

MINUTES
CITY COUNCIL MEETING

FEBRUARY 2, 2016

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 Pro Tem Levine called the meeting to order at 6:00 p.m. Councilmembers Stone, Standridge, Levine, Pettle and Taylor were present. Mayor Marshall was absent.

Staff Present: City Administrator Jeff Flanigan, Finance/H.R. Manager Johnna Boyd, City Secretary Patti Scott Grey, City Attorney Jim Shepherd, Fire Chief Mike Sheff, and Police Captain Kenneth Price

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: City Administrator Flanigan led the pledge.

TEXAS PLEDGE: Councilmember Standridge led the pledge.

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

Cindy Meyer, 6618 Estados Drive, spoke on concerns she had with code enforcement and the issuance of city permits, regarding a fence in Poco Estados, and two (2) acre lot size. Ms. Meyer said she contacted Building Official/Code Enforcement Officer Gary Machado in regard to the fence, which she felt was in violation of City Code. She wanted to know why the fence was permitted. Ms. Meyer commented she and several of the members of the neighborhood were present in opposition to the fence.

Janice Struck, 6701 Estados Drive, also spoke in opposition to the fence.

CONSENT AGENDA Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.

1. APPROVAL OF MEETING MINUTES FOR DECEMBER 15, 2015. [SCOTT GREY]
2. CONSIDERATION AND APPROPRIATE ACTION ON RESOLUTION 2016-502, APPOINTING MARK BARNABY TO THE POSITION OF ASSISTANT CHIEF, PARKER FIRE DEPARTMENT. [SHEFF]

MOTION: Councilmember Taylor moved to approve consent agenda items 1, approving the December 15, 2015 City Council meeting minutes, and 2, appointing Mark Barnaby City of Parker, Texas, Assistant Fire Chief. Councilmember Pettie seconded with Councilmembers Levine, Pettie, Standridge, Stone and Taylor voting for. Motion carried 5-0.

Councilmember Standridge said the City of Parker and the Fire Department were fortunate to have Mr. Barnaby as Assistant Fire Chief.

INDIVIDUAL CONSIDERATION ITEMS

3. CONSIDERATION AND APPROPRIATE ACTION ON RECOMMENDATIONS FROM THE WATER RATE REVIEW COMMITTEE ON RETAINING AN OUTSIDE CONSULTANT. [LEVINE]

Mayor Pro Tem Levine introduced Water Rate Review Committee (WRRC) Chair Brooke Asiatico, who briefly updated City Council on the Willdan/Economists.com proposal. Mr. Dan Jackson, Vice President of Willdan Financial Services, proposed to complete the scope of services and included two (2) options: 1) **\$20,000 option to include full written report** documenting analysis and recommendations in addition to a PowerPoint presentation, and 2) **\$15,000 option without full written report** documenting analysis and recommendation in addition to PowerPoint presentation. Ms. Asiatico said the WRRC decided to go with the \$15,000 option. After questions regarding both options, Mr. Jackson stated the decision was a matter of preference, the process would take approximately 60-90 days to complete, and the City could decide to pay the additional \$5,000 to receive the full written report.

MOTION: Councilmember Standridge moved to proceed with appropriate action on the WRRC's recommendation to retain Mr. Dan Jackson with Willdan Financial Services to provide the \$15,000 option. Councilmember Taylor seconded with Councilmembers Levine, Pettie, Standridge, Stone and Taylor voting for. Motion carried 5-0.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 733 CALLING FOR AN ELECTION TO BE HELD ON MAY 7, 2016 TO ELECT A MAYOR AND TWO CITY COUNCILMEMBERS-AT-LARGE; PROVIDING FOR EARLY VOTING; APPOINTING AN EARLY VOTING CLERK, ELECTION JUDGE, AND ALTERNATE JUDGE, PROVIDING FOR ORDER AND NOTICE OF THE ELECTION. [SHEPHERD]

City Administrator Flanigan said he would like this item to be tabled, as the City was still waiting on information from Collin County. By the next meeting, staff should have the information needed along with a contract.

MOTION: Councilmember Taylor moved to table Item 4, due to the fact that all the contract information from Collin County was not yet available. Councilmember Standridge seconded with Councilmembers Levine, Pettie, Standridge, Stone and Taylor voting for. Motion carried 5-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON FINAL PLAT FOR KINGS CROSSING 2. [FLANIGAN]

City Administrator Flanigan updated City Council, stating Planning and Zoning (P&Z) Commission met on Kings Crossing Phase 2 last Thursday, January 28, 2016. In the City Council packet, there was a letter from City Engineer John Birkhoff, dated January 21, 2016, with additional items that needed to be completed and a letter from Developer Stephen Sallman, dated January 27, 2016, stating he was in agreement with all the items. Their development agreement, Section 6.3 Early Plat Recording, allowed for an early platting procedure. Mr. Sallman was working to make that happen. The City needed the items in Mr. Birkhoff's letter completed and we needed a list of the uncompleted items, so Mr. Birkhoff could review for the escrowed amount. The escrow amount in the contract was 120% of any outstanding items. Mr. Sallman said he was in agreement with engineer's recommendations in the letter, dated January 21, and his engineer would supply a cost estimate for those outstanding items.

City Attorney Shepherd pointed out Section 6.3 of the Developer's Agreement called for a performance or surety bond instead we have a cash bond, which he stated would be better.

MOTION: Councilmember Standridge moved to approve appropriate action on the Final Plat, based on the agreement in the January 27, 2016 letter from the Developer Stephen Sallman for Kings Crossing Phase 2. Councilmember Taylor seconded with addition of subject to the items being completed and the posting of a cash bond. Mayor Pro Tem asked for clarification of the motion. City Attorney Shepherd restated P&Z met last week, making the same recommendation. The cash bond would be held, Developer Sallman would complete all the items on the list. Councilmember Standridge restated his motion to approve the Final Plat, subject to the satisfactory completion of all of the matters contained in Mr. Birkhoff's letter, dated January 21, 2016, in accordance with Mr. Sallman's letter, dated January 27, 2016, and the cash would only be released on approval of the City Engineer, stating that those matters were accomplished. Councilmember Standridge agreed that was his motion. Councilmember Taylor agreed that was the motion he seconded with Councilmembers Levine, Pettie, Standridge, Stone and Taylor voting for. Motion carried 5-0.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON FINAL PLAT FOR SOUTHRIDGE EAST. [FLANIGAN]

City Administrator Flanigan updated City Council, stating this item was also on the P&Z agenda last Thursday, January 28, 2016. The City Engineer's letter stated there were issues with erosion control methods. P&Z Commission, based on the Developer Ronald Haynes' intentions, which were to submit a \$25,000 bond for the remaining items as well as meet with City Engineer Birkhoff, Thursday, February 4, regarding erosion control. The City would hold this cash bond until the last house was completed in the development. The development was complete; it was just the vegetation that needed to be completed.

Developer Ronald Haynes, 8214 Westchester Street, Suite 650, Dallas, Texas, stated in his letter, dated January 27, 2016, it said "John Birkhoff has reviewed the subdivision and we agree with all his comments." Mr. Haynes wanted to have a meeting with the City Engineer John Birkhoff and his erosion control specialist. He said he planned to do what Mr. Birkhoff required.

City Attorney Shepherd recapped, stating Mr. Birkhoff's letter, dated January 25, 2016, would be fully complied with and the Developer's letter, dated January 27, 2016, would bind him and his organization along with the \$25,000 cash bond to be placed with the City and held until the last home was sold in the subdivision. The developer's professionals and the City Engineer plan to meet February 4. There may be some modifications, but the developer would perform as requested by the City Engineer, which was P & Z's recommendation.

MOTION: Councilmember Taylor moved to approve the Final Plat of Southridge East, subject to satisfactory completion and or resolution of all issues with City Engineer John Birkhoff and posting \$25,000 into escrow, as stated by City Attorney Shepherd. Councilmember Standridge seconded.

Councilmember Pettie voiced her concern that the item was being approved prior to the meeting with the City Engineer.

Mayor Pro Tem Levine said it was his understanding this plat would not be accepted as final until City Engineer Birkhoff challenges have been met and he signed off.

Councilmembers Levine, Standridge, Stone and Taylor voting for; Councilmember Pettie voting against. Motion carried 4-1.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PRELIMINARY PLAT FOR KINGS CROSSING 3. [FLANIGAN]

City Administrator Flanigan updated City Council, stating this item was recommended by P&Z at their December 10, 2015 meeting, subject to finalizing all the items on City Engineer John Birkhoff's letter. Council had a revised letter dated, January 19, 2016, that had a couple of construction related items. The only plat item was a waterline easement on Lewis Lane and that was resolved. A new set of plans was submitted to the City Engineer. The developer committed to move that waterline.

Mayor Pro Tem Levine clarified this was Kings Crossing Phase 3. Council had a preliminary plat and new drawings have been submitted. City Administrator Flanigan explained the Lewis Lane waterline easement was not located on the construction documents and he allowed Developer Stephen Sallman to continue clarification. Mr. Sallman said they had a waterline running parallel to Lewis Lane and it was on private property and not on the area dedicated for the right of way, so the City Engineer requested the easement be shown and that had been completed. He stated this was the preliminary plat. Mayor Pro Tem Levine stated the developer did not want Council to approve the plat, because it was not the current up-to-date plat.

MOTION: Councilmember Pettie moved to table consideration of the Preliminary Plat of Kings Crossing Phase 3 until the correct plat was made available. Councilmember

Taylor seconded with Councilmembers Levine, Pettie, Standridge, Stone and Taylor voting for. Motion carried 5-0.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON FINAL PLAT OF RIGHT OF WAY DEDICATION, OF CURTIS ROAD IN THE AREA BETWEEN THE SOUTHRIDGE AND SOUTHRIDGE EAST SUBDIVISIONS. [FLANIGAN]

City Administrator Flanigan said during the process of Southridge East Subdivision we required the developer to negotiate and acquire right of way from, essentially two different property owners. They negotiated with two property owners on the condition they construct the road and build a concrete street to City of Parker specifications and the right of way be dedicated to the City. This was a plat of that property.

City Attorney Shepherd said initially this was an easement across the various properties. He objected to that and now Council had a final plat right of way dedication. He had the dedication language changed from an easement to fee simple, so there would be a true conveyance document in the form of a plat for a fee simple title to the roadway.

MOTION: Councilmember Taylor moved to approve Final Plat of Right of Way Dedication, of Curtis Road in the area between the Southridge and Southridge East Subdivisions. Councilmember Standridge seconded with Councilmembers Levine, Pettie, Standridge, Stone and Taylor voting for. Motion carried 5-0.

ROUTINE ITEMS

9. FUTURE AGENDA ITEMS

Mayor Pro Tem Levine asked if there were any items to be added to the future agenda. He noted Kings Crossing Phase 3 and the election items needed to be added. Councilmember Pettie said Council might want to review the fence ordinance. Mr. Levine said he would make a note and let the Mayor know about that item. Councilmember Stone asked that Weather Warning System be added back to the future agenda.

City Attorney Shepherd said P&Z Commission had a brief training session before their January 28, 2016, meeting. He offered City Council training and asked them to let him know any specific topics they might be interested in covering.

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

10. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:

- a. **Government Code Section 551.074 Personnel—To deliberate the appointment, evaluation, reassignment, and/or duties, of elected officials: councilmembers**

Mayor Pro Tem Levine recessed the regular meeting to Executive Session at 6:59 p.m.

11. RECONVENE REGULAR MEETING.

Mayor Pro Tem Levine reconvened the meeting at 7:13 p.m.

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

No action was taken.

13. ADJOURN

Mayor Pro Tem Levine adjourned the meeting at 7:13 p.m.



APPROVED:

A handwritten signature in black ink, appearing to be "S. Levine", written over a horizontal line.

Mayor Pro Tem Scott Levine

ATTESTED:

A handwritten signature in blue ink, appearing to be "Patti Scott Grey", written over a horizontal line.

Patti Scott Grey, City Secretary

Approved on the 29th day
of February, 2016.