



## CITY COUNCIL REGULAR MEETING AGENDA

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

Tuesday, October 25, 2022 at 6:00 AM

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### 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.

### 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.*

- 1. Approve City Council Meeting Minutes - Regular City Council Meeting October 11, 2022.

### REGULAR AGENDA ITEMS

- 2. Discussion/Action: consider approval of a resolution denying Oncor's requested electric rate increase.
- 3. Discussion/Action: to Consider and act to award a street improvement contract to XIT Paving.
- 4. Discussion/Action: authorize the hiring of a City Engineer.

- 5. Discussion/Action: to accept the Single Audit Report from Snow Garrett Williams Certified Public Accountants.
- 6. Discussion/Action: to accept the Acoustical Report from Sowden and Associates.

## REPORTS

- 7. Planning and Development

## INFORMATIONAL

Mayor and Council Comments

City Manager 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.*

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

## ADJOURNMENT

*As authorized by Section 551.127, of the Texas Government Code, one or more Council Members or employees may attend this meeting remotely using video conferencing technology.*

*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: October 21, 2022, at 5:30 p.m. and remained so posted continuously for at least 72 hours before said meeting is to convene.

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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](mailto: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](http://www.willowpark.org)



## CITY COUNCIL REGULAR MEETING MINUTES

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

Tuesday, October 11, 2022 at 6:00 PM

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

#### PRESENT

Mayor Doyle Moss  
 Councilmember Eric Contreras  
 Councilmember Chawn Gilliland  
 Councilmember Lea Young  
 Councilmember Nathan Crummel

#### ABSENT

Councilmember Greg Runnebaum  
 City Manager Bryan Grimes

#### STAFF PRESENT

Assistant City Manager Bill Funderburk  
 City Attorney Pat Chesser  
 City Secretary Crystal Dozier

### PLEDGE OF ALLEGIANCE AND INVOCATION

Pastor Jon Sherman with Trinity Bible Church gave the invocation followed by the pledge of allegiance.

### PUBLIC COMMENTS (Limited to three minutes per person)

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- (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 Comments were made under agenda item 6.**

## **PROCLAMATION**

1. Mayor Moss presented a proclamation to Freedom House for Domestic Violence Awareness Month.

## **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.*

2. Approve City Council Meeting Minutes - Regular City Council Meeting September 27, 2022.

**Approve City Council Meeting Minutes - Regular City Council Meeting  
September 27, 2022.**

**Motion made by Councilmember Gilliland, Seconded by Councilmember  
Contreras.**

**Voting Yea: Councilmember Contreras, Councilmember Gilliland,  
Councilmember Young, Councilmember Crummel**

## **REGULAR AGENDA ITEMS**

3. Discussion/Action: to approve an Interlocal Cooperation Agreement between Parker County and the City of Willow Park for law enforcement dispatch services.

**To approve an Interlocal Cooperation Agreement between Parker County and the  
City of Willow Park for law enforcement dispatch services.**

**Motion made by Councilmember Gilliland, Seconded by Councilmember  
Contreras.**

**Voting Yea: Councilmember Contreras, Councilmember Gilliland,  
Councilmember Young, Councilmember Crummel**

4. Discussion/Action: to approve an amendment to Section 1.03.031 of the Code of Ordinances removing the fixed time of 7:00 p.m. for City Council meetings.

**To approve an amendment to Section 1.03.031 of the Code of Ordinances  
removing the fixed time of 7:00 p.m. for City Council meetings.**

**Motion made by Councilmember Contreras, Seconded by Councilmember Crummel.**

**Voting Yea: Councilmember Contreras, Councilmember Gilliland, Councilmember Young, Councilmember Crummel**

5. Discussion/Action: to reschedule the Tuesday, November 8, 2022 Regular City Council meeting.

**To reschedule the Tuesday, November 8, 2022 Regular City Council meeting to Tuesday, November 15, 2022.**

**Motion made by Councilmember Contreras, Seconded by Councilmember Young.**

**Voting Yea: Councilmember Contreras, Councilmember Gilliland, Councilmember Young, Councilmember Crummel**

6. Discussion Only: transition plan in the event of ESD Annexation.

**Assistant City Manager, Bill Funderburk reported on the following:**

**At the request of Council and the public, city staff, working with ESD #1 Chief Stephen Watson, developed the following transition points should the Annexation Vote be approved by the voters. Staff has developed the following transition points / objectives that will be codified into a binding, Interlocal Agreement that will approved by both the Willow Park City Council and the ESD #1 Board. The talking points are general in nature and should reflect a starting point of discussion, with both governing bodies having the final word before passage.**

**PLEASE NOTE: THESE ARE NON-BINDING AND ARE SUBJECT TO APPROVAL OF THE CITY COUNCIL AND THE ESD #1 BOARD—UPON VOTER APPROVAL OF THE ESD ANNEXATION ON NOVEMBER 8, 2022.**

- 1. ESD will guarantee employment of current WPFD Personnel.**
- 2. ESD will lease the current Fire Station (attached to the Willow Park Public Safety Building (PSB); AND, will purchase the existing City Hall Property (516 Ranch House Road) for construction of a future Fire Station.**
- 3. The City will lease the current Fire Station and the ESD will lease the current City Hall to the other respective entity at an agreed upon fair market rate. The lease for both entities will be a for 2 – 3 Year period, or until the City can construct a City Hall at a site to be determined.**
- 4. The Sale of Real Property will be an agreed upon amount based off appraisals and supporting documentation.**
- 5. ESD #1 will acquire all assets as needed for the operation of the fire service. With respect to the current Willow Park Fire Department Fleet, each**

entity will secure an appraisal on each vehicle, and then agree upon an amount for each vehicle based on the two appraisals.

6. ESD #1 will be required to have a ladder truck stationed in Willow Park.

7. The purchase of Station 2, located near the City of Willow Park Public Works Building, will be determined by ESD #1 to see if it is required for operations. If not purchased, the City of Willow Park has need for the building and will utilize it. However, fire service operations are the priority with this facility.

8. Upon the transition of personnel from the City to the ESD (See Dates below), the City will pay the ESD for fire services. It is anticipated it will be for Q3 and Q4 of the current fiscal year.

9. The Interlocal Agreement will be completed by April 1, 2023. This is also the transition date for fire personnel to go from the City of Willow Park to ESD #1. All talking points and action items will be concluded on or before September 30, 2023—the end of the fiscal year for both entities.

KJ Hannah at 177 Melbourne Dr. and Dale Lewis at 113 Camouflage Cir. both spoke before the City Council regarding agenda item 6.

## INFORMATIONAL

### Mayor and City Council Comments

Mayor Moss mentioned the Parker County's Mayor Food Drive is currently going on. He also mentioned the Aledo Education Foundation started on Adopt a Classroom Program. Mayor Moss made it clear to the citizens that the City did not look into selling the Fire Department to fund a new city hall.

### City Manager Comments

There were no City Manager comments.

## ADJOURNMENT

Motion made by Councilmember Young, Seconded by Councilmember Gilliland. Voting Yea: Councilmember Contreras, Councilmember Gilliland, Councilmember Young, Councilmember Crummel

Mayor Moss adjourned the meeting at 6:28 P.M.

These minutes were approved on the 25th of October, 2022.

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Doyle Moss, Mayor

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Crystal R. Dozier, TRMC  
City Secretary

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# CITY COUNCIL AGENDA ITEM BRIEFING SHEET

<b>Council Date:</b> October 25, 2022	<b>Department:</b> Legislative	<b>Presented By:</b> City Manager
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**AGENDA ITEM:**

Discussion/Action: Consider approval of a resolution denying Oncor’s requested electric rate increase.

**BACKGROUND:**

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about May 13, 2022 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asked the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. If approved, a residential customer using 1,300 kWh per month would see a bill increase of about \$6.02 per month. The City of Willow Park previously suspended the June 17, 2022 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. This time period has permitted the City, through its participation with the Steering Committee of Cities Served by Oncor (“Steering Committee”), to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of the experts engaged by the Steering Committee, Oncor’s request for a rate increase should be denied.

Passage of the attached resolution will deny Oncor’s rate increase request. Staff recommends adopting the resolution.

Please see the attached memorandum for further explanation.

**STAFF/BOARD/COMMISSION RECOMMENDATION:**

Move that the City Council approve the Resolution denying Oncor Electric Delivery Company’s Application for approval of a distribution cost recovery factor to increase distribution rates with the City.

**EXHIBITS:**

Resolution

<b>ADDITIONAL INFO:</b>	<b>FINANCIAL INFO:</b>	
	<b>Cost</b>	
	<b>Source of Funding</b>	
	General Fund	

# Memorandum

**TO:** The Honorable Mayor, Doyle Moss  
 Members of City Council  
 Bryan Grimes, City Manager

**FROM:** Pat Chesser, City Attorney

**DATE:** October 13, 2022

**RE:** Statement of Intent to Increase Rates Suspension Packet

**\*\*\*ACTION MUST BE TAKEN TO SUSPEND THE EFFECTIVE DATE ON OR BEFORE OCTOBER 30, 2022\*\*\***

**Purpose:**

On May 13, 2022, Oncor Electric Delivery Company LLC (“Oncor” or “Company”) filed an application with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asked the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. The impact of this requested increase on an average residential customer using 1,300 kWh/month would be about \$6.02 per month.

In a prior City action, Oncor’s rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law. This time period has permitted the City, through its participation with the Steering Committee of Cities Served by Oncor (“Steering Committee”), to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of the experts engaged by the Steering Committee, Oncor’s request for a rate increase should be denied.

Accordingly, the purpose of the Resolution is to deny the rate change application proposed by Oncor. Once the Resolution is adopted, Oncor will have 30 days to appeal the decision to the Public Utility Commission of Texas where the appeal will be consolidated with Oncor’s filing (i.e. PUC Docket No. 53601) currently pending at the Commission.

All cities with original jurisdiction will need to adopt the Resolution *prior to October 30, 2022*.

**Explanation of “Be It Resolved” Sections:**

1. This paragraph finds that the Company’s application is unreasonable and should be denied.
2. This section states that the Company’s current rates shall not be changed.
3. The Company will reimburse Cities for their reasonable rate case expenses. Legal counsel and consultants approved by Cities will submit monthly invoices that will be forwarded to Oncor for reimbursement.

4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.
5. This section provides Oncor and counsel for Cities will be notified of the City's action by sending a copy of the approved and signed resolution to counsel.

**RESOLUTION NO. 2022-10**

**A RESOLUTION OF THE CITY OF WILLOW PARK , TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" OR "COMPANY") APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

**WHEREAS**, the City of Willow Park, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company"), and a regulatory authority with an interest in the rates and charges of Oncor; and

**WHEREAS**, the City is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee"), a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area; and

**WHEREAS**, on or about May 13, 2022, Oncor filed with the City an application to increase system-wide transmission and distribution rates by \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates; and

**WHEREAS**, the Steering Committee is coordinating its review of Oncor's application and working with the designated attorneys and consultants to resolve issues in the Company's filing; and

**WHEREAS**, through review of the application, the Steering Committee's consultants determined that Oncor's proposed rates are excessive; and

**WHEREAS**, the Steering Committee's members and attorneys recommend that members deny the Application; and

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

Section 1. That the rates proposed by Oncor to be recovered through its electric rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 2. That the Company shall continue to charge its existing rates to customers within the City.

Section 3. That the City’s reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of the adoption of this Resolution.

Section 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 5. That a copy of this Resolution shall be sent to Oncor, Care of Howard Fisher, Oncor Electric Delivery Company, LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Ave., Suite 1900, Austin, TX 78701.

**PASSED AND APPROVED this 25<sup>TH</sup> day of October, 2022.**

\_\_\_\_\_  
Doyle Moss, Mayor

ATTEST:

\_\_\_\_\_  
Crystal Dozier, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
William P. Chesser, City Attorney



# CITY COUNCIL AGENDA ITEM BRIEFING SHEET

<b>Council Date:</b> October 25, 2022	<b>Department:</b> City Manager	<b>Presented By:</b> Bryan Grimes
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**AGENDA ITEM:** To consider and act to reward a street improvement contract to XIT Paving.

**BACKGROUND:** City staff opened bids at 1 p.m. on Friday Oct. 21. We believe XIT Paving to be the low bidder, we will have supporting documentation early next week prior to the meeting. Staff is reviewing all documents and conferring with the contractor.

**STAFF/BOARD/COMMISSION RECOMMENDATION:**

**EXHIBITS:**

<b>ADDITIONAL INFO:</b>	<b>FINANCIAL INFO:</b>	
	<b>Cost</b>	\$
	<b>Source of Funding</b>	\$



# CITY COUNCIL AGENDA ITEM BRIEFING SHEET

<b>Council Date:</b> October 25, 2022	<b>Department:</b> Admin	<b>Presented By:</b> City Manager
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**AGENDA ITEM:** Discussion / Action: Authorize the hiring of a City Engineer

**BACKGROUND:**

For the past few months City Staff has been contemplating the need to hire an in-house Engineer to supplement the work currently contracted out to Jacob and Martin. This position would assist in nearly all levels of both the development department and public works. Duties would include, but not limited to plan reviews, input on development projects, consulting with the public works director to improve the water and sewer systems, streets, drainage, and other infrastructure needs as required. This position is not intended to, nor will it replace, the work being done by Jacob and Martin. Rather, it will supplement, assist, and expedite projects throughout the city.

Funding for this position will come from both public works and the general fund. However, we are anticipating the cost to be neutral as the development costs (e.g. plan reviews, etc.) being assessed by Jacob and Martin will partially supplement this salary. There are similar neutral costs in the public works department as well.

**Suggested Motion: I authorize the City Manager to hire a City Engineer, will full benefits, for a pay scale not to exceed \$97,500.**

**STAFF/BOARD/COMMISSION RECOMMENDATION:**

**EXHIBITS:**

<b>ADDITIONAL INFO:</b>	<b>FINANCIAL INFO:</b>	
	<b>Cost</b>	\$
	<b>Source of Funding</b>	\$



# CITY COUNCIL AGENDA ITEM BRIEFING SHEET

<b>Council Date:</b> 10/25/2022	<b>Department:</b> Finance	<b>Presented By:</b> Bill Funderburk
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**AGENDA ITEM:**

Single Audit Report

**BACKGROUND:**

The 2021 Annual Audit was performed by Clifton Larson Allen, LLP. We were advised by them that a Single Audit was not necessary. In July of 2022 we were contacted by the Texas Division of Emergency Management (TDEM) stating that they passed through federal grant funds and/or state grant funds to our local government from one or more federal or state programs.

Uniform Guidance 2 CFR 200 Subpart F:200.512 (a) states federal grant subrecipients are required to submit a Single Audit report prepared by an independent auditor if, in the fiscal year, \$750,000 or more was spent in federal grant awards (all sources combined). In addition, Uniform Grant Management Standards (UGMS) of the State of Texas (Part B, 200), require the submission of a Single Audit report if \$750,000 or more was spent in state awards (all sources combined).

We contacted our new auditing firm Snow Garrett Williams, they worked with TEDM and it was determined that we in fact did need to have a single audit done for FY 2021. They performed the single audit for us and it is being presented for you approval.

**STAFF/BOARD/COMMISSION RECOMMENDATION:**

To accept and approve the Single Audit Report.

**Suggested Motion: I move to accept and approve the single audit report as presented.**

**EXHIBITS:**

Single Audit Documents

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





# CITY COUNCIL AGENDA ITEM BRIEFING SHEET

<b>Council Date:</b> October 25, 2022	<b>Department:</b> Admin	<b>Presented By:</b> City Manager
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**AGENDA ITEM: Discussion / Action to accept the acoustical report from Sowden and Associates**

**BACKGROUND:**

Council had authorized staff to secure an acoustical engineer to review the City’s ordinances and how business are complying with the ordinance. Sowden and associates have concluded their work and has provided the City with the attached report.

**No suggested motion.**

**STAFF/BOARD/COMMISSION RECOMMENDATION:**

**EXHIBITS:**

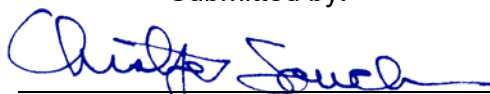
<b>ADDITIONAL INFO:</b>	<b>FINANCIAL INFO:</b>	
	<b>Cost</b>	\$
	<b>Source of Funding</b>	\$

**Sowden and Associates**  
Consultants in Acoustics and Entertainment Technologies

NOISE LEVEL MEASUREMENT AND ANALYSIS

PARKER COUNTY ICE HOUSE  
WILLOW PARK  
TEXAS

Submitted by:



Christopher Sowden, P.E.  
October 19, 2022

## Introduction

Sowden and Associates was contracted to review sound levels originating from the Parker County Ice House in Willow Park Texas, to review the sound systems in use at the facility and perform noise measurements at or near the facility. We were also contracted to review the noise regulations for this facility and adjacent properties and develop operational procedures to assist in compliance with these regulations. This report is the result of our meeting with representatives of the City of Willow Park and the measurements of a specific event at the facility on October 1, 2022.

We were informed by representatives of Willow Park that complaints had been filed by property owners since the facility was opened where the police were called regarding sound originating from the facility. We met with City Manager Mr. Grimes and assistant City Manager Mr. Funderburk on July 11, 2022 to discuss the complaints. We were provided with a street map of locations where these complaints were issued. Refer to Figure 1 for these locations.

## Observations

The facility is located at 210 Willow Bend Drive in Willow Park, Texas. All documented complaints were observed to be north of the facility and Interstate 20 where traffic noise was observed to cause a majority of the measured ambient noise at all measured locations.

We received code compliance construction documents of the facility from the City on August 10, 2022. These documents were dated November 5, 2020, and were used to observe the construction of the project. We observed the facility on September 1, 2022 and October 1, 2022, and found no variances in the construction of the facility.

We received the City of Willow Park Ordinance No. 566-07 providing for the amendment of Chapter 7, Article 7.400 "Noise Related Offenses" of the Municipal Code of Ordinances of the City of Willow Park. We were notified that this document was to be reinforced.

We held telephone conversations with Mr. Kyle Brysom who operates the facility. Mr. Brysom leases the property from the Owner. Mr. Brysom requested that we not speak with Ryan the facility manager for he is a recent hire, and was not aware of the history of the facility. Mr. Brysom also indicated that they were limiting outdoor performances to 10:00 pm to reduce complaints caused by these performances.

Mr. Brysom referred us to Mr. Gary Langford who installed and operates the technical systems at the facility. Mr. Brysom also referred us to Gary's employee Mike, who sets up the sound system for performers and measures the sound levels of the system during performances within the seating areas of the facility.

We spoke with Mr. Langford regarding the sound system at the facility. Mr. Langford indicated that Mike had disabled the upper loudspeakers from the two arrays reducing the sound levels observed from the sound system outside the facility. We indicated that we would be observing the sound system on September 1, 2022. He indicated that Mike would be at the facility to answer any questions regarding the systems or their operation.

We were informed that some events may have used portable road show sound equipment for use by performers requiring higher sound levels. We did not observe any portable road show sound equipment when we were at the facility. Use of additional sound equipment could impact the sound levels originating from the facility causing greater complaints. We do not recommend use of any additional sound equipment except where previously authorized by the City.

## **Sowden and Associates**

**Consultants in Acoustics and Entertainment Technologies**  
**4604 Kenway Court, Fort Worth, Texas 76132**

On September 1, 2022 I spoke with Mike, and observed the sound system operation for that night. It had rained that day, and a simple two-speaker system was set up for a single performer. They did not perform on the stage, and did not use the main loudspeakers configured for the stage. The performer and the loudspeakers were located under the shed roof, and sound observed outside the facility was low in level compared to stage events. Sound levels were not measured on this date.

We observed from the facility schedule that GNRX, a “Guns and Roses” cover band was scheduled for October 1, 2022. From the advertisement, the performance would be using the stage and was advertised to provide “Howling vocals, buzz saw guitar riffs and thunderous bass and drums.”

We attended the October 1, 2022 performance and confirmed the use of the stage and stage sound system for this event. We confirmed that the upper stage loudspeakers were not in operation prior to the performance and observed that there was no additional portable sound equipment used during the event.

The music program was inconsistent in level and frequency response as most music programs due to their dynamics and instrument or vocal solos. An averaging method was used to compare the ambient sound level and performance sound levels at each measurement location.

We observed the fence separating the stage audience from the street. The facility drawings listed a 6’ high stained cedar fence. This fence is approximately 6’ tall and is constructed of wood with metal supports. Refer to Figure 2 for the construction of this fence. The construction of the fence allows leakage of sound due to the spacing between the slats. The elevation of the fence provides limited obstruction of sound generated by the stage loudspeakers due to the elevation of the loudspeakers on the stage wall.

## Measurements

Measurements were made using a sound level meter complying with ANSI S1.4-1983 and ANSI S1.11-1986. Each location was observed to determine the perception of sound originating from the facility and the comparison of the observed level with the ambient noise level at the measurement location. All measurements were made in octave bands to assist in determining the sources of the measured sound, and in dBA with slow meter damping compliant with the Ordinance. Refer to Appendix A for definitions of these measurements.

The sound levels originating from the stage were measured at the curb of Willow Crossing Drive East perpendicular to the stage centerline north of the facility. The sound levels measured at this location were 78 dBA average with 89 dBA maximum. This variance between average and peak levels with this style of music program is typically expected to be as much as 10 dB. The Ordinance requires levels no greater than 85 dBA at the property line, confirming that the measured facility sound on this date was approximately 4 dB louder than the Ordinance limit.

We observed that the ambient sound levels measured at each location was not impacted by the facility sound except for location twelve adjacent to the facility. At locations one through eleven, the sound originating from the facility was perceivable only by repetitive beat sequences of individual or multiple instruments. The perception of this sound varied with different locations due to wind variance, differences in ambient sound levels or reflections from adjacent streets. Human perception of music can be confirmed up to 14 dB below consistent ambient sound levels in laboratory conditions.

Standard construction techniques and interior ambient sound levels of housing observed in the area can reduce the sound originating from the facility to be very faint near or below the normal perception of sound. We did not perform any measurements within a facility. All observations were observed on the street adjacent to each measurement location.

## Sowden and Associates

Consultants in Acoustics and Entertainment Technologies  
4604 Kenway Court, Fort Worth, Texas 76132

Refer to Figure 1 for the locations used to perform measurements. These locations were used since they were the documented locations of previous complaints.

Refer to Figure 3 for the measurements observed at each location. We documented our observations of the sound at each location in the paragraphs below. They are listed by measurement location. They are:

1. I-20 traffic and cicada noise was the greatest observed ambient noise at this location. We detected voice and snare drum sounds below the ambient noise level.
2. I-20 traffic and cicada noise was the greatest observed ambient noise at this location. We detected bass guitar and snare drum sounds below the ambient noise level.
3. I-20 traffic and cicada noise was the greatest observed ambient noise at this location. We detected snare drum stick sounds below the ambient noise level.
4. I-20 traffic and cicada noise was the greatest observed ambient noise at this location. The sound levels at this location were affected by dogs irritated by our presence in the area. We did not hear any sound originating from the facility.
5. Same as Item 4 above. On the opposite side of the same street.
6. I-20 traffic and cicada noise was the greatest observed ambient noise at this location. Reflections of sound originating from the facility were observed on Willow Park Drive. We detected voice, snare drum and bass guitar below the ambient noise level.
7. I-20 traffic and cicada noise was the greatest observed ambient noise at this location. We detected voice, snare drum, and bass guitar below the ambient noise level.
8. I-20 traffic and cicada noise was the greatest observed ambient noise at this location. We detected voice and snare drum below the ambient noise level.
9. I-20 traffic and cicada noise was the greatest observed ambient noise at this location. Reflections of sound originating from the facility were observed on Ranch House Road. We detected voice and snare drum below the ambient noise level.
10. I-20 traffic and cicada noise was the greatest observed ambient noise at this location. We detected voice and snare drum below the ambient noise level.
11. Same observations as Item 10 above. Observation locations were within 100 feet of each other.
12. The sound originating from the facility was the greatest observed levels at this location. Measurements were performed at the property line adjacent to Willow Crossing Drive East.

**Recommendations:**

The sound levels originating from the facility indicated that sound attenuation of approximately 4 dB is required for the facility to operate with similar programs from the stage compliant with the sound levels listed in the Ordinance.

Enclosed is a list of recommendations to assist in the reduction of sound originating from the facility. These are listed in order of their value of reducing sound levels. We recommend implementation of the items in order of the list to assist in reducing complaints in the least amount of time, effort and cost. The

remaining recommendations should be considered for further implementation if complaints persist after implementation of each listed item.

The recommendations are:

1. Modify program schedules to limit programs using the stage sound system after 9:00 pm to avoid the 70 dBA limit after this time.
2. Provide modifications to the existing sound system to limit system output levels to comply with the Ordinance.
3. Modify the fence construction of the north audience fence facing Willow Crossing Drive East extending approximately 78 feet. Increase the height of this fence to 12'-0". The new fence construction should be made to restrict airflow through the fence. We further recommend similar fence construction directly behind the stage although complaints have not been received south of the facility at this time.
4. Install a large sound level display on the north fence facing the stage. This monitor should be of a size sufficient to allow observation of the sound by the operations staff and the performers to manage performance sound levels. Provide management and operation of the facility to comply with the Ordinance outside the facility.
5. Provide and install a pole mounted permanent noise monitor system with AC power provision adjacent to the north fence. Monitor levels should be available through SIMM card exchange on a monthly basis and 4G cellular communications allowing PC observation of the levels by the police and City. The SIMM cards should be harvested monthly allowing permanent documentation of sound levels originating from the facility during each month.

**Materials:**

The reference to "large sound level display" is interpreted as TestHelper SW-526A 18" LED sign mounted in a weather proof enclosure modified to allow direct observation of the sound by the unit microphone and observation of the levels by the performers. Provide local AC power and 120 volt power supply for operation of this unit. Locate on the north fence centered with the center of the stage adjacent to the top edge of the fence.

The reference to "pole mounted permanent noise monitor system" is interpreted as a system similar to Larson Davis NMS045 with software, mounting pole and local AC power provisions installed allowing local storage and transmission of sound levels using cellular technology to a personal computer. The height of the microphone should be approximately 14' above grade.

**Conclusion:**

Sowden and Associates visited the Parker County Ice House and adjacent areas in Willow Park, Texas to review the operation of the facility and perform noise measurements adjacent to and near the facility. We also reviewed the noise regulations in effect for this and adjacent properties to develop operational procedures and solutions to assist in compliance with the regulations.

The eleven locations where observed where a noise complaint was received by the city. The sound levels observed at each of the locations were not increased by the sound originating from the performance at

Parker County Ice House. The sound originating from the facility was below the measured ambient noise at each location.

Recommendations were provided to assist the facility in reducing the complaints originating from performances originating from the facility and to comply with the local codes of the City of Willow Park and Parker County.

Please review this report and contact us if you have any questions regarding the observations, recommendations, or additional solutions not covered in this report.

### **End of Report**

Enclosures

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## Appendix A

### ENVIRONMENTAL NOISE AND HUMAN PERCEPTION OF SOUND

Noise is expressed in decibels (dB), which is a logarithmic measure of the acoustic sound pressure divided by a reference pressure, and is called “sound level.” The noise signal being measured, for most community noise purposes, is filtered using the A-weighting scale. This filtering adjusts the frequency content of the sound to be similar to human perception of sound wherein the ear is more sensitive to mid-frequency sounds (from about 1,000 Hertz to about 4,000 Hertz) and less sensitive to frequency components lower or higher than the mid-frequency band. The un-weighted, or no weight, measure, designated as Z, for zero weighting, does not filter the signal, so the contribution for any frequency band is treated the same as all others.

Since the decibel is logarithmic, decibels cannot be added arithmetically. Decibels must be converted back to the sound energy value, the total sound energy is then calculated and the sound level is re-calculated.

#### Definitions

**dB<sub>A</sub>** – the primary unit for environmental noise measurement is the A-weighted decibel (dB<sub>A</sub>). The term “A-weighting” refers to the filtering effect that the human ear has on sound as it is perceived by the listener. Sound level meters have A-weighting filters that simulate the effect of the ear on the approaching sound such that the meters’ displayed sound level correlates with the perceived loudness of the sound at a moderate level. The A weighted curve is presented in Figure A1, below. The A-weighting curve discounts the impact that low frequency sounds can have in the environment, especially at higher levels. The other weighting curves are normally not used for environmental noise measurements.

Human perception of sound changes as the level increases. At low levels we are more sensitive to mid to high frequency sounds but at higher sound levels this difference lessens. Figure A2, Equal Loudness Contours/ Fletcher Munson Curves, shows this variation in frequency sensitivity versus sound level. Note the dynamic range (the range from the lowest to the highest level) for low frequency sound is smaller than that for sounds in the mid-band range.

The wide range of common easily recognized sounds are listed in order of increasing sound levels in decibels in Figure A3, Common Sounds in Decibels. The sound levels shown for occupied rooms are only example activity levels and do not represent criteria for design. Note that thresholds vary from individual to individual.

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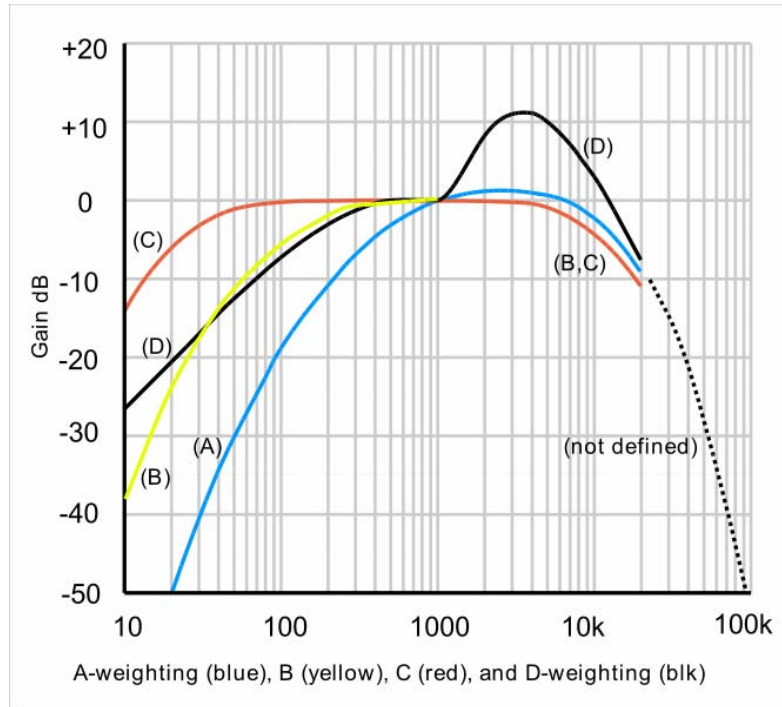


Figure A1 – Acoustic Weighting Curves  
Reference: Wikipedia

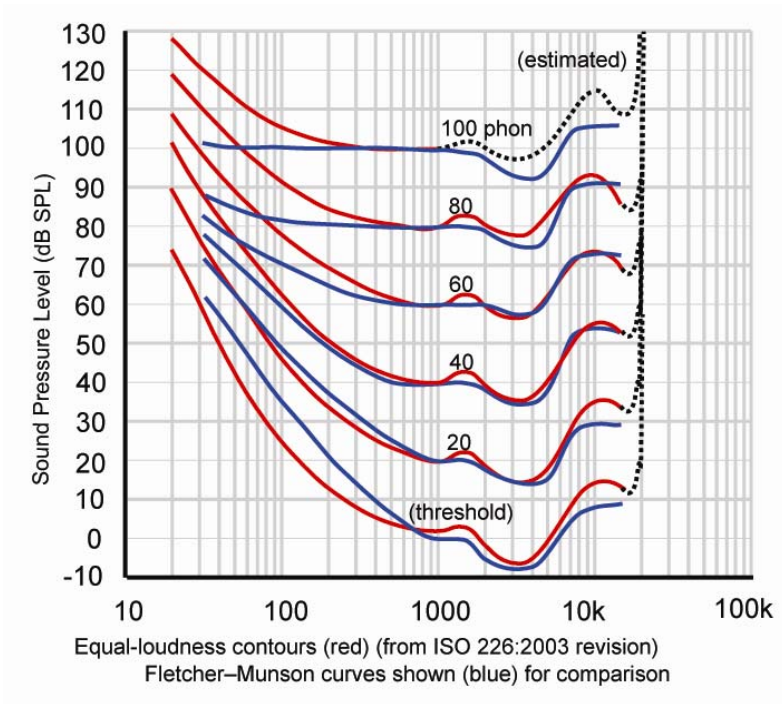


Figure A2 – Equal Loudness Contours/ Fletcher Munson Curves  
Reference: Wikipedia

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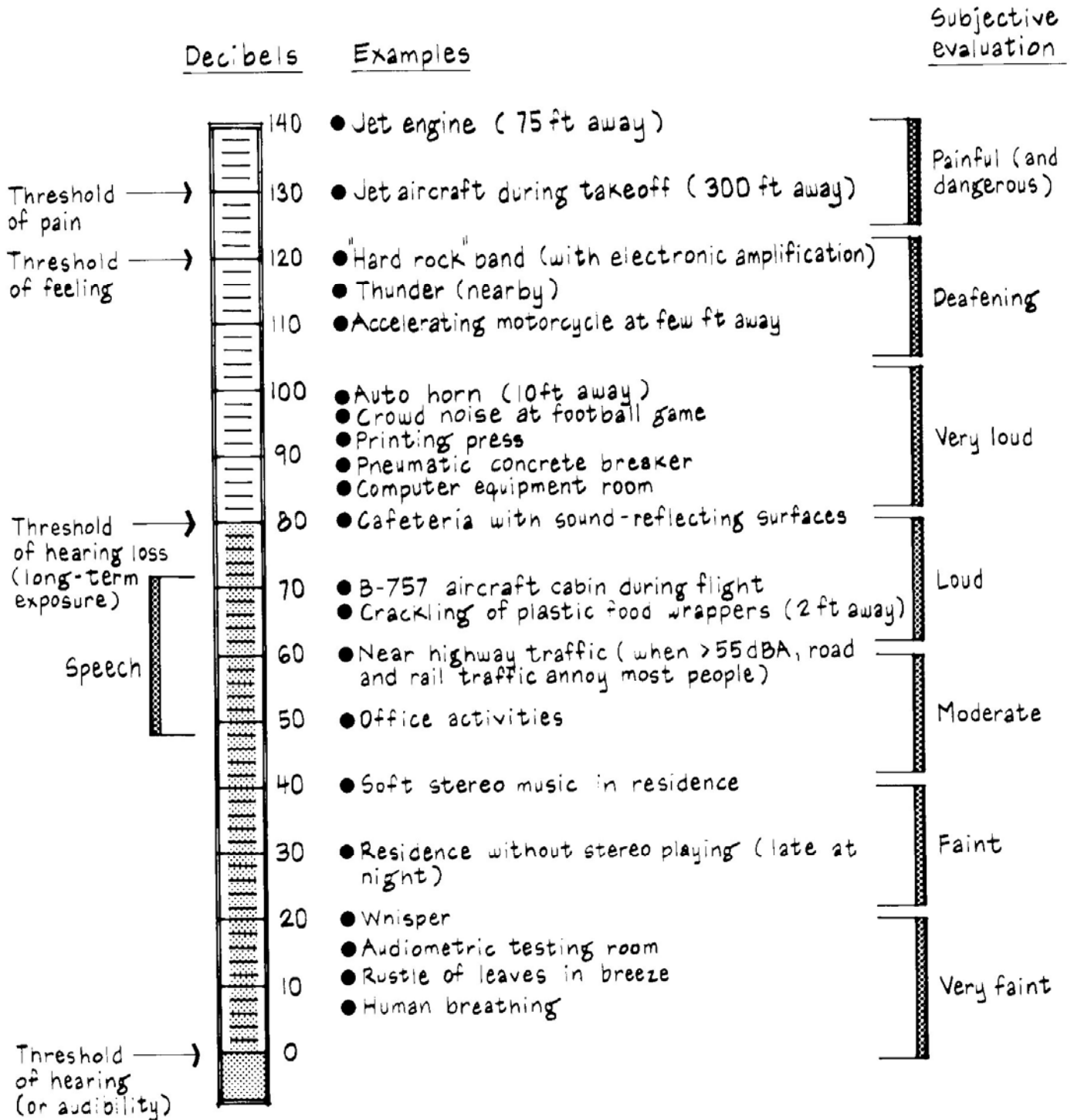


Figure A3 –Common Sounds in Decibels  
 Reference: Architectural Acoustics, Egan, 1988, McGraw Hill, page 13

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### Basics of Sound Propagation

In air the main cause of acoustical attenuation between a noise source and a receiver is hemi-spherical spreading, by which a sound source’s acoustical energy spreads out over a larger area as it travels away from the source. More specifically, the sound level in air due to an acoustical “point source” drops by 6 dBA for every doubling of the source-to-receiver distance. A sound source is characterized as a “point source” if the closest source-to-receiver distance of interest is at least twice the source’s largest dimension. For example, for a 20-foot long truck, the rule of “6 dBA per distance-doubling” applies for all receptors that are more than 40 feet from the noise source. All of the noise sources in this study were point sources. The “6 dBA per distance-doubling rule” applies if the ground is hard and sound-reflective. If the ground is covered with grass or other foliage, the attenuation rate can be, but may not be, as much as 9 dBA per distance-doubling. This report uses only the “6 dBA per distance-doubling” rule, so all calculation results are conservative where there is grass or ground foliage between the noise sources and the receptors.

### Audible Sound Level Differences

A 3 dB increase in sound level represents twice the sound energy but is just perceptible to humans while a 10 dB increase in sound level, which represents a 10 times increase in energy, is perceived only as a doubling in loudness. Similarly, a 3 dB decrease in sound level is just perceptible, while a 10 dB decrease in sound level is perceived as being one-half as loud.

Table A1, below, summarizes the human perception of different sound levels for sounds of the same general acoustical content.

Subjective Perceptions of Sound Level Changes	
Sound Level	Subjective Perception
Reference Sound Level + 10 dBA	Twice as loud
Reference Sound Level + 5 dBA	Noticeably louder
Reference Sound Level + 3 dBA	Just noticeably louder
Reference Sound Level	Baseline
Reference Sound Level – 3 dBA	Just noticeably quieter
Reference Sound Level – 5 dBA	Noticeably quieter
Reference Sound Level – 10 dBA	Half as loud

Table A1 - Subjective Perceptions of Sound Level Changes



PROJECT: <b>ACOUSTICAL TEST LOCATIONS CITY OF WILLOW PARK TX</b>		SHEET: <b>FIG-01</b>
PROJECT NO: <b>22F70701</b>	DATE: <b>10/19/22</b>	
<b>Sowden and Associates</b> Consultants in Acoustics and Entertainment Technologies 4604 Kenway Court Fort Worth, TX 76132 (817) 346-0406		Parker County Ice House Fax (817) 294-7713

Fig01.dwg





Figure 2  
Detail of North Fence facing Willow Run

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Consultants in Acoustics and Entertainment Technologies

## FIELD MEASUREMENTS

Parker County Ice House										
Acoustical Measurements										
October 1, 2022										
FREQUENCY	MEASUREMENT NO.									
	1	2	3	4 & 5	6	7	8	9	10 & 11	12
dBA	52	52	50	44	46	47	46	49	46	78
dBC										
NC										
20										
25										
31.5										
40										
50										
63	52	51	48	47	49	51	46	50	47	83
80										
100										
125	50	49	46	42	52	47	47	52	42	81
160										
200										
250	44	47	43	41	42	45	44	46	39	76
315										
400										
500	49	51	50	42	44	44	44	48	41	74
630										
800										
1000	48	49	46	42	43	45	43	43	43	73
1250										
1600										
2000	40	42	39	32	32	33	31	43	39	71
2500										
3150										
4000	43	28	31	21	23	22	24	27	23	69
5000										
6300										
8000	22	22	24	22	21	21	22	22	24	63
10000										
12500										
16000										
20000										



# CITY COUNCIL AGENDA ITEM DEPARTMENT REPORT

<b>Council Date:</b> October 25, 2022	<b>Department:</b> Planning & Development	<b>Presented By:</b> Toni Fisher
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## AGENDA ITEM: PLANNING & DEVELOPMENT DEPARTMENT REPORT

### All Permits Issued from July 27, 2022 to September 30, 2022: 242

- **Commercial Permits:**
  - Irrigation Permit – 6
  - New Addition Building Permit – 2
  - **New Building Permit** – 7
  - On Site Sewage Facility – 2
  - Revised Certificate of Occupancy – 3
  - Sign Permit – 7
  - Site Development Permit – 5
  - Temporary Sign Permit – 4
  - Tenant Remodel Permit – 12
- **Residential Permits:**
  - Accessory Building Permit – 14
  - Addition to Residential Dwelling – 3
  - Electrical Permit – 28
  - Fence/Retaining Wall Permit – 13
  - Irrigation Permit – 6
  - Mechanical Permit – 20
  - On-Site Sewage Facility – 3
  - Plumbing Permit – 28
  - Pool Spa Permit – 10
  - Remodel Building Permit – 2
  - **Single Family Dwelling** – 14
  - Window Replacement Permit – 2

- **Misc. Permits:**

- Final Plat – 1
- Fire Alarm Permit – 5
- Fire Hood Suppression Permit – 1
- Fire Suppression Permit – 16
- Health Permit – 4
- Peddler Permit – 3
- Preliminary Plat – 1
- Re-Plat – 3
- Solar Panel System Electrical Permit – 10
- Special Event Permit – 6
- Special Use Permit - 1

**Current Commercial Construction Projects:**

1. **Ambulatory Surgery Center @ 120 Jimma Dr.** – Under construction
2. **Willow Park Medical Office Building @ 110 Mary Lou Dr.** - Under construction
3. **G.I. Alliance (Endoscopic Center) @ 130 Jimma Dr.** - Completed and C.O. Issued
4. **Glamper Camper RV Storage @ 4450 E. I-20** - Under construction
5. **The District @ 460 Shops Blvd. (Core & Shell only)** - Under construction
6. **Canvas at Willow Park @ Meadow Place & Kings Gate (110 residential units)** - Under construction
7. **Trinity Christian Academy Athletic Complex @ 7700 E. Bankhead Hwy** – Completed
8. **The Village at Willow Park @ 402 - 538 Willow Crossing E. (58 residential units)** -Under construction
9. **MK Office Building @ 151 JD Towles (3,332 sq. ft. office building)** - Under construction
10. **Willow Park Baptist Church @ 777 Crown Pointe Blvd.** - Under onstruction
11. **Sally Watkins Real Estate Office @ 601 Willow Crossing** - Under construction
12. **Willow Park Medical Office #3 (Lu) @ 251 Crown Point Blvd.** – Construction Plan review pending
13. **Willow Park Medical Office #4 (Lu) @ 141 JD Towles Dr** – Construction Plan review pending
14. **Medical Plaza #1 (3-story) @ 191 JD Towles Dr** – Construction Plan review pending
15. **Medical Plaza #2 (2-story) @ 171 JD Towles Dr.** – Construction Plan review pending
16. **Standard Service restaurant @ 4800 East I-20 Service Rd South** – Site Development Plan review

**EXHIBITS:** Commercial Project Map





- 1. Ambulatory Surgery Center
- 2. Medical Office Building
- 3. G.I. Alliance Endoscopic Center
- 4. Glamper Camper RV Storage
- 5. The District (Core & Shell)
- 6. Canvas @ Willow Park (residential units)
- 7. Trinity Christian Academy Athletic Complex
- 8. Extra Space Storage (climate controlled)
- 9. Forney Fence & Platinum Collision
- 10. The Village at Willow Park (residential units)
- 11. The Preserves
- 12. MK Office Building
- 13. Willow Park Baptist Church
- 14. Sally Watkins Real Estate
- 15. Willow Park Medical Office #3 (Lu)
- 16. Willow Park Medial Office #4 (Lu)
- 17. Medical Plaza #1
- 18. Medical Plaza #2
- 19. Standard Service

