situations in which burning is necessary or does not pose a threat to the environment. The rule also prescribes conditions that must be met to protect the environment and avoid other adverse impacts when burning is allowed. If burning seems necessary, but the situation does not fit an exception stated in the rule, then it is possible to request a special authorization to conduct burning from the TCEQ.

How do I obtain a burning permit from the TCEQ?

The TCEQ does not issue burning permits. Outdoor burning in general is prohibited in Texas, although the Outdoor Burning Rule (Appendix C) does allow certain exceptions. If your situation fits all requirements for one of the exceptions described in the rule, you may conduct outdoor burning, as long as you comply with all the conditions. Depending on the circumstances, you may also need authorization from the appropriate regional office before you burn. Remember to check local ordinances or other regulations about burning.

It looks like I can get the TCEQ's authorization to burn, but my neighbors may complain. Do I have to worry about what they think?

Yes. In addition to common courtesy, the Outdoor Burning Rule requires that certain kinds of burning be conducted downwind of, or at least 300 feet from, any structure containing sensitive receptors (for example, a residence, business, barn, or greenhouse; see box, page 8) located on adjacent properties unless written approval is obtained beforehand from the owner or occupant—the one who will suffer adverse effects—of the adjacent or downwind property. Also, the burning must not cause a nuisance or traffic hazard.

The rule authorizes (or the TCEQ has authorized) my outdoor burning. Before I actually set the fire, do I have to notify the TCEQ?

It depends. For certain types of burning, the rule requires you to notify the appropriate TCEQ regional office. For others, you are not required to notify the TCEQ. But, before you strike that match, remember that you may have to contact other agencies—or even your neighbors—as well as the TCEQ. See Appendix A for the notification requirements for the various kinds of burning covered under the rule. Up-to-date information regarding weather conditions can be obtained online through a number of websites. This information should be referenced before conducting outdoor burning in order to determine which way (and how fast) the wind is blowing, whether winds are expected to shift, whether your area is under a temperature inversion, and whether high ozone levels are forecast. Ozone level information is available on TCEQ's Texas Air Quality Forecast page: <www.tceq.texas.gov/goto/airtoday>.

How do I report someone who is illegally burning outdoors?

Report the burning to the local air pollution-control office, or the nearest TCEQ regional office. The TCEQ's Environmental Complaint Hotline is 888-777-3186. Complaints can also be submitted by e-mail at <complaint@tceq.texas.gov> or using the online form available at <www.tceq.texas.gov/complaints>.

Exceptions to the Prohibition

The standard exceptions, explained below, cover the most common situations in which burning is an acceptable practice. In most of these instances, the burning must follow the

general requirements outlined later in this document. It may be necessary to notify the TCEQ, local governmental agencies, and neighbors before conducting burning under one of these exceptions. See Appendix A for details on notification requirements in specific situations. There may be local ordinances or county burn bans that regulate burning; if so, the requirements and restrictions of those ordinances must also be met.

Firefighter Training

Organizations that train firefighters may obtain authorization to conduct outdoor burning for such training, including training in the operation of fire extinguishers. To obtain an authorization, the organization responsible for the training must send a written request to the local air pollution-control agency under contract with the TCEQ, or, if there is no such agency, the appropriate TCEQ regional office. For a list of regional offices, see Appendix B.

If training occurs regularly at a dedicated facility, it may be possible to inform the regional office of all such training events with one annual written notification. If a dedicated training facility conducts training regularly but less often than once a week, a telephone or fax notification will be necessary 24 hours in advance of each event.

Burning conducted to train firefighters does not have to conform to the general requirements for other forms of allowable outdoor burning, but it must not cause a nuisance or traffic hazard. The TCEQ may revoke its authorization if it is used in an attempt to avoid complying with other portions of the Outdoor Burning Rule.

We want to conduct fire training for our volunteer fire department. Can we burn this abandoned house?

The training of firefighters may be authorized as an exception to the prohibition on outdoor burning. Submit a written request on behalf of the VFD to the local air pollution-control agency, or, if there is no local agency, the TCEQ office for your region. The TCEQ may authorize such training orally or in writing; if it denies the request, your VFD will receive a notice of denial within 10 working days after the postmark date or the date of personal delivery of the request to the regional office. To ensure that the fire will not form or disperse toxic substances, the local air pollution-control agency or the reviewing TCEQ regional office may require that the building be stripped of many common construction materials—including electrical wiring, lead flashing, carpet, asbestos, and many others—before the fire is ignited.

Note that the burning of abandoned buildings by a fire department is not automatically considered fire training. There must be a specific benefit to the fire department. Simply preventing the spread of fire from an abandoned building to neighboring property is not considered training. Such burns constitute an attempt to circumvent the Outdoor Burning Rule and are prohibited.

Fires for Recreation, Ceremonies, Cooking, or Warmth

Outdoor burning is allowed when used solely for recreational or ceremonial purposes, in the noncommercial preparation of food, or exclusively as a means of generating warmth in cold weather. In other words, campfires, bonfires, and cooking fires are allowed. Fires built under this exception may not contain electrical insulation, treated lumber (including paint, stain, varnish, clear coat, or any other kind of treatment), plastics, construction or demolition materials not made of wood, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, or items containing natural or synthetic rubber. The other general requirements on allowable outdoor burning do not apply to fires covered by this exception, but the burning must not cause a nuisance or traffic hazard.

May I cook food on my charcoal grill in my backyard?

Yes. Fires used in the noncommercial preparation of food are allowed.

May I build a fire in my fireplace?

Yes. Indoor fires are not regulated by the Outdoor Burning Rule. Domestic-use fireplaces are authorized under the TCEQ’s de minimis rules in 30 TAC 116.119.

Are campfires allowed inside the city limits?

Fires used solely for recreation or ceremony are allowed by state law; however, local ordinance may prohibit this kind of burning. Make sure no oils, asphalt, synthetic rubber, or other materials that produce heavy smoke are in the fire: they could release toxic gases or cause a nuisance or traffic hazard.

Fires for Disposal or Land Clearing

A broad exception for fires to dispose of waste or clear land covers seven more specific categories, described below. Residents of Montgomery County are subject to special restrictions (see below); these restrictions could be extended

to other areas of the state should growth in neighboring counties render them subject to the provisions of Texas Local Government Code 352.082.

1. Domestic waste. Domestic waste—in other words, household trash or rubbish—may be burned when the local governmental organization with jurisdiction over such matters does not collect trash and does not authorize a business or other service to do so. To qualify for this exception, the waste must come from a property that is designed to be a private residence and used exclusively as a private residence for no more than three families. The waste must also be burned on the property where it was produced. According to TCEQ rules [30 TAC 101.1(26)], domestic wastes include wastes that normally result from the function of life within a residence—for example, kitchen garbage, untreated lumber, cardboard boxes, packaging, clothing, grass, leaves, and branch trimmings. Such items as tires, construction debris, furniture, carpet, electrical wire, and appliances are not considered to be domestic waste and cannot be burned. Other conditions of the general requirements for outdoor burning do not apply to the burning of domestic waste, but the outdoor burn must not cause a nuisance or traffic hazard.

2. Diseased animal carcasses. These may be burned when burning is the most effective means of controlling the spread of disease. The general requirements for outdoor burning do not apply to this exception, but burning under this exception must not cause a nuisance or traffic hazard.

3. Burning of animal remains by a veterinarian. A veterinarian may burn animal remains and medical waste—not including sharps (e.g., needles)—associated with animals in his or her care on his or her property if the property is located outside the corporate boundaries of a municipality (or within such boundaries if annexed on or after September 1, 2003). This section prevails over any other law that authorizes a governmental authority to abate a public nuisance. (Texas Occupations Code 801.361.)

4. On-site burning of waste plant growth. Trees, brush, grass, leaves, branch trimmings, or other plant growth may be burned on the property on which the material grew in most attainment counties, as described below. In all cases, the plant growth must be burned by the property owner or any other person authorized by the owner.

- *All designated nonattainment counties and some attainment counties.* Burning of waste plant growth is allowed only if the material was generated as a result of right-of-way maintenance, land clearing, or maintenance along water canals, and no practical alternative to burning exists. “Practical alternative” is defined as ‘an economically, technologically, ecologically, and logistically viable

option.’ See Appendix D. Burning carried out under this exception must conform to all the general requirements for outdoor burning.

- *Most attainment counties.* Burning of waste plant growth is allowed regardless of the activity that generated the material. Practical alternatives need not be considered. Burning carried out under this exception must conform to some of the general requirements for outdoor burning, specifically the requirements in 30 TAC 111.219(3, 4, 6, 7) (see Appendix C). Such burning is also subject to local ordinances that prohibit burning within the corporate limits of a city or town. Some attainment counties are treated as nonattainment counties for the purposes of this exception. Specifically, any attainment county that contains any part of a municipality that extends into a bordering nonattainment county is treated as a nonattainment county for the purposes of this exception.

To determine if your county is an attainment or a nonattainment county for the purposes of this exception, call your regional TCEQ office. TCEQ regional-office phone numbers appear in Appendix B.

5. Designated burn sites. This exception allows rural homeowners to transport their yard waste to a designated site for consolidated burning, rather than having numerous smaller fires in the yards of rural neighborhoods. All burning at a designated site must be directly supervised by a fire-department employee. Designated burn sites must be located outside the corporate limits of a municipality and within a county that has a population of less than 50,000. The site must be designated by its owner; designation does not require registration with the agency. A site is designated by:

- posting all entrances to the site with a placard measuring at least 2 feet wide by 4 feet high bearing specific information as stated in 30 TAC 111.209(5)(A) (see Appendix C)—each placard must be clearly visible and legible at all times; and
- specifying residential properties for which the site has been designated, and maintaining a record of those specific residential properties. The record must contain a description of a platted subdivision, a list of all specific residential addresses, or both. This record must be made available within 48 hours of any request by any authority having jurisdiction.

Furthermore, the owner of the site is required to ensure that all activities at the site comply with this exception. The owner must:

- ensure that all waste burned at the site consists of trees, brush, grass, leaves, branch trimmings, or other plant

growth, and was generated at one of the specific residential properties for which the site is designated; and

- ensure that all burning at the site is directly supervised by a paid, on-duty fire department employee who is part of the fire protection personnel and is acting in the scope of his or her employment. The fire-department employee must notify the appropriate TCEQ regional office by phone or fax 24 hours in advance of each burn. The TCEQ will supply the employee with information on practical alternatives to burning.

6. Crop residues. When there is no practical alternative, crop residues may be burned as part of agricultural management. Burning carried out under this exception must conform to the general requirements for outdoor burning, and structures containing “sensitive receptors” (see box) must not be negatively affected by the burn. This exception does not apply to crop-residue burning covered by an administrative order.

“Sensitive receptors” include humans and livestock, as well as “sensitive live vegetation” such as nursery plants, mushrooms under cultivation, and plants raised for pharmaceutical production or used in lab experiments. For a complete definition, see 30 TAC 111.203(7) (see Appendix C).

7. Brush, trees, etc., off-site. A county or municipal government may request site and burn authorization in writing from the appropriate TCEQ regional office to burn accumulations of brush, trees, and other plant growth that cause a condition detrimental to public health and safety. The burn must occur at a site owned by the local government and will be authorized only if the TCEQ determines that there is no practical alternative. The frequency of such burns may not exceed once every two months, and they cannot be used in place of other sound brush-management practices. Burning conducted under this exception must conform to the general requirements for allowable outdoor burning. The burning may not occur at a municipal landfill without advance permission from the TCEQ.

Special restrictions in Montgomery County. Regardless of the seven exceptions given above, in unincorporated areas of Montgomery County it is a criminal offense, as well as a violation of agency rules, to burn household refuse on a lot smaller than five acres or located in a “neighborhood.” The terms “neighborhood” and “refuse” are defined in 30 TAC 111.203 (see Appendix C). Under Texas Local Government Code 352.082, this restriction could in the future also apply to certain planned communities if a county adjacent to the

one where such a community is located grows to 3.3 million or more in population.

I live in a small rural town where most people have their trash picked up by a commercial trash-collection service. I can't afford to pay that money each month. May I burn my trash in a 55-gallon drum in my backyard?

If there is no governmentally provided or authorized trash-collection service available to you, you may burn domestic waste on the property where it is produced, as long as outdoor burning is not prohibited by local rule or ordinance and does not create a nuisance or a traffic hazard.

May I burn my old oil filters in a metal barrel on my property?

No. Take oil filters to an authorized recycling site, along with your used oil. You may call 800-CLEAN-UP for more information on recycling.

I want to burn boxes from my business. The TCEQ rules say that I may burn waste from my residence, but what about waste from my business?

According to the Outdoor Burning Rule, you can't burn business waste. The exception that allows the burning of domestic waste applies only if the property is used exclusively as a private residence and the local governmental authority does not provide or authorize the collection of waste at the premises where the waste is generated. There is no such exception for businesses. You should look into the possibility of recycling your boxes and other business or commercial wastes such as pallets, cardboard, barrels, etc. or find ways that you or others could reuse them.

We have a hard time disposing of scrap tires. Will the TCEQ let us burn them?

No. The rule provides no exception for the disposal of tires through outdoor burning—or any other items that contain natural or synthetic rubber—because of the air pollution that would result. The TCEQ's Scrap Tire Program (512-239-2515, <www.tceq.texas.gov/tires>) can give you more information regarding proper methods for tire disposal.

What may be burned at municipal landfills?

Routine burning is not allowed at municipal landfills.

I am a licensed veterinarian. Do I need authorization to burn animals that died while in my care?

Not if you are located outside the corporate boundaries of a municipality (or within those boundaries if annexed on or after September 1, 2003) and you burn the animal remains on property owned by you. You can also burn medical waste associated with the animal, with the exception of sharps (e.g., needles). For details, see section 801.361 of the Texas Occupations Code.

May I burn trees that I have cut down in my backyard?

There are a couple of exceptions to the prohibition on outdoor burning that may allow you to burn trees.

First, grass, leaves, and branch trimmings from residences are all considered "domestic waste." If your local government does not collect domestic waste and does not authorize a private collector to do so, you may burn material of this type. If such waste collection is available, then it cannot be burned under the domestic-waste exception.

Regardless of whether domestic-waste pickup is available, a separate exception may apply depending on your location. If you are in a county that does not contain any part of a city that extends into a nonattainment county, you may burn plant waste (not all domestic waste) on the property on which it was generated. For information regarding nonattainment counties visit <www.tceq.texas.gov/airquality/sip>.

However, under both of these exceptions, the burning must not create a nuisance or traffic hazard, and you must comply with all applicable local rules or ordinances.

I have some uncleared property inside the city limits that I would like to develop. Hauling the trees and brush off would not be practical because it is too expensive. May I dispose of the trees and brush by burning?

It depends on the attainment status of the county in which you wish to burn. In designated nonattainment counties, and attainment counties that border nonattainment counties and contain any part of a city that extends into the nonattainment county, this type of burning does not meet the exception unless the municipal government has enacted ordinances that permit burning consistent with state law. You must consider alternatives such as chipping or trench burning. If there is no practical alternative, and the city has not enacted ordinances that permit burning, you may request

written permission from the TCEQ for authorization to burn, and you cannot commence with the burning until you receive such authorization. Such requests are evaluated on a case-by-case basis. Contact the appropriate TCEQ regional office for guidance.

In all other counties this burning meets the agency exception unless the municipal government has enacted ordinances that prohibit burning.

For information regarding nonattainment counties visit <www.tceq.texas.gov/airquality/sip>.

I am in the business of trimming people's trees and shrubs in town. I realize that the tree limbs and trimmings can't be burned in town, but I own some land outside of town. May I take it out there and burn it?

No. The Outdoor Burning Rule allows the burning of land clearing materials only at the site of the land clearing.

Why are sugar growers allowed to burn their cane fields?

At the request of Rio Grande Valley Sugar Growers, Inc., the TCEQ conducted extended air-monitoring studies of the Texas sugarcane-growing area. The agency determined that no practical alternative to burning exists for this industry. The TCEQ then adopted an agreed order with the Rio Grande Valley Sugar Growers, Inc., that outlines conditions under which the sugarcane industry can conduct burning.

The burning of corn stubble produces a great amount of smoke. Is this type of burning authorized?

Yes. Burning for crop management is allowed if there is no practical alternative, if it is conducted under appropriate weather conditions and at appropriate times, and if it does not cause a nuisance or traffic hazard.

There are tree limbs in an area of our community that pose a public safety risk. What are our options for solving this problem?

Brush, trees, and other forms of plant growth that present a detriment to public health and safety may be burned by a county or municipal government at a site it owns upon receiving site and burn authorization from the TCEQ. Such burning can only be authorized when there is no practical alternative, and it may be done no more than once every two months. The local government has the burden of proving

that there is no practical alternative and that the growth poses a detriment to public health or safety. Burning to augment normal brush disposal cannot be a continual or a standard operating procedure and cannot be conducted at municipal landfills unless authorized in writing by the TCEQ.

Is hay that has been used as bedding for animals considered crop residue?

No. Hay used for this purpose will need to be properly disposed of by a method other than burning. Check with your local county officials or agricultural organizations. They may need this material for erosion control or other purposes.

Prescribed Burns

This exception covers the use of fire to manage forests, rangeland, wildland and wildlife, coastal salt marsh in 14 counties, and for wildfire-hazard mitigation. All of these forms of burning are subject to the general requirements for allowable outdoor burning. Coastal salt-marsh burning also entails more specific notification requirements, which are stated in 30 TAC 111.211(2)(A) and (B).

Who can I contact for technical information relating to prescribed burning?

A good source is the Prescribed Burning Board of the Texas Department of Agriculture, which sets standards for prescribed burning; develops a comprehensive training curriculum for prescribed-burn managers and sets standards for their certification, recertification and training; establishes minimum education and professional requirements for instructors for the approved curriculum; and sets minimum insurance requirements for prescribed-burn managers.

For safety reasons, a prescribed-burn plan may call for burning at night. Such a plan requires special authorization and must consider the effects of a temperature inversion on smoke dispersal in order to protect public health.

Pipeline Breaks and Oil Spills

An oil (or other hydrocarbon) spill or pipeline break may trigger a requirement to notify the appropriate TCEQ regional office. Once notified of the spill, the regional office staff will decide whether burning is necessary to protect the public welfare. If the TCEQ gives the company or person responsible for the spill permission to burn, the TCEQ may also require that company or person to take samples and monitor the site to determine and evaluate environmental impacts.

Other Situations

If a situation may require outdoor burning but is not covered by the previously described exceptions, you may request permission to burn from the TCEQ regional office. Its staff, acting on behalf of the executive director, will consider whether there is a practical alternative, whether the burning will cause or contribute to a nuisance or traffic hazard, and whether the practice will violate any federal or state primary or secondary standard for ambient air quality. Such an authorization may require you to follow certain procedures to control or abate emissions. The authorization may be revoked at any time if the TCEQ determines that the outdoor burning is creating a nuisance, violating any provision of an applicable permit, causing a violation of any air quality standard, or not conforming to the conditions specified in the authorization.

A bad storm knocked a lot of trees down in our community. May we burn the debris? May we haul it to the landfill and burn it?

Regardless of whether the brush is to be burned on-site or at the landfill, this type of burning is not specifically authorized in the exceptions to the prohibition on outdoor burning. However, the TCEQ may authorize the disposal of storm debris if there are no practical alternatives. Such requests are evaluated on a case-by-case basis. Contact the appropriate TCEQ regional office for guidance.

Why are housing subdivisions allowed to dig pits and burn their land-clearing materials within city limits?

They are using a process called air-curtain incineration (trench burning), which is authorized under a permit by rule or standard permit. Companies that specialize in that business must obtain prior TCEQ approval, obtain a federal operating permit, and follow specific written operating procedures.

General Requirements for Outdoor Burning

- If a proposed outdoor burn meets the conditions for an exception to the general prohibition of outdoor burning, additional requirements designed to protect public health, safety, and the environment may apply. They are designed to reduce the likelihood that the burning will create a nuisance, cause a hazard, or harm the environment. The specific requirements applicable to each type of allowable outdoor burn are identified in the

exceptions (see Appendix C). The party responsible for the burn remains liable for damages, injuries, or other consequences that may result from burning, even when it is carried out in compliance with these regulations.

- Notify the Texas A&M Forest Service before carrying out any prescribed or controlled burns that are intended for forest management.
- Burn only outside the corporate limits of a city or town, unless the incorporated city or town has an ordinance, consistent with the Texas Clean Air Act, Subchapter E, that permits burning.
- Commence or continue burning only when the wind direction and other weather conditions are such that the smoke and other pollutants will not present a hazard to any public road, landing strip, or navigable water (e.g., lake, river, stream, or bay) or have an adverse effect on any off-site structure containing “sensitive receptors” (e.g., a residence, business, farm building, or greenhouse; see box, page 8). Up to date information regarding weather conditions can be obtained online through a number of websites. This information should be referenced before conducting outdoor burning in order to determine the direction and speed of the wind, whether winds are expected to shift, whether your area is under a temperature inversion, and whether high ozone levels are forecast. Ozone level information is available on the TCEQ’s Texas Air Quality Forecast page: <www.tceq.texas.gov/goto/airtoday>.
- Post someone to flag traffic if at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway.
- Keep fires downwind of, or at least 300 feet away from, any neighboring structure that contains sensitive receptors. This requirement may be waived only with the prior written approval of whoever owns or rents the adjacent property and either resides or conducts business there.
- Begin burning no earlier than one hour after sunrise. Cease burning the same day no later than one hour before sunset, and make sure that a responsible party is present while the burn is active and the fire is progressing. At the end of the burn, extinguish isolated residual fires or smoldering objects if the smoke they produce can be a nuisance or a traffic hazard. Do not start burning unless weather conditions are such that the smoke will dissipate (winds of at least 6 miles per hour; no temperature inversions) while still allowing the fire to be contained and controlled (winds no faster than 23 miles per hour).

- Do not burn any electrical insulation, treated lumber, plastics, non-wooden construction or demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, or items that contain natural or synthetic rubber.

My situation doesn't fit any of the exceptions given in the rule, but I still think that burning is the only practical alternative. What can I do?

Submit a written request to the TCEQ regional office that serves the county where you wish to conduct outdoor burning. Acting on behalf of the executive director, regional personnel will review your request and determine whether a practical alternative is available. If they agree that none can be found, they will issue you a written authorization to burn that outlines specific conditions you must follow to control the emissions.

We are burning in compliance with TCEQ regulations, but the local fire marshal objects. Is our compliance with state rules not enough?

Your compliance with TCEQ regulations does not mean that other, stricter laws, regulations, or ordinances cannot be enforced by cities, counties, or other jurisdictions. You must comply with all such regulations (e.g., county burn bans) as well as the TCEQ rules.

Practical Alternatives to Burning

The Outdoor Burning Rule defines a practical alternative as “an economically, technologically, ecologically, and logistically viable option.” The following methods can sometimes serve as practical alternatives to burning as a means to dispose of waste. With creative thinking and the help of the local TCEQ regional office, you may be able to develop ways to dispose of your waste other than burning it.

Recycling. Manually or mechanically separate salvageable metals from other material and sell them at a salvage yard.

Composting. Wastes from landscape maintenance can often be composted on-site easily and cleanly. Similar wastes—even paper, in some instances—can be composted under the right conditions.

Mechanical chipping or mulching. The mulch that is produced could be put to use for soil enrichment and moisture retention, or used to create compost. In some cases, the mulch could become a marketable product, be put to use where it is produced, or be given to individuals or nurseries. If the material cannot be used as a landscape mulch, chipping can still be useful to reduce the volume of waste that must be disposed of by some other means.

Logging. Timber sometimes can be converted to a marketable product—lumber, pulp, or firewood—as one way to reduce the costs of disposal. The remaining small limbs and brush are then much easier to dispose of through one of the other alternatives.

Landfills. Some landfills have recycling centers, with chippers for wood waste and collection bins for paper, plastic, and glass. Type IV landfills accept brush. Contact your local landfills for details.

Air-curtain incineration (trench burning). Many land-clearing contractors have portable devices, known as *trench burners* or *air-curtain incinerators*, that can be used to dispose of brush or untreated lumber with minimal emissions. These devices must be authorized by the TCEQ prior to their construction at a burn site and the contractor must have obtained a federal operating permit. Many contractors and distributors lease out these devices.

Related TCEQ Publications

The TCEQ has a variety of publications available on issues related to outdoor burning. Several of them explain, in detail, specific alternatives to outdoor burning, for example:

- RG-325: *Used Oil Recycling Handbook: Guidance for Used Oil Handlers*
- GI-036: *Mulching and Composting*
- RG-419: *Disposal of Domestic or Exotic Livestock Carcasses*

To order single copies of these or other TCEQ publications, call TCEQ Publications Distribution at 512-239-0028 or write:

TCEQ Publications, MC 118
P.O. Box 13087
Austin, TX 78711-3087

Appendix A: Outdoor Burning—When Should You Notify the TCEQ?

Purpose of Burning	Notify the TCEQ	Who Else to Notify	Rule Section
Fire Training			
Statewide	In writing, 10 working days prior	1	111.205(a)
Dedicated facility, used at least once per week	Every year	1	111.205(b)
Dedicated facility, used less frequently	In writing every year, and by phone or fax 24 hours before event	1	111.205(c)
Disposal			
Domestic waste	Not required	2	111.209(1)
Diseased animal carcasses	Not required	2	111.209(2)
Animal remains and associated medical waste	Not required	2	111.209(3)
Plant growth on-site	Not required	2, 4	111.209(4)
Plant growth at designated burn site	Verbally or in writing, by fire department employee; must be 24 hours before event	2, 4	111.209(5)
Crop residue	Verbally or in writing, when possible	2, 4	111.209(6)
Brush, off-site, by county or city	In writing; also notify verbally when possible	2, 4	111.209(7)
Prescribed burns			
Other than coastal salt marsh	Verbally or in writing, when possible	2, 3, 4	111.211(1)
Coastal salt marsh	15 working days prior, in writing; verbal notification also required	4	111.211(2)(A)
Other			
Oil spills	Spill notification and prior approval, in writing; verbal notification also required	2	111.213
Ceremonial fires	Not required	2	111.207

Note: This table shows notification requirements only. See also the general requirements for allowable burning given later in this document. In instances where a general requirement does not apply, it may be included as part of a required TCEQ authorization.

1. If there is a local air pollution-control agency, notify that agency.
2. Check local ordinances, and notify any other government having jurisdiction over the area—for example, the county fire marshal, local fire department, or local law-enforcement officials.
3. Notify the Texas Forest Service before conducting prescribed burns for forest management.
4. Before conducting the burn, determine whether any structures containing sensitive receptors (for example, residences, greenhouses, stables, etc.) are within 300 feet of, and in the general direction downwind from, the site of the burn. If so, obtain written permission from the occupants or operators of those structures before you begin the burn.

Appendix B: TCEQ Areas and Regional Offices

TCEQ AREA OFFICES

BORDER AND PERMIAN BASIN

*Region 6, El Paso • Region 7, Midland
Region 15, Harlingen • Region 16, Laredo*
1804 W. Jefferson Ave. • Harlingen, TX 78550-5247
956-425-6010 • FAX: 956-412-5059

CENTRAL TEXAS

*Region 9, Waco • Region 11, Austin
Region 13, San Antonio*
P.O. Box 13087 • Austin, TX 78711-3087
12100 Park 35 Circle • Austin, TX 78753
512-239-6731 • FAX: 512-239-4390

COASTAL AND EAST TEXAS

*Region 5, Tyler • Region 10, Beaumont
Region 12, Houston • Region 14, Corpus Christi*
P.O. Box 13087 • Austin, TX 78711-3087
12100 Park 35 Circle • Austin, TX 78753
512-239-3607 • FAX: 512-239-4390

NORTH CENTRAL AND WEST TEXAS

*Region 1, Amarillo • Region 2, Lubbock • Region 3, Abilene
Region 4, Dallas/Fort Worth • Region 8, San Angelo*
5012 50th St., Ste. 100 • Lubbock, TX 79414-3426
806-796-7092 • FAX: 806-796-7107

TCEQ REGIONAL AND WATERMASTER OFFICES

1 – AMARILLO

3918 Canyon Dr.
Amarillo, TX 79109-4933
806-353-9251 • FAX: 806-358-9545

2 – LUBBOCK

5012 50th St., Ste. 100
Lubbock, TX 79414-3426
806-796-7092 • FAX: 806-796-7107

3 – ABILENE

1977 Industrial Blvd.
Abilene, TX 79602-7833
325-698-9674 • FAX: 325-692-5869

4 – DALLAS/FORT WORTH

2309 Gravel Dr.
Fort Worth, TX 76118-6951
817-588-5800 • FAX: 817-588-5700

Stephenville Office

(Concentrated Animal Feeding Operations)
580 W. Lingleville Rd., Ste. D
Stephenville, TX 76401-2209
254-965-9200 or 800-687-7078

5 – TYLER

2916 Teague Dr.
Tyler, TX 75701-3734
903-535-5100 • FAX: 903-595-1562

6 – EL PASO

401 E. Franklin Ave., Ste. 560
El Paso, TX 79901-1212
915-834-4949 • FAX: 915-834-4940

7 – MIDLAND

9900 W. IH-20, Ste. 100
Midland, TX 79706
432-570-1359 • FAX: 432-561-5512

8 – SAN ANGELO

622 S. Oakes, Ste. K
San Angelo, TX 76903-7035
325-655-9479 • FAX: 325-658-5431

9 – WACO

6801 Sanger Ave., Ste. 2500
Waco, TX 76710-7826
254-751-0335 • FAX: 254-772-9241

10 – BEAUMONT

3870 Eastex Fwy.
Beaumont, TX 77703-1830
409-898-3838 • FAX: 409-892-2119

11 – AUSTIN

P.O. Box 13087 • Austin, TX 78711-3087
12100 Park 35 Circle • Austin, TX 78753
512-339-2929 • FAX: 512-339-3795

12 – HOUSTON

5425 Polk St., Ste. H
Houston, TX 77023-1452
713-767-3500 • FAX: 713-767-3520

13 – SAN ANTONIO

14250 Judson Rd.
San Antonio, TX 78233-4480
210-490-3096 • FAX: 210-545-4329

14 – CORPUS CHRISTI

NRC Bldg., Ste. 1200,
6300 Ocean Dr., Unit 5839
Corpus Christi, TX 78412-5839
361-825-3100 • FAX: 361-825-3101

15 – HARLINGEN

1804 W. Jefferson Ave.
Harlingen, TX 78550-5247
956-425-6010 • FAX: 956-412-5059

16 – LAREDO

707 E. Calton Rd., Ste. 304
Laredo, TX 78041-3887
956-791-6611 • FAX: 956-791-6716

TEXAS WATERMASTERS

Brazos Watermaster

6801 Sanger Ave., Ste. 2500
Waco, TX 76710-7826
254-751-0335 • FAX: 254-772-9241

Concho Watermaster

622 S. Oakes, Ste. K
San Angelo, TX 76903-7035
325-481-8069 or 866-314-4894
FAX: 325-658-5431

Rio Grande Watermaster

Eagle Pass Office
P.O. Box 1185
Eagle Pass, TX 78853-1185
1152 Ferry St., Ste. E & F
Eagle Pass, TX 78852-4367
830-773-5059 • 800-609-1219
FAX: 830-773-4103

Harlingen Office

1804 W. Jefferson Ave.
Harlingen, TX 78550-5247
956-430-6056 or 800-609-1219
FAX: 956-430-6052

South Texas Watermaster

14250 Judson Rd.
San Antonio, TX 78233-4480
210-490-3096 or 800-733-2733
FAX: 210-545-4329

Appendix C: Outdoor Burning Rule

The Outdoor Burning Rule is reproduced below from 30 TAC 111.201–221. A current copy of the rule can be obtained from the TCEQ by calling 512-239-0028, or at <www.tceq.texas.gov/rules>.

§111.201. General Prohibition.

No person may cause, suffer, allow, or permit any outdoor burning within the State of Texas, except as provided by this subchapter or by orders or permits of the commission. Outdoor disposal or deposition of any material capable of igniting spontaneously, with the exception of the storage of solid fossil fuels, shall not be allowed without written permission of the executive director. The term “executive director,” as defined in Chapter 3 of this title (relating to Definitions), includes authorized staff representatives.

§111.203. Definitions.

Unless specifically defined in the Texas Clean Air Act (TCAA) or in the rules of the Texas Commission on Environmental Quality (commission), the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms that are defined by the TCAA, the following terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

- (1) **Extinguished**—The absence of any visible flames, glowing coals, or smoke.
- (2) **Landclearing operation**—The uprooting, cutting, or clearing of vegetation in connection with conversion for the construction of buildings, rights-of-way, residential, commercial, or industrial development, or the clearing of vegetation to enhance property value, access, or production. It does not include the maintenance burning of on-site property wastes such as fallen limbs, branches, or leaves, or other wastes from routine property clean-up activities, nor does it include burning following clearing for ecological restoration.
- (3) **Neighborhood**—A platted subdivision or property contiguous to and within 300 feet of a platted subdivision.
- (4) **Practical alternative**—An economically, technologically, ecologically, and logistically viable option.

- (5) **Prescribed burn**—The controlled application of fire to naturally occurring vegetative fuels under specified environmental conditions and confined to a predetermined area, following appropriate planning and precautionary measures.
- (6) **Refuse**—Garbage, rubbish, paper, and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses.
- (7) **Structure containing sensitive receptor(s)**—A man-made structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term “man-made structure” does not include such things as range fences, roads, bridges, hunting blinds, or facilities used solely for the storage of hay or other livestock feeds. The term “sensitive live vegetation” is defined as vegetation that has potential to be damaged by smoke and heat, examples of which include, but are not limited to, nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.
- (8) **Sunrise/Sunset**—Official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.
- (9) **Wildland**—Uncultivated land other than fallow, land minimally influenced by human activity, and land maintained for biodiversity, wildlife forage production, protective plant cover, or wildlife habitat.

§111.205. Exception for Fire Training.

- (A) Outdoor burning shall be authorized for training firefighting personnel when requested in writing and when authorized either verbally or in writing by the local air pollution control agency. In the absence of such local entities, the appropriate commission regional office shall be notified. The burning shall be authorized if notice of denial from the local air pollution control agency, or commission regional office is not received within 10 working days after the date of postmark or the date of personal delivery of the request.
- (B) Facilities dedicated solely for firefighting training, at which training routinely will be conducted on a

frequency of at least once per week, shall submit an annual written notification of intent to continue such training to the appropriate commission regional office and any local air pollution control agency.

- (C) Facilities dedicated solely for firefighting training, at which training is conducted less than weekly, shall provide an annual written notification of intent, with a telephone or electronic facsimile notice 24 hours in advance of any scheduled training session. No more than one such notification is required for multiple training sessions scheduled within any one-week period, provided the initial telephone/facsimile notice includes all such sessions. Both the written and telephone notifications shall be submitted to the appropriate commission regional office and any local air pollution control agency.
- (D) Authorization to conduct outdoor burning under this provision may be revoked by the executive director if the authorization is used to circumvent other prohibitions of this subchapter.

§111.207. Exception for Fires Used for Recreation, Ceremony, Cooking, and Warmth.

Outdoor burning shall be authorized for fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather. Such burning shall be subject to the requirements of §111.219(7) of this title (relating to General Requirements for Allowable Outdoor Burning).

§111.209. Exception for Disposal Fires.

Except as provided in Local Government Code, §352.082, outdoor burning is authorized for the following:

- (1) domestic waste burning at a property designed for and used exclusively as a private residence, housing not more than three families, when collection of domestic waste is not provided or authorized by the local governmental entity having jurisdiction, and when the waste is generated only from that property. Provision of waste collection refers to collection at the premises where the waste is generated. The term “domestic waste” is defined in §101.1 of this title (relating to Definitions). Wastes normally resulting from the function of life within a residence that can be burned include such things as kitchen garbage, untreated lumber, cardboard boxes, packaging (including plastics and rubber), clothing, grass, leaves, and branch trimmings. Examples of wastes not consid-

ered domestic waste that cannot be burned, include such things as tires, non-wood construction debris, furniture, carpet, electrical wire, and appliances;

- (2) diseased animal carcass burning when burning is the most effective means of controlling the spread of disease;
- (3) veterinarians in accordance with Texas Occupations Code, §801.361, Disposal of Animal Remains;
- (4) on-site burning of trees, brush, grass, leaves, branch trimmings, or other plant growth, by the owner of the property or any other person authorized by the owner, and when the material is generated only from that property:
 - (A) in a county that is part of a designated nonattainment area or that contains any part of a municipality that extends into a designated nonattainment area; if the plant growth was generated as a result of right-of-way maintenance, landclearing operations, and maintenance along water canals when no practical alternative to burning exists. Such burning is subject to the requirements of §111.219 of this title (relating to General Requirements for Allowable Outdoor Burning). Commission notification or approval is not required; or
 - (B) in a county that is not part of a designated nonattainment area and that does not contain any part of a municipality that extends into a designated nonattainment area; this provision includes, but is not limited to, the burning of plant growth generated as a result of right-of-way maintenance, landclearing operations, and maintenance along water canals. Such burning is subject to local ordinances that prohibit burning inside the corporate limits of a city or town and that are consistent with the Texas Clean Air Act, Chapter 382, Subchapter E, Authority of Local Governments, and the requirements of §111.219(3), (4), (6), and (7) of this title. Commission notification or approval is not required.
- (5) at a site designated for consolidated burning of waste generated from specific residential properties. A designated site must be located outside of a municipality and within a county with a population of less than 50,000. The owner of the designated site or the owner’s authorized agent shall:
 - (A) post at all entrances to the site a placard measuring a minimum of 48 inches in width and 24 inches in height and containing, at a minimum, the words “DESIGNATED BURN SITE - No burning of

any material is allowed except for trees, brush, grass, leaves, branch trimmings, or other plant growth generated from specific residential properties for which this site is designated. All burning must be supervised by a fire department employee. For more information call {PHONE NUMBER OF OWNER OR AUTHORIZED AGENT}." The placard(s) must be clearly visible and legible at all times;

- (B) designate specific residential properties for consolidated burning at the designated site;
- (C) maintain a record of the designated residential properties. The record must contain the description of a platted subdivision and/or a list of each property address. The description must be made available to commission or local air pollution control agency staff within 48 hours, if requested;
- (D) ensure that all waste burned at the designated site consists of trees, brush, grass, leaves, branch trimmings, or other plant growth;
- (E) ensure that all such waste was generated at specific residential properties for which the site is designated; and
- (F) ensure that all burning at the designated site is directly supervised by an employee of a fire department who is part of the fire protection personnel, as defined by Texas Government Code, §419.021, and is acting in the scope of the person's employment. The fire department employee shall notify the appropriate commission regional office with a telephone or electronic facsimile notice 24 hours in advance of any scheduled supervised burn. The commission shall provide the employee with information on practical alternatives to burning. Commission approval is not required;

- (6) crop residue burning for agricultural management purposes when no practical alternative exists. Such burning shall be subject to the requirements of §111.219 of this title and structures containing sensitive receptors must not be negatively affected by the burn. When possible, notification of the intent to burn should be made to the appropriate commission regional office prior to the proposed burn. Commission notification or approval is not required. This section is not applicable to crop residue burning covered by an administrative order; and
- (7) brush, trees, and other plant growth causing a detrimental public health and safety condition burned by a county or municipal government at a site it owns upon

receiving site and burn approval from the executive director. Such a burn can only be authorized when there is no practical alternative, and it may be done no more frequently than once every two months. Such burns cannot be conducted at municipal landfills unless authorized under §111.215 of this title (relating to Executive Director Approval of Otherwise Prohibited Outdoor Burning), and shall be subject to the requirements of §111.219 of this title.

§111.211. Exception for Prescribed Burn.

Outdoor burning shall be authorized for:

- (1) Prescribed burning for forest, range and wildland/wildlife management, and wildfire hazard mitigation purposes, with the exception of coastal salt-marsh management burning. Such burning shall be subject to the requirements of §111.219 of this title (relating to General Requirements for Allowable Outdoor Burning), and structures containing sensitive receptors must not be negatively affected by the burn. When possible, notification of intent to burn should be made to the appropriate commission regional office prior to the proposed burn. Commission notification or approval is not required.
- (2) Coastal salt-marsh management burning conducted in Aransas, Brazoria, Calhoun, Chambers, Galveston, Harris, Jackson, Jefferson, Kleberg, Matagorda, Nueces, Orange, Refugio, and San Patricio Counties. Coastal salt-marsh burning in these counties shall be subject to the following requirements:
 - (A) All land on which burning is to be conducted shall be registered with the appropriate commission regional office using a United States Geological Survey map or equivalent upon which are identified significant points such as roads, canals, lakes, and streams, and the method by which access is made to the site. For large acreage, the map should be divided into manageable blocks with identification for each defined block. The information must be received for review at least 15 working days before the burning takes place.
 - (B) Prior to any burning, notification, either verbal or written, must be made to, and authorization must be received from the appropriate commission regional office. Notification must identify the specific area and/or block to be burned, approximate start and end time, and a responsible party who can be contacted during the burn period.

(C) Such burning shall be subject to the requirements of §111.219 of this title.

§111.213. Exception for Hydrocarbon Burning.

Outdoor burning shall be authorized for hydrocarbon burning from pipeline breaks and oil spills only upon proper notification as set forth in §101.6 of this title (relating to Notification Requirements for Major Upset), and if the executive director has determined that the burning is necessary to protect the public welfare. Sampling and monitoring may be required to determine and evaluate environmental impacts.

§111.215. Executive Director Approval of Otherwise Prohibited Outdoor Burning.

If not otherwise authorized by this chapter, outdoor burning may be authorized by written permission from the executive director if there is no practical alternative and if the burning will not cause or contribute to a nuisance, traffic hazard or to a violation of any federal or state primary or secondary ambient air standard. The executive director may specify procedures or methods to control or abate emissions from outdoor burning authorized pursuant to this rule. Authorization to burn may be revoked by the executive director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

§111.219. General Requirements for Allowable Outdoor Burning.

Outdoor burning which is otherwise authorized shall also be subject to the following requirements when specified in any section of this subchapter.

- (1) Prior to prescribed or controlled burning for forest management purposes, the Texas Forest Service shall be notified.
- (2) Burning must be outside the corporate limits of a city or town except where the incorporated city or town has enacted ordinances which permit burning consistent with the Texas Clean Air Act, Subchapter E, Authority of Local Governments.
- (3) Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s).

(4) If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.

(5) Burning must be conducted downwind of or at least 300 feet (90 meters) from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.

(6) Burning shall be conducted in compliance with the following meteorological and timing considerations:

(A) The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.

(B) Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour (mph) (five knots) or greater than 23 mph (20 knots) during the burn period.

(C) Burning shall not be conducted during periods of actual or predicted persistent low level atmospheric temperature inversions.

(7) Electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

§111.221. Responsibility for Consequences of Outdoor Burning.

The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation.

Appendix D: Background

30 TAC 111.201 prohibits outdoor burning in Texas, except as stated in Sections 111.205–15. It also prohibits storing spontaneously combustible materials other than “solid fossil fuel” (i.e., coal) outside. The exception for coal was made to be consistent with the intent expressed in the preamble to the 1989 revisions to the rule.

Land-clearing operation. The last sentence of this definition indicates two different kinds of exclusions. The first, for on-site property waste burns, is covered in Section 111.209(4); the second, for burns for ecological restoration, is covered in Section 111.211(1). In practice, prescribed burns and land-clearing burns may have similarities; occasionally it is necessary in a prescribed burn to bulldoze trees or brush into piles to obtain the appropriate effect. The key difference is the concept of “conversion.” The goal of land clearing is a major change in land use, i.e. the conversion of the land from one use to another; the goal of a prescribed burn is to restore, maintain, or renew the ecosystem.

Practical alternative. This definition contains four criteria, each of which must be considered to determine whether an alternative is practical. The standard of judgment should be that of a reasonable person. For example, an option that is technologically available but neither economically affordable nor logistically possible is not practical. A method other than burning may not be practical if it cannot achieve the desired ecological outcome. An alternative that is technologically, economically, and logistically feasible is not practical if it causes a greater ecological harm than burning.

In Section 111.205(b), the wording “at which training routinely will be conducted” is used to eliminate potential confusion. For example, if training is conducted weekly except during holidays and when meteorological conditions are unfavorable, the facility still would qualify under this section of the rule. Other similar situations may also qualify.

Section 111.209(1) specifies that collection of domestic waste by the local governmental agency or authorized agent must occur on the premises where the waste is generated. The governmental provision of a transfer or convenience station to which residents may bring waste does not constitute collection of domestic waste; therefore, burning may take place in that instance. Any authorization of collection services by a government or other jurisdiction must be specific and well-defined. For a government merely to say it

is OK for anybody to collect garbage commercially within its jurisdiction does not constitute authorized collection for the purposes of this rule.

Section 111.209(6) recognizes an agricultural practice that continues in many parts of the state. The key factor is whether a practical alternative exists. Determining whether there is a practical alternative requires evaluating such things as the type of crop, soil moisture level, soil nutrient benefits, cropping sequence, and cost of alternative disposal methods.

Section 111.209(7) was added to deal with situations in which accumulated vegetation has the potential to do such things as obstruct the flow of water and cause flooding or provide habitat for vermin, but where it is not feasible to burn on-site because doing so would create a nuisance or traffic hazard. Each such burn requires prior approval from the regional office. A site cannot be designated by the municipality or county for continual use, as a standard operating procedure, to augment normal brush disposal. The intent is that the government (or other organization) will not conduct such a burn more frequently than once every two months, no matter how many sites it may have available. For example, it is not permissible for it to conduct a burn at one site and then have another burn at another site a few days later, circumventing the intent of the rule.

Section 111.211 recognizes the use of fire as a necessary management tool for particular situations for which there is no practical alternative. All such burns are subject to the General Requirements for Allowable Outdoor Burning (111.219).

Section 111.213 sets forth a mechanism for remediation to avoid additional environmental degradation in an emergency, such as preventing a petroleum substance from entering a waterway. Once the emergency is under control, it is not permissible to burn the material used to absorb the hydrocarbon or other wastes associated with emergency control. This section should not be used to sanction disposal. Note that the Outdoor Burning Rule refers to Section 101.6 (Notification Requirements for Major Upsets). However, that section has been repealed and replaced by Section 101.201 (Emissions Events Reporting and Record-keeping Requirements).

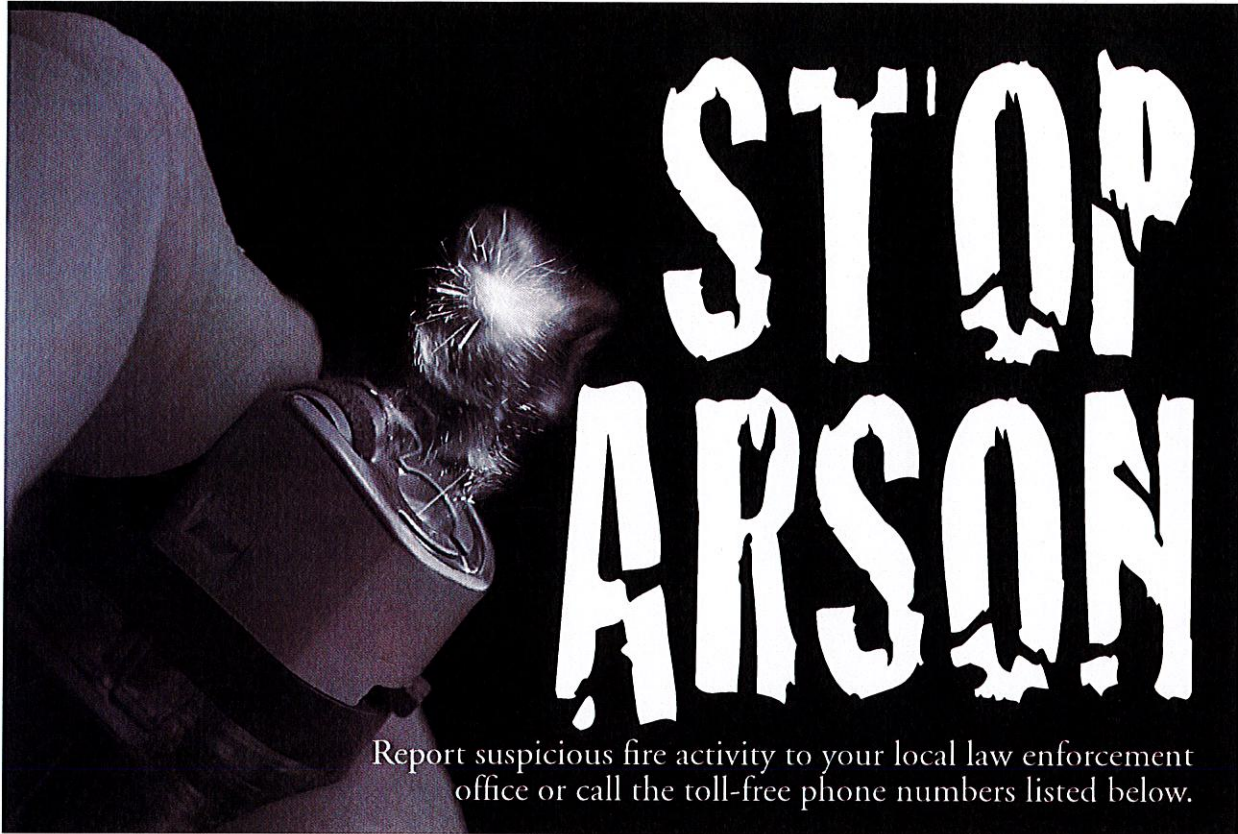
Section 111.219(6)(A) allows flexible burn opportunities with consideration for meteorological conditions conducive to dispersion. The requirement for having a responsible

party in attendance during the active burn phase does not mean someone has to be in attendance once the fire is virtually complete and is not advancing, i.e., once it principally consists of glowing coals with possibly some patchy residual fires. The extent of the burn may not be allowed to increase after one hour before sunset. A fire that has burned down to glowing coals has consumed most of the volatile substances and will not progress as a flame. It is understood that items such as stumps may burn for several days. Residual fires and smoldering objects without the potential to create a nuisance or traffic hazard need not be quenched. For example, if you

wish to burn 100 acres with a road on one side and no sensitive structures in other directions from the burn area, you would be prudent to extinguish residual fires and smoldering objects within a swath along the boundary with the road where the potential for nuisance or traffic hazard exists, but allow the remaining portion of the burn site to subside at a natural rate.

Section 111.219(7) specifically prohibits the burning of insulated wire without prohibiting the burning of piles created by fence demolition that contain wire and untreated wood wastes.

Appendix E: Arson Resources and Contact Information



Texas Toll-Free Arson Hotline
1-877-4FIRE45 (1-877-434-7345)

Texas A&M Forest Service Wildland Arson Hotline
800-364-3470

You may be eligible for a reward up to \$2,000 if your information leads to the arrest and grand jury indictment of the person or persons responsible for arson.



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FOWLER

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from the

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CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: April 12, 2022	Department: Admin	Presented By: City Manager
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AGENDA ITEM:

Discuss and take action on amending the Fort Worth Water Agreement

BACKGROUND:

In the original agreement with the City of Fort Worth, Fort Worth agreed to provide 500,000 gallons of water per day to the City of Willow Park on a temporary basis until the Ground Storage Tank and Pump Station is completed. Due to delays in the completion of the GST and Pump Station, Willow Park requested the City of Fort Worth extend the period of temporary water service.

In the attached Amendment, the City of Fort Worth will provide 1MGD (e.g. 1,000,000 gallons per day) to the City of Willow Park. The agreement will expire on October 31, 2022, which is the anticipated date the facility construction will be completed.

Suggested Motion: I move to accept the Second Amendment to the Agreement for water service between the City of Fort Worth, Texas and Willow Park, Texas as presented and to authorize the Mayor to execute said agreement

STAFF/BOARD/COMMISSION RECOMMENDATION:

EXHIBITS:

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

**SECOND AMENDMENT TO AGREEMENT FOR WATER SERVICE
BETWEEN THE CITY OF FORT WORTH, TEXAS, AND WILLOW PARK, TEXAS**

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This Second Amendment to Agreement for Water Service between the City of Fort Worth, Texas, and Willow Park, Texas is made and entered into this ____ day of _____, 2022 by and between the City of Fort Worth, acting by and through Dana Burghdoff, its duly authorized Assistant City Manager, hereinafter called "Fort Worth" and Willow Park, Texas, acting by and through Doyle Moss its duly authorized Mayor, hereinafter called "Customer," and hereinafter collectively referred to as the "Parties".

WHEREAS, on March 25, 2019 Fort Worth and Customer entered into an Agreement for Water Service between the City of Fort Worth, Texas, and Willow Park, Texas (City Secretary Contract No. 52220) (the "Original Agreement") through which Fort Worth agreed to supply treated water at a reasonable rate to Willow Park; and

WHEREAS, on May 25, 2021 Fort Worth and Customer entered into the First Amendment to Agreement for Water Service between the City of Fort Worth, Texas and Willow Park, Texas (City Secretary Contract No. 52220-A1)(the "First Amendment") to provide for, among other things, temporary water service pending the construction of a wholesale water meter, ground storage tank, pump stations and related facilities; and

WHEREAS, the Original Agreement, as amended by the First Amendment, is hereinafter referred to as the "Agreement;" and

WHEREAS, Customer has paid Fort Worth the customer's buy-in charge of \$1,908,402.08 date 5/17/2021 with Check #100005;

WHEREAS, Customer has installed a temporary meter at Customer's expense to purchase treated water from Fort Worth on a temporary basis; and

WHEREAS, due to delays in the completion of the wholesale water meter, ground storage tank, pump stations, and other facilities until summer of 2022, Customer has requested and Fort Worth has agreed to extend the period of the temporary water service and the amount of water available during the period of temporary water service; and

WHEREAS, Customer has agreed to provide to Fort Worth an as-built survey of the approach main required for the supply of water from Fort Worth as set forth in the Agreement; and

WHEREAS, Customer has agreed to hold Fort Worth harmless for any pressure related issues which may arise in the Customer's distribution system from this temporary supply; and

WHEREAS, Fort Worth and Customer desire to amend the Agreement as provided herein.

NOW, THEREFORE, KNOW ALL BY THESE PRESENTS, Fort Worth and Customer do hereby agree as follows:

SECTION 1.

Exhibit F "Additional Terms" of the Agreement is hereby amended by revising paragraph 18 to read as follows:

18. Temporary Water Supply: Upon completion of construction of the approach main by the Customer, Fort Worth agrees to provide temporary water service to the Customer. Such temporary water service shall expire October 31, 2022, which is the anticipated date for the Customer's acceptance of the ground storage tank and booster pump station and Fort Worth's acceptance of the permanent wholesale meter. If these facilities are not yet completed by October 31, 2022 then Fort Worth would assess month by month to determine if the temporary water supply would be extended beyond October 31, 2022. The total demand for water by the Customer shall not exceed 1,000,000 gal/day during this temporary service period. Fort Worth shall bill the Customer directly for temporary water supplied under this Agreement. The Customer shall remit payment to Fort Worth in accordance with the payment provisions in the Agreement.

SECTION 2.

All other terms and provisions of the Agreement which are not amended hereby shall remain in full force and effect.

IN TESTIMONY WHEREOF, this Agreement has been executed on the date executed by the City Secretary as shown below.

BY:
CITY OF FORT WORTH

BY:
CITY OF WILLOW PARK

Dana Burghdoff
Assistant City Manager

Doyle Moss
Mayor

Date: _____

Date: _____

ATTEST:

ATTEST:

Jannette S. Goodall
City Secretary

City Secretary, City of Willow Park

APPROVAL RECOMMENDED:

By: _____
Chris Harder, P.E.
Director, Water Department

APPROVED AS TO FORM AND
LEGALITY

Form 1295 No. ____ N/A _____

M&C No.: _____

By: _____
Douglas W Black
Sr. Assistant City Attorney

M&C Date: _____

Contract Compliance Manager:

By signing, I acknowledge that I am the person responsible for the monitoring and administration of this contract, including ensuring all performance and reporting requirements.

Wendy Chi-Babulal,
Assistant Water Director



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: April 12, 2022	Department: Admin	Presented By: City Manager
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AGENDA ITEM:

Discussion/Action: Approve Bid Proposal for Bankhead Lift Station Project

BACKGROUND:

Jacob and Martin has reviewed the bids Bankhead Lift Station Project. There were three bids received and accepted for two separate bid schedules.

Bid Schedule A includes the installation of a 6- inch force main from the existing sewer main near Meadow Place Drive to Bankhead Highway and Bid Schedule B includes installing a new lift station on the south side of Bankhead.

The low bid for the combination of both bid schedules was provided by B&L Construction Company for the total bid amount of \$679,000.00.

Recommended Motion: I move to award B&L Construction Company the bid for the Bankhead Lift Station Project.

STAFF/BOARD/COMMISSION RECOMMENDATION:

EXHIBITS:

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



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April 7, 2022

Mr. Bryan Grimes
City Administrator
City of Willow Park
516 Ranch House Road
Willow Park, Texas 76087

Re: Bankhead Sewer Extension

Dear Mr. Grimes:

We have reviewed the bids for the above referenced project. There were three bids received and accepted for two separate bid schedules. Bid Schedule A includes the installation of a 6-inch force main from the existing sewer main near Meadow Place Drive to Bankhead Highway and Bid Schedule B includes installing a new lift station on the south side of Bankhead. The low bid for the combination of both bid schedules was provided by B&L Construction Company for the total bid amount of \$679,000.00.

We've found no reason to disqualify the low bidder and do not believe that rebidding will result in better pricing at this time. We would recommend award of the total bid to B&L Construction Company in the amount of **\$679,000.00**.

Assuming Council concurs, we will begin preparing executable contract documents. Please feel free to contact me if you have any questions or concerns.

Sincerely,

JACOB | MARTIN

Derek Turner, P.E.
Firm No. F-2448

Enclosures



325.695.1070
817.594.9880

TBPE Firm #: 2448



info@jacobmartin.com
www.jacobmartin.com

TBAE Firm #: BR 2261



3465 Curry Lane
Abilene, TX 76906

TBPLS Firm #: 10024300 – Abilene

1508 Santa Fe, Suite 203
Weatherford, TX 76086

TBPLS Firm #: 10193992 - Weatherford



BID TABULATION

BASE BID SCHEDULE A

For all Labor, Materials, Equipment, and Incidentals to Furnish and install the Following:

Item #	Item Description	Quantity	Unit	B&L Construction Co.		GRod Construction, LLC		Atkins Bros. Equip. Co., Inc	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization, Bonds, and Insurance	1	LS	\$ 60,000.00	\$ 60,000.00	\$ 110,000.00	\$ 110,000.00	\$ 50,000.00	\$ 50,000.00
2	6" SDR 26 PVC Sewer Force Main (0'-5' Depth)	1,850	LF	\$ 75.00	\$ 138,750.00	\$ 78.00	\$ 144,300.00	\$ 200.00	\$ 370,000.00
3	Existing Sewer Line Connection	1	EA	\$ 6,500.00	\$ 6,500.00	\$ 4,500.00	\$ 4,500.00	\$ 1,000.00	\$ 1,000.00
4	Trench Safety	95	LF	\$ 25.00	\$ 2,375.00	\$ 50.00	\$ 4,750.00	\$ 1.00	\$ 95.00
5	Metal Detectable Tape	1,850	LF	\$ 1.00	\$ 1,850.00	\$ 1.00	\$ 1,850.00	\$ 1.00	\$ 1,850.00
6	14" Bore & Encasement	435	LF	\$ 360.00	\$ 156,600.00	\$ 475.00	\$ 206,625.00	\$ 1,300.00	\$ 565,500.00
7	12" Encasement for Trenched Pipe	95	LF	\$ 175.00	\$ 16,625.00	\$ 150.00	\$ 14,250.00	\$ 150.00	\$ 14,250.00
8	1" Air Release Valve	1	EA	\$ 7,500.00	\$ 7,500.00	\$ 9,500.00	\$ 9,500.00	\$ 7,000.00	\$ 7,000.00
TOTAL BASE BID A (Items 1 - 8)					\$ 390,200.00		\$ 495,775.00		\$ 1,009,695.00

BASE BID SCHEDULE B

Item #	Item Description	Quantity	Unit	B&L Construction Co.		GRod Construction, LLC		Atkins Bros. Equip. Co., Inc	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Lift Station (including fencing, pipe stubout, connections, electrical, and all other appurtenances and incidentals)	1	LS	\$ 288,800.00	\$ 288,800.00	\$ 535,000.00	\$ 535,000.00	\$ 350,000.00	\$ 350,000.00
TOTAL BASE BID B (Item 1)					\$ 288,800.00		\$ 535,000.00		\$ 350,000.00

BID TABULATION SUMMARY
City of Willow Park
Bankhead Sewer Extension
JM Project No. 21335
BID DATE: April 6, 2022 at 3:00 PM
ENGINEER: Jacob & Martin, LLC - Weatherford, Texas

	CONTRACTOR	TOTAL BASE BID A (ITEMS 1 - 8)	TOTAL BASE BID B (ITEM 1)
1	Atkins Bros. Equip. Co., Inc.	1,009,695.00	350,000.00
2	B & L Construction Co.	390,200.00	288,800.00
3	Dagger Contracting		
4	Dowtech Specialty Contractors		
5	GRod Construction, LLC	495,775.00	535,000.00
6	Housley Communications		
7	Jackson Construction, Ltd		
8	Whitney Underground Utilities		
9			
10			
11			
12			



CITY COUNCIL AGENDA ITEM BRIEFING SHEET

Council Date: April 12, 2022	Department: Planning & Development	Presented By: Betty Chew
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AGENDA ITEM:

Discussion/Action: The City Council may consider, discuss, and take action to approve a Joint Resolution between the City of Willow Park and the City of Weatherford to adjust the boundary between the Extraterritorial Jurisdiction (ETJ) of the two cities.

BACKGROUND:

The Cities of Willow Park and Weatherford desire to adjust the boundary between the ETJ of the two cities. The proposed ETJ adjustment is in the Crown Road area (Exhibit A). The City of Willow Park will release a 5.874 acre tract to the City of Weatherford and the City of Weatherford will release an 11.141 acre tract and a 7.274 acre tract to the City of Willow Park.

This boundary adjustment will provide generally square tracts of land which will provide for orderly development, continuation of thoroughfares, and effective delivery of municipal utility services for both cities.

Willow Park and Weatherford administration have worked together to develop this agreement for the future development of this area where the cities share common boundaries.

STAFF/BOARD/COMMISSION RECOMMENDATION:

Staff recommends City Council adopt the attached resolution adjusting the boundary between the ETJ of Willow Park and Weatherford.

EXHIBITS:

- Proposed Resolution
- Exhibits A-D

RECOMMENDED MOTION:

Motion to approve approve a Joint Resolution between the City of Willow Park and the City of Weatherford to adjust the boundary between the Extraterritorial Jurisdiction (ETJ) of the two cities.

CITY OF WEATHERFORD RESOLUTION NO. _____
CITY OF WILLOW PARK RESOLUTION NO. _____
JOINT RESOLUTION AND BOUNDARY AGREEMENT

WHEREAS, the City of Willow Park (hereinafter called "Willow Park") is a Type A general law city located in Parker County, Texas; and

WHEREAS, the City of Weatherford (hereinafter called "Weatherford") is a home rule city located in Parker County, Texas; and

WHEREAS, Willow Park and Weatherford share an extraterritorial jurisdiction ("ETJ") boundary; and

WHEREAS, Section 42.023 of the Texas Local Government Code authorizes a municipality to reduce its ETJ by resolution approved by its governing body; and

WHEREAS, Section 43.003 of the Texas Local Government Code authorizes a home rule municipality to exchange area with other municipalities; and

WHEREAS, Section 43.015 of the Texas Local Government Code authorizes adjacent municipalities to make mutually agreeable changes in their boundaries of areas that are less than 1,000 feet in width; and

WHEREAS, Willow Park and Weatherford desire to adjust the boundary between the ETJ of the two cities to promote orderly development, to ensure public safety, and to provide for the effective delivery of municipal services.

NOW, THEREFORE, BE IT RESOLVED AND MUTUALLY AGREED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK AND THE CITY COUNCIL OF THE CITY OF WEATHERFORD:

SECTION 1.

Pursuant to the statutory authority stated above and other authority granted to general law municipalities, Willow Park agrees to release and hereby releases the 5.874 acre tract currently located in Willow Park's ETJ, as shown in Exhibit "A" and further described in Exhibit "B," for the sole benefit of Weatherford, and Weatherford hereby agrees to accept the tract into its ETJ.

SECTION 2.

Pursuant to the statutory authority stated above and other authority granted to home rule municipalities, Weatherford agrees to release and hereby releases the 11.141 acre tract and the 7.274 acre tract currently located in Weatherford's ETJ, as shown in Exhibit "A" and further described in Exhibits "C" and "D," for the sole benefit of Willow Park, and Willow Park hereby agrees to accept these tracts into its ETJ.

SECTION 3.

This resolution shall be cumulative of all provisions of ordinances and resolutions of the City of Willow Park and the City of Weatherford. To the extent the provisions of this resolution are in direct conflict with the provisions of any previously adopted resolutions, the conflicting provisions of such resolutions are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Councils of Willow Park and Weatherford that the phrases, clauses, sentences, paragraphs, and sections of this resolution are severable, and if any phrase, clause, sentence, paragraph or section of this resolution shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this resolution, since the same would have been enacted without the incorporation in this resolution of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

The City of Willow Park and the City of Weatherford do hereby covenant and agree to protect, preserve and defend the herein described ETJ boundary adjustments.

SECTION 6.

The City of Willow Park and the City of Weatherford agree and resolve that the adoption by both cities of this Joint Resolution and Boundary Agreement, and the boundary change resulting from this Agreement do not mitigate, diminish or lessen in any way the rights that either party may have, at law or in equity, to challenge or contest any other annexations, attempted annexations or extraterritorial jurisdiction claims made by the other party.

SECTION 7.

This Joint Resolution and Boundary Agreement shall become effective and shall become a binding agreement upon the City of Willow Park and the City of Weatherford effective upon the adoption of same by both cities in regular open city council meetings of the City of Willow Park and the City of Weatherford.

SECTION 8.

The Mayor of each city shall execute this Joint Resolution and Boundary Agreement, upon adoption by both cities, in duplicate originals.

PASSED AND APPROVED by the City Council of the City of Weatherford on this ____ day of _____, 2022.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney

PASSED AND APPROVED by the City Council of the City of Willow Park on this
____ day of _____, 2022.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney

EXHIBIT "A"

1665 CURRY LANE
 AUBLE, TX 76606
 254-655-1070
 1506 SANTA ELDR STE 204
 WEATHERFORD, TX 75086
 817-656-9880
 TITELS FIRM # 0194562



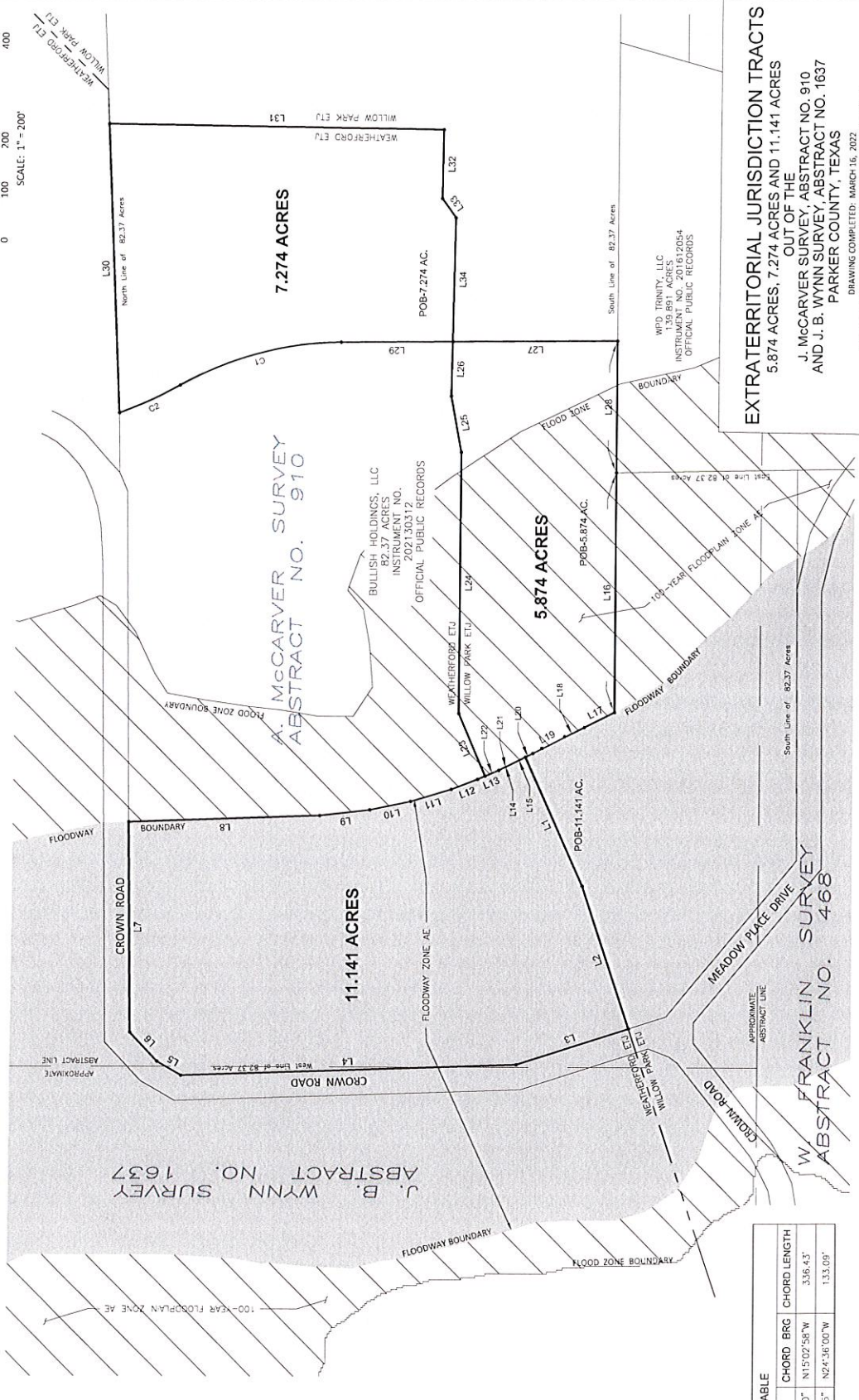
SURVEYED FOR: THE CITY OF WILLOW PARK

- NOTES:
1. THE FLOOD BOUNDARY INFORMATION SHOWN HEREIN IS REFERENCED TO AND SCALED FROM F.I.R.M. MAP NO. 1506-SANTA ELDR STE 204, WEATHERFORD, TX 75086. THE CITY OF WILLOW PARK AS SHOWN HEREIN WAS SCALED FROM EXHIBIT B FOUND IN THE CIVIL CASE BETWEEN THE COUNTIES OF TARRANT AND WILLOW PARK, TEXAS, CAUSE NO. CV-16-1468, DISTRICT CLERK RECORDS, PARKER COUNTY, TEXAS.
 2. THE FLOOD BOUNDARY INFORMATION SHOWN HEREIN IS REFERENCED TO AND SCALED FROM F.I.R.M. MAP NO. 1506-SANTA ELDR STE 204, WEATHERFORD, TX 75086. THE CITY OF WILLOW PARK AS SHOWN HEREIN WAS SCALED FROM EXHIBIT B FOUND IN THE CIVIL CASE BETWEEN THE COUNTIES OF TARRANT AND WILLOW PARK, TEXAS, CAUSE NO. CV-16-1468, DISTRICT CLERK RECORDS, PARKER COUNTY, TEXAS.



LINE TABLE	
LINE #	DIRECTION
L1	565' 37" 50"W
L2	300.11' 571' 31" 17"W
L3	237.42' N17° 40' 56"W
L4	675.69' N01° 56' 27"W
L5	58.13' N29° 50' 02"E
L6	79.32' N46° 57' 49"E
L7	419.94' N89° 21' 03"E
L8	384.57' S02° 02' 32"E
L9	102.18' S06° 36' 12"E
L10	84.23' S11° 38' 36"E
L11	84.31' S16° 42' 56"E
L12	58.41' S20° 45' 51"E
L13	45.58' S23° 36' 41"E
L14	31.08' S25° 44' 27"E
L15	28.79' S26° 53' 54"E
L16	479.47' S89° 58' 57"W
L17	67.57' N26° 36' 39"W
L18	56.24' N26° 40' 44"W
L19	37.57' N26° 54' 22"W
L20	67.64' N26° 33' 54"W
L21	31.08' N25° 44' 27"W
L22	29.10' N23° 36' 41"W
L23	136.08' N66° 39' 54"E
L24	522.44' S89° 54' 22"E
L25	114.62' N79° 23' 06"E
L26	109.06' S89° 00' 46"E
L27	331.39' S00° 24' 01"E
L28	264.02' S89° 58' 57"W
L29	224.09' N00° 24' 01"W
L30	579.83' N87° 30' 47"E
L31	674.00' S00° 50' 08"W
L32	138.18' N89° 16' 19"W
L33	47.35' S54° 50' 51"W
L34	246.04' N89° 00' 46"W

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	339.96'	680.00'	028° 38' 40"
C2	133.25'	800.00'	009° 32' 35"



EXTRATERRITORIAL JURISDICTION TRACTS
 5.874 ACRES, 7.274 ACRES AND 11.141 ACRES
 OUT OF THE
 J. MCCARVER SURVEY, ABSTRACT NO. 910
 AND J. B. WYNN SURVEY, ABSTRACT NO. 1637
 PARKER COUNTY, TEXAS
 DRAWING COMPLETED: MARCH 16, 2022
 SEE ATTACHED METES AND BOUNDS DESCRIPTIONS OF SAID TRACTS

Exhibit B

ID



1508 Santa Fe Drive, Suite 204,
Weatherford, TX 76086
817-594-9880 www.jacobmartin.com
TBPLS Firm # 10194590

EXTRATERRITORIAL JURISDICTION TRACT TO THE CITY OF WEATHERFORD METES AND BOUNDS DESCRIPTION 5.874 ACRES

BEING 5.874 acres of land situated in the Ann McCarver Survey, Abstract No. 910, Parker County, Texas, and being a portion of a certain 82.37 acre tract to Bullish Holdings, LLC recorded in Instrument No. 202130312, Official Public Records, Parker County, Texas, and being more particularly described in metes and bounds as follows;

BEGINNING at a found ½ inch rebar rod (N = 6,957,881.17' and E = 2,226,602.26') for an ell corner in the south line of said 82.37 acre tract, same being the most northerly northwest corner of a called 139.891 acre tract described in a General Warranty Deed to WPD Trinity, LLC recorded in Instrument No. 201612054 of said Official Public Records, and from said point of beginning the southeast corner of said 82.37 acre tract, being found 3/8 inch rebar rod in the north right-of-way line of Royal View (a 60 foot dedicated public right-of-way) and an ell corner of WILLOW WOOD, an addition to the City of Willow Park, Parker County, Texas according to the Plat recorded in Volume 361-A, Page 32, Plat Records, Parker County, Texas, bears N89°58'57"E 2003.52 feet;

THENCE over and across said 82.37 acre tract, the following calls:

- S 89°36'57" W 479.47 feet to a point for the southwest corner of this tract, said point lying in the scaled easterly floodway boundary according to FEMA Flood Insurance Map 48367C0300E dated September 26, 2008;

THENCE over and across said 82.37 acre tract and along said scaled floodway boundary the following calls:

- N 26°36'39" W 67.57 feet to a point;
- N 26°40'44" W 56.24 feet to a point;
- N 26°54'22" W 37.57 feet to a point;
- N 26°33'54" W at 38.85 feet pass the southeast corner of an 11.141 acre tract surveyed this same date, and continuing a total distance of 67.64 feet to a point;
- N 25°44'27" W 31.09 feet to a point;
- N 23°36'41" W 29.10 feet to a point for the northwest corner of this tract and the southwest corner of a 7.274 acre tract surveyed this same date;

THENCE leaving said floodway boundary but continuing over and across said 82.37 acre tract the following calls

- N66°39'54"E 130.08 feet to a point;
- S89°54'22"E 522.44 feet to a point;
- N79°23'06"E 114.62 feet to a point;
- S89°00'46"E 109.06 feet to a point for the northeast corner of this tract and the southwest corner of a 7.274 acre tract surveyed this same date;
- S00°24'01"E 331.39 feet to a point in the south line of said 82.37 acre tract for the southeast corner of this tract;
- S89°58'57"W 264.02 feet to the **POINT OF BEGINNING** and containing 5.874 acres or 255,872 square feet of land, more or less.

Exhibit C



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**EXTRATERRITORIAL JURISDICTION TRACT TO THE CITY OF WILLOW PARK
METES AND BOUNDS DESCRIPTION
11.141 ACRES
(PAGE 1 OF 2)**

BEING 11.141 acres of land situated in the Ann McCarver Survey, Abstract No. 910, and the J. B. Wynn Survey, Abstract No. 1637, Parker County, Texas, and being a portion of a certain 82.37 acre tract to Bullish Holdings, LLC recorded in Instrument No. 202130312, Official Public Records, Parker County, Texas, and being more particularly described in metes and bounds as follows;

COMMENCING at a found ½ inch rebar rod (N = 6,957,881.17' and E = 2,226,602.26') for an ell corner in the south line of said 82.37 acre tract and said ½ inch rebar rod being in the south line of a 5.874 acre tract surveyed this same date, and being the most northerly northwest corner of a called 139.891 acre tract described in a General Warranty Deed to WPD Trinity, LLC recorded in Instrument No. 201612054 of said Official Public Records, and from said ½ inch rebar rod the southeast corner of said 82.37 acre tract, being a found 3/8 inch rebar rod in the north right-of-way line of Royal View (a 60 foot dedicated public right-of-way) and at an ell corner of WILLOW WOOD, an addition to the City of Willow Park, Parker County, Texas according to the Plat recorded in Volume 361-A, Page 32, Plat Records, Parker County, Texas, bears N89°58'57"E 2003.52 feet; **THENCE** S 89°58'57" W 479.47 feet over and across said 82.37 acre tract and along the south line of said 5.874 acre tract to a point, the southwest corner of said 5.874 acre tract; **THENCE** over and across said 82.37 acre tract and along the westerly boundary of said 5.874 acre tract the following calls:

- N 00°24'01" E 331.39 feet to a point;
- N 26°36'39" W 67.57 feet to a point;
- N 26°40'44" W 56.24 feet to a point;
- N 26°54'22" W 37.57 feet to a point;
- N26°33'54" W 38.85 feet to a point (N=6,958,059.94' and E=2,226,032.90') for the southeast corner and **POINT OF BEGINNING** of this described tract and lying in the scaled easterly floodway boundary according to FEMA Flood Insurance Rate Map No. 48367C0300E date September 26, 2008;

THENCE over and across said 82.37 acre tract and along the southerly line of this tract the following calls;

- S 65°37'50" W 282.70 feet to a point;
- S 71°31'17" W 300.11 feet to a point in the westerly line of said 82.37 acre tract, same being the easterly right-of-way line of Crown Road;

THENCE continuing along said westerly line of said 82.37 acre tract and said easterly right-of-way line of Crown Road the following calls:

- N 17°40'56" W 237.42 feet to an existing 6 inch steel pipe corner post;
- N 01°56'27" W 675.69 feet to an existing 6 inch steel pipe corner post;
- N 29°50'02" E 56.13 feet to an existing 6 inch steel pipe corner post;
- N 46°57'49" E 79.32 feet to an existing 6 inch steel pipe corner post;

PAGE 2 OF 2, Metes and Bounds Description of 11.141 Acres

THENCE N 89°21'03" E 419.94 feet along the northerly line of said 82.37 acre tract and the southerly right-of-way line of Crown Road to a point on said scaled easterly floodway boundary, whence an existing 6 inch steel pipe corner post at an angle point in said southerly right-of-way line and said northerly boundary of said 82.37 acre tract bears N 89°21'03" E 661.08 feet;

THENCE departing from said right-of-way line and northerly boundary line, and heading southerly along said floodway boundary, over and across said 82.37 acre tract the following calls:

- S 02°02'32" E 384.57 feet to a point;
- S 06°36'12" E 102.18 feet to a point;
- S 11°38'36" E 84.23 feet to a point;
- S 16°42'56" E 84.31 feet to a point;
- S 20°45'51" E 56.41 feet to a point;
- S 23°36'41" E at 16.47 feet pass the northwest corner of said 5.874 acre tract, and continuing a **total distance of 45.56 feet** to a point;
- S 25°44'27" E 31.08 feet to a point;
- S 26°33'54" E 28.79 feet to the **POINT OF BEGINNING** and containing 11.141 acres or 485,310 square feet of land, more or less.

Exhibit D



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EXTRATERRITORIAL JURISDICTION TRACT TO THE CITY OF WILLOW PARK METES AND BOUNDS DESCRIPTION 7.274 ACRES

BEING 7.274 acres of land situated in the Ann McCarver Survey, Abstract No. 910, Parker County, Texas, and being a portion of a certain 82.37 acre tract to Bullish Holdings, LLC recorded in Instrument No. 202130312, Official Public Records, Parker County, Texas, and being more particularly described in metes and bounds as follows;

COMMENCING at a found ½ inch rebar rod (N = 6,957,881.17' and E = 2,226,602.26') for an ell corner in the south line of said 82.37 acre tract, same being the most northerly northwest corner of a called 139.891 acre tract described in a General Warranty Deed to WPD Trinity, LLC recorded in Instrument No. 201612054 of said Official Public Records, and lying in the south line of a 5.872 acre tract surveyed this same date, and from said point of beginning the southeast corner of said 82.37 acre tract, being a found 3/8 inch rebar rod in the north right-of-way line of Royal View (a 60 foot dedicated public right-of-way) and an ell corner of WILLOW WOOD, an addition to the City of Willow Park, Parker County, Texas according to the Plat recorded in Volume 361-A, Page 32, Plat Records, Parker County, Texas, bears N89°58'57"E 2003.52 feet; **THENCE** S 89°58'57" E 264.02 feet to a point, the southwest corner of said 5.874 acre tract; **THENCE** N 00°24'01" E 331.39 feet over and across said 82.37 acre tract and along the east line of said 5.874 acre tract to a point (N=6,958,212.63' and E=2,226,863.96') for the southwest corner and **POINT OF BEGINNING** of this described tract and the northeast corner of said 5.874 acre tract;

THENCE N 00°24'01" W 224.09 feet, over and across said 82.37 acre tract and along the west line of this tract to a point being the beginning of a curve to the left and concave to the west-southwest and having a radius of 680.00 feet, a delta angle of 28°38'40", an arc length of 339.96 feet, and subtended by a chord with bearing and distance of N 15°02'58" W 336.43 feet;

THENCE in a north-northwesterly direction along said curve to the left for said arc length of 339.96 feet to a point of reverse curvature, the beginning of a curve to the right and concave to the northeast having a radius of 800.00 feet, a delta angle of 09°32'35", an arc length of 133.25 feet, and is subtended by a chord with bearing and distance of N 24°36'00" W 133.09 feet;

THENCE in a northwesterly direction along said curve to the right for said arc length of 133.25 feet to a point in the north line of said 82.37 acre tract and the south line of a tract described in a deed to Gary D. Lee et ux recorded in Instrument No. 201808547, Official Public Records, Parker County, Texas, to a point for the northwest corner of this tract and from which a found ½ inch rebar rod at the southwest corner of said "Lee" tract bears S 87°30'47" W 1.68 feet;

THENCE N 87°30'47" E 579.83 feet along the common boundary of said 82.37 acre tract and said "Lee" tract to a point for the northeast corner of this tract from which a found ½ inch rebar rod with cap marked "T.C.S. RPLS 4277" at the southeast corner of said "Lee" tract and at an angle point in said 82.37 acre boundary bears N 87°30'47" E 793.01 feet;

THENCE departing from said common boundary line and heading in a southerly direction, over and across said 82.37 acre tract the following calls:

- S 00°50'08" W 674.00 feet to a point for the southeast corner of this tract;
- N 89°16'19" W 138.18 feet to a point;
- S 54°50'51" W 47.35 feet to a point;
- N89°00'46" W 246.04 feet to the **POINT OF BEGINNING** and containing 7.274 acres or 316,876 square feet of land, more or less.