

MINUTES

CITY COUNCIL MEETING

July 15, 2013

CALL TO ORDER – Roll Call and Determination of a Quorum

The Parker City Council met in a regular meeting on the above date at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002.

Mayor Marshall called the meeting to order at 5:30 p.m. Councilmembers Stone, Standridge, Pettie and Taylor were present. Levine was absent.

Staff Present: City Attorney James Shepherd, City Administrator Jeff Flanigan, City Secretary Carrie Smith, Finance/H.R. Manager Johnna Boyd, Police Director Bill Rushing and Fire Chief Mike Sheff.

EXECUTIVE SESSION

Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated the City Council may hold a closed meeting.

Mayor Marshall recessed the regular meeting at 5:30 p.m.

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:
 - a. Govt. Code 551.074— "Personnel--to deliberate the appointment, employment, evaluation, reassignment, or duties, of a public officer or employee----Police Chief, Police Officers"
 - b. Govt. Code 551.071 and 551.087 – "Confidential legal advice regarding City obligations or responsibility for contractual or judicial economic development agreements."
 - c. Govt. Code 551.071—Confidential legal advice regarding pending or contemplated litigation regarding law enforcement, or the resolution of same.

2. RECONVENE REGULAR MEETING.

Mayor Marshall reconvened the regular meeting at 7:00 p.m.

3. ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.

No action was taken.

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Mr. Threadgill led the pledge.

TEXAS PLEDGE: Mr. Stachiw led the pledge.

PUBLIC COMMENTS The City Council invites any person with business before the Council to speak to the Council. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

No comments.

INDIVIDUAL CONSIDERATION ITEMS

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR JUNE 4, 2013. [SMITH]

MOTION: Councilmember Pettle moved to approve the June 4, 2013 meeting minutes as written. Councilmember Standridge seconded with Councilmembers Stone, Standridge, Pettle and Taylor voting for. Motion carried 4-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR JUNE 18, 2013. [SMITH]

MOTION: Councilmember Pettle moved to approve the June 18, 2013 meeting minutes as written. Councilmember Stone seconded with Councilmembers Stone, Standridge, Pettle and Taylor voting for. Motion carried 4-0.

6. PUBLIC HEARING, CONSIDERATION, AND/OR ANY APPROPRIATE ACTION ON ZONING CHANGE REQUESTED BY WYNNE/JACKSON, INC. FOR RE-ZONING APPROXIMATELY 322.34 ACRES OF LAND LOCATED IN THE GW GUNNELL SURVEY, ABSTRACT NO. 350, AND THE THOMAS ESTES SURVEY, ABSTRACT NO. 298, COLLIN COUNTY, TEXAS FROM SINGLE-FAMILY AND AGRICULTURAL-OPEN SPACE TO SINGLE-FAMILY TRANSITIONAL WITH SPECIAL CONDITIONS. THE PROPERTY IS GENERALLY LOCATED AT THE WEST SIDE OF FM 2551 SOUTH OF KARA LANE AND NORTH OF E. PARKER ROAD. [P&Z]

Christopher Jackson with Wynne/Jackson Development gave a review of the proposed concept plan. He is requesting a zoning change from Single Family (SF), 2 acre minimum lot size, to Single Family Transitional (SFT), 1.5 acre average lot size, with a variance to the street right-of-way, reducing it from 60 feet to 50 feet. Mr. Jackson indicated that he had been to Planning and Zoning Commission on three occasions with his proposal and it had passed unanimously.

The property is approximately 323 acres and 79 acres are in the flood plain. The developer is proposing to reclaim approximate 30 to 40 acres of the flood plain

and construct retention/detention ponds to control the flow of water. The project will cost approximately \$2 million and there would be no cost or maintenance of this area by the City. They feel the reconstruction would relieve property owners in Easy Acres and others along Dillehay of flooding. Home Owner Association (HOA) dues will pay to maintain this area. The estimated annual HOA dues will range from \$600 to \$1000 annually for property owners.

There is a proposed trail system to connect to the future trail systems. Private open space is proposed for the residents of the subdivision. The property will be marketed to families that want to get out and gather as a community.

The roadways are curved to increase safety by reducing speeds. The main entry/exit will be off Dillehay Road and one entrance/exit will be off Pecan Orchard. Other entrances/exits are proposed to the south and north. (see Exhibit 6)

Mayor Marshall opened the public hearing.

- Jan Penn, 4511 Pecan Orchard - stated she has lived in Parker for about one and one-half years. She moved here for its country atmosphere and to have horses. She is very concerned with the traffic flow affecting her area and believes the additional traffic and building materials will ruin Pecan Orchard Road and end her solitude. She brought a picture of how Parker looked back in the '80s to indicate how she feels it should be kept.
- Pat Moorer, 4902 Hackberry Lane - related that she has resided in Parker for about 29 years. Pecan Orchard Road was built to give farmers access and was not constructed for heavy traffic. The water issues, such as drainage on Pecan Orchard, were not addressed in Mr. Jackson's proposal and she feels if they are not, bridges will be needed as water stands for days on the road now and can be quite high. Pecan Orchard is uphill from Hackberry and water/drainage issues will have to be addressed as to septic fields and tanks. The large lots are needed as land is frequently underwater for days at a time.
- Joe Cordina, 4602 Boulder Drive - indicated that Wynne Jackson is an excellent developer. They developed Waterford in Allen and other places close by; however, most of their developments are residential lots of less than one acre. Mr. Cordina stated, each City Council has been elected by citizens based on their positions on this issue and he requested Council stay firm and require larger lots.
- Eleanor Evans, 3507 Hogge Road - reported she has been a resident of Parker for over 32 years. She reminded Council to protect the City's zoning and to improve drainage in Easy Acres as well as support our land plan. This proposal is not transitional; it is in the heart of the City. City Council was reminded of their promise to support the comprehensive land plan.

- Mark Stachiw, 4404 Pecan Orchard - He stated the change from SF to SFT should not be debatable. SFT is only for transitional and this does not apply here. Pecan Orchard Road cannot support the traffic that will follow nor can Springhill Estates. Springhill Estates is on the thoroughfare plan and this could cause it to become four lane divided. Allowing this proposal to change to SFT could cause all undeveloped land in Parker to be changed as well as setting a bad precedent for the City and City Council.
- Cindy Meyers, 6618 Estados Drive - noted that she agrees with the other speakers. She reminds City Council that they ran campaigns committing to support the Comprehensive Land Use Plan and noted the citizens are watching. This proposal is not Parker, Parker is uniquely country.
- Stephanie Casson, 1802 Dublin Road - related that Parker is not Allen, Murphy nor Plano. It is country and the large lots and open spaces are why her family moved here. She urged the Council to keep 2 acre lots. She also agreed with the other speakers, especially on drainage issues.
- Jeff Harrison, 4400 Pecan Orchard Drive- stated he is a commercial real estate attorney. As such he has had vast experience in dealing with developers and Wynne Jackson is a reputable developer, but they usually develop lots around .38 to .44 of an acre not 1.5 or greater. The amenities are great but they are not why folks move to Parker nor do they want to pay for them. He has concerns with traffic as do Springhill Estates residents. He strongly opposes this project.
- Fred Ortiz, 4603 Springhill Estates Drive - indicated that density would be of great concern as it would change the character of the City, from country to something more common. Traffic would have permanent consequences for all citizens.
- Karen Pritzker, 4706 Pecan Orchard - expressed her concerns over drainage issues as there are already problems and these have not been addressed. She supports keeping 2 acre lots.
- Melody Schell, 4601 Springhill Estates Drive - echoed support for the other speakers. She has four children with whom she enjoys riding bicycles and increased traffic presents concerns for her and her children's safety. She moved to Parker for its country atmosphere and to get away from population density and traffic. She feels people would take short cuts through Springhill to get to this development increasing traffic and jeopardizing safety. She requested Council commit to keeping Parker uniquely country.
- Jim Threadgill, 7233 Moss Ridge Road - echoed agreement with others' concerns. He agreed with Mark Stachiw's statement that it is zoned SF

and should be kept SF. This City has adopted the Land Use Plan and should stay with it. He feels traffic would be horribly affected, as there are no connectors. So while beautiful, it is not in keeping with Parker.

- Garland McClendon, 5500 Kara Lane - requested to know what the differential elevation would be from his lot on Kara Lane to this development which backs up to his lot. Mr. Jackson did not have an answer. Mr. McClendon was extremely concerned over drainage issues.
- Steve Schrick, 4506 Springhill Estates Lane - indicated that he move to Parker, the best suburb ever and asks that we keep Parker "Parker" and keep it country.
- David Leamy, 5801 Rathbone - related that all Councilmembers stated to abide by the comprehensive land plan and zoning which is SF. We must uphold those rules. He also noted that reducing the street width was a concern.

See Exhibit 6 for letters and comment cards from residents on this issue.

Mayor Marshall closed the public hearing at 8:25 pm.

Councilmember Stone requested an executive session for legal advice from the City Attorney.

Mayor Marshall recessed the meeting to Executive session at 8:26 pm.

Mayor Marshall reconvened the regular meeting at 8:47 pm.

Developer Jackson requested the Council to table this item to a future meeting. He will go back and look at the costs to develop the property with SF zoning.

MOTION: Councilmember Taylor moved to table this item to a future meeting. Councilmember Stone seconded with Councilmembers Stone, Standridge, Pettie and Taylor voting for. Motion carried 4-0.

7. QUARTERLY PARKS AND RECREATION REPORT BY PARKS AND RECREATION COMMISSION.

Vice Chairperson Cindy Stachiw was present to answer questions on the report submitted to Council. (see Exhibit 7)

Parkerfest committee has appointed Phyllis Houx as the publicity spokes person for the event. Planning sessions began in April. Major change to the event is there will not be complementary food. Two food vendors will be on-site. Other vendors will be charged \$30 and at 20 vendors that will earn \$600 being more than enough to cover the proposed expenses. Currently the only request has been for \$167 required for port-a-potty rentals. There will be a number of free

events for everyone to enjoy. The committee is looking for complimentary entertainment rather than paying a band.

Mayor Marshall noted the annual budget for the event will most likely be reduced.

It was noted scout projects are for any scout to participate and all projects are in the City.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013 415 APPROVING THE 2013-2014 JAIL SERVICE AGREEMENT WITH COLLIN COUNTY. [RUSHING]

MOTION: Councilmember Stone moved to approve Resolution 2013-415 as written. Councilmember Pettie seconded with Councilmembers Stone, Standridge, Pettie and Taylor voting for. Motion carried 4-0.

9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-416 APPROVING THE 2013-2014 POLICE DISPATCH SERVICE AGREEMENT WITH COLLIN COUNTY. [RUSHING]

Interim Police Director Rushing noted there was a \$300 budget increase over last year.

MOTION: Councilmember Taylor moved to approve Resolution 2013-416 as written. Councilmember Stone seconded with Councilmembers Stone, Standridge, Pettie and Taylor voting for. Motion carried 4-0.

10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 699 MODIFYING ORDINANCE NO. 515, BY REVISING THE QUALIFICATIONS NECESSARY TO BE APPOINTED CITY FIRE MARSHAL. [SHEFF]

Fire Chief Sheff's comments: "The position of fire marshal is vacant as a result of the retirement of the prior marshal in 2012. We have identified a candidate who possesses the requisite background in fire investigation and inspection and is presently a member of the Collin County Arson Task Force, but lacks the status of licensed peace officer. It is not a State requirement that a fire marshal appointed by a governmental entity such as Parker be a peace officer; however, Ordinance No. 515 was drafted requiring peace officer status because the candidate then under consideration was a reserve member of the Parker Police Dept.

Ordinance No. 699 modifies Ordinance No. 515 by deleting the requirement of licensed peace officer."

MOTION: Councilmember Standridge moved to approve Ordinance 699. Councilmember Taylor seconded.

Council and City Attorney discussed the proposed changes and it was noted there is a contradiction in the penal code regarding the fire marshal. Councilmember Pettie requested Ordinance 699 be reviewed and revised if necessary to reflect the modification in all sections of the ordinance as well as any other necessary legal changes. Mayor Marshall requested the City Attorney revise the language and bring back to Council.

Councilmembers Stone, Standridge, Pettie and Taylor voting for. Motion carried 4-0.

11. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013 -418 ACCEPTING 2013 ANNUAL STREET MAINTENANCE CONTRACT. [FLANIGAN]

City Engineer Birkhoff has reviewed the project bids and is recommending awarding the bid to Pavecon, Ltd., of Grand Prairie. They submitted the lowest Base Bid in the amount of \$271,907.60 and the lowest Additive Alternate Bid in the amount of \$36,849.94.00; for a total bid amount of \$308,757.54. (See Exhibit 11)

City Administrator Flanigan noted the project will include:

The contract includes the overlay of Dublin Road from Parker south to about Betsy Lane; remix for Old Gate Lane; crack sealing for Old Gate Lane and Countryside Drive; right turn lane from west on Betsy Lane to north on Dublin Road; and curve marking, signage, double stripes/buttons on both "s" curves on Dublin Road. This work should be completed by 9/31/13.

MOTION: Councilmember Taylor moved to approve Resolution 2013-418 awarding the bid to Pavecon. Ltd in the amount of \$308,757.54. Councilmember Stone seconded with Councilmembers Stone, Standridge, Pettie and Taylor voting for. Motion carried 4-0.

12. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE PURCHASE OF A NEW POLICE VEHICLE IN 2012-2013 BUDGET. [TAYLOR]

Councilmember Taylor's recommendation:

"The City has budgeted for one replacement Police vehicle in this current 2012-2013 budget. When Council included this item in the budget, there was enough money allocated to purchase a new Tahoe at a slightly higher purchase price than the other choices.

While both of the older Dodge Chargers, Units 200 and 400, are only at or just over 100,000 miles each, they are experiencing above normal maintenance and repair costs. Unit 200 is the unit that required extensive engine work during the first quarter of this year and has started to exhibit signs of the same engine

failure again. These are the units which the Police Department had intended on choosing between for this year's budgeted replacement.

In my opinion, the City should replace Unit 200 now and prepare to replace Unit 400 during next year's budget. Without this action, we could be faced with a necessity to replace both of these units during the next year."

MOTION: Councilmember Taylor moved to approve the purchase of a police vehicle in the current 2012-2013 fiscal year. Councilmember Pettie seconded.

Councilmember Taylor is recommending the Chevy Tahoe based on their performance review and the cost is not to exceed \$40,000.

Councilmember Stone, Standridge, Pettie and Taylor voting for. Motion carried 4-0.

ROUTINE ITEMS

13. FUTURE AGENDA ITEMS

- City street signs
- Cancel October 1 and November 5 meetings
- Recognition of Fire Chief Sheff
- Wynne/Jackson zoning change request
- Parker Women's Club use of City website

14. DEPARTMENT REPORTS – ANIMAL CONTROL, POLICE DEPARTMENT, BUILDING PERMIT, CODE ENFORCEMENT, WEBSITE

15. ADJOURN

Mayor Marshall adjourned the meeting at 9:30 p.m.

APPROVED:

Mayor Z Marshall

ATTESTED:

City Secretary Carrie L. Smith, TRMC, CMC

APPROVED on the ____ day of _____, 2013.

EXHIBITS
Comments from Public Hearing
Exhibit 6 -
Exhibit 7 – P&R Quarterly Report
Exhibit 11 – Street Bid

DRAFT