



MINUTES
CITY COUNCIL MEETING
NOVEMBER 14, 2023

CALL TO ORDER – Roll Call and Determination of a Quorum

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

Mayor Lee Pettle called the meeting to order at 6:00 p.m. Mayor Pro Tem Jim Reed and Councilmembers Todd Fecht, Randy Kercho, Terry Lynch, and Amanda Noe were present.

Staff Present: City Administrator Luke Olson, Asst. City Administrator/City Secretary Patti Scott Grey, Finance/Human Resources Director Grant Savage, City Attorney Amy J. Stanphill, City Engineer John Birkhoff, P.E., Fire Division Chief (Admin) Jeff Kendrick, and Police Sergeant Courtney Dixon

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.

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

Government Code Section 551.074 Personnel—To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Government Code Section 551.071(1)—Consultation with City Attorney concerning Pending or Contemplated Litigation.

Government Code Section 551.071(2) – Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter (Open Meetings Act).

Mayor Lee Pettle recessed the regular meeting to Executive Session at 6:02 p.m.

RECONVENE REGULAR MEETING.

Mayor Lee Pettle reconvened the meeting at 7:01 p.m.

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

No action was taken.

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Lucy Estabrook led the pledge.

TEXAS PLEDGE: Harryette (Elaine) Hand 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.

No comments

ITEMS OF COMMUNITY INTEREST

Mayor Pettle reviewed the upcoming Community Interest items below:

Canceled - PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, DECEMBER 13, 2023, 5 PM

CITY COUNCIL (CC) – TUESDAY, NOVEMBER 21, 2023 (CANCELED – DUE TO THANKSGIVING HOLIDAY)

CANCELED - CITY COUNCIL (CC) – TUESDAY, JANUARY 2, 2024, 7 PM

PRESENTATION

ELVIS AND LINDA NELSON DONATION

Linda Nelson presented the Parker Fire Department with a \$500 check. Mrs. Nelson said the Fire Department provided outstanding care and service when her husband, Elvis, was ill and during a fire incident. She said her and her family enjoyed living in Parker because of the wonderful service and everyone treated each other like family.

Mayor Pettle, on behalf of herself, City Council, and City Staff, thanked the Nelsons for their kind and generous donation and asked the fire department personnel present to relay the Nelsons comments.

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 OCTOBER 17, 2023. [CITY COUNCIL CAPITAL IMPROVEMENT PLAN (CIP) - PHASED APPROACH WORKSHOP]
2. APPROVAL OF MEETING MINUTES FOR OCTOBER 17, 2023. [REGULAR MEETING]
3. APPROVAL OF MEETING MINUTES FOR OCTOBER 24, 2023. [JOINT CITY COUNCIL & PLANNING AND ZONING (P&Z) COMMISSION COMPREHENSIVE PLAN WORKSHOP]
4. APPROVAL OF MEETING MINUTES FOR OCTOBER 30, 2023. [CITY COUNCIL CAPITAL IMPROVEMENT PLAN (CIP) - PHASED APPROACH WORKSHOP]
5. CONSIDERATION AND APPROPRIATE ACTION ON RESOLUTION NO 2023-767 REGARDING PARTICIPATION IN THE TEXAS SMARTBUY PROGRAM OF THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS PURSUANT TO TEXAS LOCAL GOVERNMENT CODE § 271.083 FOR THE PURCHASE OF TOXICOLOGY BLOOD EVIDENCE COLLECTION KITS.
6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2023-768 OF THE CITY OF PARKER. TEXAS FINDING THAT COSERV GAS, LTD.'S STATEMENT OF INTENT TO INCREASE 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 THE CITY'S LEGAL COUNSEL.

MOTION: Councilmember Noe moved to approve consent agenda items 1 through 6 as read. Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

INDIVIDUAL CONSIDERATION ITEMS (1 of 2)

7. TEMPORARY MORATORIUM EXTENSION:

PUBLIC HEARING REGARDING EXTENSION OF THE TEMPORARY MORATORIUM ON THE ACCEPTANCE, REVIEW, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, OR CONSTRUCTION WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF PARKER.

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 854 EXTENDING THE TEMPORARY MORATORIUM ENACTED BY ORDINANCE NO.'S 846, 844, 839, 833, 824, 815 & 812 ON THE ACCEPTANCE, REVIEW, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, OR CONSTRUCTION WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF PARKER.

Mayor Pettle opened a public hearing regarding the extension of the temporary moratorium at 7:09 p.m.

City Engineer John W. Birkhoff, P.E., of Birkhoff, Hendricks & Carter, LLP, greeted the Mayor and Council and reviewed the City of Parker's current water supply and demand. With reference to his "Water Projections" letter included in tonight's Council packet, dated November 7, 2023, to City Administrator Luke Olson, Mr. Birkhoff indicated after the engineering firm's August 2023 evaluation, "the day of maximum pumpage was determined and selected records were received from the city. The water records from the City show Friday, August 18th as being the day of maximum usage. This day exceeded demands reported in our August 10, 2023, letter in connection with the moratorium. We reviewed the hourly records on the day of maximum usage and have tabulated those hourly results. Based on the number of September 2023 connections of 2,108 and a per unit density of 2.79 persons per unit calculates a population of 5,882. For August 18th, the maximum daily demand was 4,242,888 gallons which equates to a per capita demand of 721 gallons per capita. The maximum hourly demand occurred at 6 AM at a rate of 1,236 gallons per capita. Since the September analysis of water usage, 11 additional homes have been brought online.

To meet the demand placed on the system all pumps at the Eastside Pump Station were in use. The design of a pump station to conform to the TCEQ requirements has the largest pump out at any given time as it is the backup pump in the event any of the three remaining pumps fail. Although the system performed during the summer of 2023, we recommend during the fall the city have the pumps and electrical switch gear checked out and flow test be run to determine if any work

is required to minimize the probability of a pump or switch gear failure next summer in the event the new supply to the Central Pump Station is not in place. Birkhoff, Hendricks & Carter, LLP recommends no additional lots be approved for development until a contract with NTMWD is executed to supply water to the Central Pump Station. In addition, they recommend the city consider more rigid water management requirements in an attempt eliminate the need to routinely run the backup pump to meet water demands."

City Administrator Olson said the City is doing routine maintenance on the pumps and will do an annual inspection of all pumps in December along with ordering supplies to have on hand as the supply chain is slow at times.

Mayor Pettle asked if anyone in the audience had comments.

Zakiuddin Syed, owner of a Parker Road lot (not addressed yet), said he purchased his land/lot in late 2021, prior to the moratorium, and he is waiting for permits and approval to build his home. He currently maintains contact with Public Works Director Machado.

No one else came forward.

Mayor Pettle declared the public hearing closed at 7:21 p.m.

Ordinance No. 854 caption was read, as follows:

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 854 EXTENDING THE TEMPORARY MORATORIUM ENACTED BY ORDINANCE NO.'S 846, 844, 839, 833, 824, 815 & 812 ON THE ACCEPTANCE, REVIEW, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, OR CONSTRUCTION WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF PARKER.

MOTION: Councilmember Kercho moved to amend Ordinance No. 854 from 90 to 120 days and approve Ordinance No. 854 extending the temporary moratorium enacted by Ordinance No.'s 846, 844, 839, 833, 824, 815 and 812 on the acceptance, review, and approvals necessary for the subdivision, site planning, development, or construction within the city limits and extraterritorial jurisdiction of the City of Parker, noting the moratorium could be ended by City Council after thorough review of circumstances. Councilmember Lynch seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0. **[See Exhibit 1 – Amended Ordinance No. 854 (Extension of Temporary Moratorium on Acceptance of Development Applications) – 120 days, dated November 14, 2023.]**

PRESENTATION

i TEXAS COALITION FOR AFFORDABLE POWER [TCAP] – ELECTRIC SUPPLY

Texas Coalition for Affordable Power (TCAP) Executive Director Margaret Somereve reviewed the TCAP For Cities – By Cities – Making a Powerful Choice PowerPoint

[See **Exhibit 2 – TCAP For Cities – By Cities – Making a Powerful Choice PowerPoint**, dated November 14, 2023.] and responded to questions from the Mayor and Council.

INDIVIDUAL CONSIDERATION ITEMS (2 of 2)

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2023-769 REGARDING 7 VOTES FOR COLLIN COUNTY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

MOTION: Councilmember Lynch moved to approve Resolution No. 2023-769 awarding the City of Parker's seven (7) votes for Collin County Central Appraisal District to Richard Williams. Councilmember Noe seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 855 APPOINTING A DEPUTY CITY SECRETARY WITH THE POWERS AND DUTIES TO ASSIST WITH SAID OFFICE AND TO SERVE IN THE ABSENCE OF THE CITY SECRETARY

The ordinance would appoint a Deputy City Secretary to act in the absence of the City Secretary. After discussion, the City Council decided to reappoint Court Clerk Newton.

MOTION: Councilmember Lynch moved to approve Ordinance No. 855 appointing a Deputy City Secretary with the powers and duties to assist with said office and to serve in the absence of the City Secretary. Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2023-770 MAKING APPOINTMENTS TO THE PLANNING AND ZONING (P&Z) COMMISSION.

It was noted that staff spoke with the P&Z Commissioners and all members expressed a desire to continue their service with the following members up for reappointment:

Member	Position	Term Expiration
Russell Wright	Place One; Chairperson	Nov. 30, 2023
Wei Wei Jeang	Place Three, Secretary	Nov. 30, 2023
Jasmat Sutaria	Place Five	Nov. 30, 2023
Larkin Crutcher	Alternate 1	Nov. 30, 2023
JR Douglas	Alternate 2	Nov. 30, 2023
Lucy Estabrook	Alternate 3	Nov. 30, 2023

MOTION: Councilmember Lynch moved to approve Resolution No. 2023-770, making appointments/re-appointments to the Planning and Zoning (P&Z)

Commission, and re-appointing the expiring P&Z Officers with the following expiration dates:

Member	Position	Term Expiration
Russell Wright	Place One; Chairperson	Nov. 30, 2025
Wei Wei Jeang	Place Three, Secretary	Nov. 30, 2025
Jasmat Sutaria	Place Five	Nov. 30, 2025
Larkin Crutcher	Alternate 1	Nov. 30, 2025
Lucy Estabrook	Alternate 2	Nov. 30, 2025
Lynnette Ammar	Alternate 3	Nov. 30, 2025

Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2023-771 MAKING APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENT (ZBA).

It was noted that staff spoke with the ZBA members, and all members expressed a desire to continue their service with the following members up for reappointment:

Member	Position	Term Expiration
Steve Schoenekase	Place One (1), Vice Chair	Nov. 30, 2023
Andrew Ellison	Place Three (3), Chair	Nov. 30, 2023
Brian Deaver	Place Five (5)	Nov. 30, 2023

Councilmember Lynch stated in the future it would be helpful for those with two (2) years terms to have the attendance reports for two years available.

MOTION: Councilmember Lynch moved to replace Brian Deaver, Place Five (5) with ZBA applicant Allison Sumrow and approve Resolution No. 2023-771, making appointments/re-appointments to the Zoning Board of Adjustment (ZBA), as follows:

Member	Position	Term Expiration
Steve Schoenekase	Place One (1), Vice Chair	Nov. 30, 2025
Andrew Ellison	Place Three (3), Chair	Nov. 30, 2025
Allison Sumrow	Place Five (5)	Nov. 30, 2025

Councilmember Noe seconded. After an attendance discussion and Councilmember Kercho, a former ZBA member, commenting on how ZBA meeting dates are scheduled, no Councilmember voted for the motion. Motion failed, 0-0.

MOTION: Mayor Pro Tem Reed moved to postpone Resolution No. 2023-771, making appointments/re-appointments to the Zoning Board of Adjustment (ZBA) and requesting additional review of the resolution and ordinances related to ZBA. Councilmember Fecht seconded with Councilmembers Fecht, Lynch, Noe, and Reed voting for the motion to postpone. Councilmember Kercho voting against the motion. Motion carried 4-1.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2023-772 MAKING APPOINTMENTS TO THE PARKS AND RECREATION (P&R) COMMISSION.

It was noted that staff spoke with the P&R Commissioners and certain members (LeAnn Turrentine, Melanie Harris, and Paula Johnston-Hutka, have decided to step down at this time.) provided resignations, while others have expressed a desire to continue their service, as follows:

Member	Position	Term Expiration
Cherie Ware	Place One; Voting	Nov. 30, 2023 Would like to continue
LeAnn Turrentine	Place Three; Voting	Nov. 30, 2023 Resignation
Donna DaCosta	Place Five; Voting	Nov. 30, 2023 Would like to continue
Richard Pratt	Alternate One	Nov. 30, 2023 Would like to continue
Melanie Harris	Alternate Two	Nov. 30, 2023 Resignation
Paula Johnston-Hutka	Alternate Three	Nov. 30, 2023 Resignation
Cyndy Lane	Alternate Four	Nov. 30, 2023 Would like to continue

MOTION: Councilmember Noe moved to approve Resolution No. 2023-772 making appointments/reappointments to the Parks and Recreation (P&R) Commission, as follows:

Member	Position	Term Expiration
Cherie Ware	Place One; Voting	Nov. 30, 2025
Pier Burgess	Place Two; Secretary	Nov. 30, 2024
Cyndy Lane	Place Three; Voting	Nov. 30, 2025
Frank DaCosta	Place Four; Chair	Nov. 30, 2024
Donna DaCosta	Place Five; Voting	Nov. 30, 2025
Richard Pratt	Alternate One	Nov. 30, 2024
Vacant	Alternate Two	Nov. 30, 2024
Vacant	Alternate Three	Nov. 30, 2024
Vacant	Alternate Four	Nov. 30, 2024

Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

7. CONSIDERATION, DISCUSSION, AND/OR APPROPRIATE ACTION ON RESOLUTION NO 2023-773 REGARDING APPROVAL OF THE 2023-2024 INVESTMENT POLICY.

Finance/Human Resources Director Savage reviewed the item stating, Section 2256.005, Texas Government Code requires the City Council review the investment policies and investment strategies not less than annually and to adopt a resolution or order stating the review has been completed and record any

changes made. The investment policy was last reviewed by the City Council on June 20, 2023. Currently, there are no proposed changes.

MOTION: Councilmember Lynch moved to approve Resolution No 2023-773 accepting the 2023-2024 Investment Policy. Mayor Pro Tem Reed seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 856 REGARDING A TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS) ADJUSTMENT.

Finance/Human Resources Director Savage reviewed the item stating, during the FY 2023-2024 budget process, the Mayor and Council approved an increase in TMRS contribution rates. This change will become effective on January 1, 2024. The employee rate will increase from 6% to 7% and the city rate will increase from 12% to 14%.

MOTION: Councilmember Lynch moved to approve Ordinance No. 856 regarding a Texas Municipal Retirement System (TMRS) adjustment. Mayor Pro Tem Reed seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 857, APPROVING THE 2023 TAX ROLL.

Finance/Human Resources Director Savage reviewed the item stating, the City received a letter, dated October 10, 2023, from Tax Assessor Collector Kenneth L. Maun with the 2023 Tax Roll Summary. With Ordinance No. 857, City Staff is seeking formal approval in accordance with *Texas Property Tax Code*, Section 26.09 (e), provided, as follows:

Sec. 26.09. CALCULATION OF TAX.

(e) The assessor shall enter the amount of tax determined as provided by this section in the appraisal roll and submit it to the governing body of the unit for approval. The appraisal roll with amounts of tax entered as approved by the governing body constitutes the unit's tax roll.

MOTION: Mayor Pro Tem Reed moved to approve Ordinance No. 857, formally approving the 2023 Tax Roll. Councilmember Lynch seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON SETTING A PUBLIC HEARING DATE FOR THE WATER IMPACT FEE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLAN AND IMPACT FEES

UPDATE IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE CHAPTER 395.

MOTION: Mayor Pro Tem Reed moved to set a public hearing date, Tuesday, December 19, 2023, for the Water Impact Fee Land Use Assumptions, Capital Improvement Plan and Impact Fees Update in accordance with Texas Local Government Code Chapter 395. Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

11. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 858 AUTHORIZING EXPENDITURES AND APPROVING AMENDMENT(S) TO THE FY 2023-2024 OPERATING BUDGET. [SAND SPREADER]

Finance/Human Resources Director Savage reviewed the item stating, the purpose of this agenda item is to reappropriate unspent funds from the FY 2022-2023 budget to the FY 2023-2024 budget in the amount of \$6,000. These funds will be used to purchase a vehicle mounted sand spreader in the Public Works department that was approved as a supplemental in the FY 2022-2023 budget.

MOTION: Councilmember Noe moved to approve Ordinance No. 858 authorizing expenditures and approving amendment(s) to the FY 2023-2024 Operating Budget. Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

ROUTINE ITEMS

12. UPDATE(S):

FM2551

City Administrator Olson reported power polls are being installed and no disruption in traffic has been noted thus far.

ENTERPRISE UPDATE BY CITY ADMINISTRATOR OLSON

City Administrator Olson reported Enterprise is completing a new vehicle chart plan for the City, based on the new market realities and they hope to be at the December 5, 2023 City Council meeting in person or virtually to answer our vehicle questions.

NEWSLETTER

Mayor Pettle noted one newsletter has gone out electronically in its new version. Councilmember Lynch indicated she has had positive comments, while Mayor Pettle related that she has had mostly negative comments. The Mayor encouraged residents to read the newsletter (The newsletter is on the website @ <https://www.parkertexas.us/ArchiveCenter/ViewFile/Item/3512>). She asked residents to send their feedback to Assistant City Administrator/City Secretary Scott Grey at pgrey@parkertexas.us , noting the newsletter is a work in progress.

WEBSITE

City Administrator Olson said City Staff has met with CivicPlus®, the City's website vendor, to provide additional information for new website.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

City Attorney Stanphill stated a Zoom Hearing has been scheduled for the Metropolitan Utilities District, or M.U.D., beginning Tuesday, November 28, 2023, 9 am. There is a preliminary Zoom hearing on Monday, November 20, 2023. The City is hoping to receive information on our motion to dismiss the MUD application on or before the Monday, November 20, 2023 hearing, as well as getting a ruling on numerous other motions. The City has filed an appeal of the Wastewater Treatment Plant (WWTP) ruling from TCEQ with the Travis County District Court. The City does not know how long it may be before we get a ruling.

CAPITAL IMPROVEMENT PLAN (CIP)

Councilmember Lynch reported the CIP draft proposal is almost there, but still has open items to be completed. It was noted that the draft proposal is attached to the minutes of this meeting and residents are encouraged to read the CIP proposal and send their comments to Assistant City Administrator/City Secretary Scott Grey at pgrey@parkertexas.us, comments will be related to Council. Mrs. Lynch also noted there is a public comment section at each CIP meeting, should anyone like to give their comments in person. Mayor Pettle noted the CIP proposal has been a cooperative effort of all of Council and staff with Terry Lynch and Amanda Noe taking the lead. The City Council thanked all involved for their efforts.

COMP PLAN

Mayor Pettle related a joint meeting with Council and Planning and Zoning would be the next step and that meeting is being arranged. Once scheduled, it will be posted and open to the public.

POLICE VEHICLES

City Administrator Olson reported three (3) vehicles have been purchased and Enterprise will add them to our contract for services. Those vehicles are being shipped to Texas and are fully outfitted for police duty. Due to the supply chain issues, the City will have to keep you posted on a delivery date.

ANY ADDITIONAL UPDATES

None

MONTHLY/QUARTERLY REPORTS

Council accepted the departmental and quarterly reports hyperlinked below:

[September 2023 - Code Report](#)

[October 2023 - Building Permit/Code Report](#)

[October 2023 – Court Report](#)

[August – September 2023 – Finance \(monthly financials\) Report](#)

[Fire 3rd Qtr. Report 2023](#)

[Investment3rd Qtr. Report 2023](#)

[September - October 2023 – Police Report](#)

[September 2023 Police Report](#)

[October 2023 Police Report](#)

DONATION(S)

13. ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$500).

Kristl Pearl from Dublin Road Estates' National Night Out (NNO) event donated \$154 and \$130 cash respectively to Parker Fire and Police Departments [2 of 2 Donations – Note: Kristl Pearl from Dublin Road Estates' National Night Out (NNO) event donated \$100 each via Phil & JoAnn DeNitro checks 10348 & 10349 to Parker Fire and Police Departments.{1 of 2 Donations - Recorded on 2023 1017 CC Agenda/Minutes}].

E.B.A. Automotive 5843 Curtis Dr. Suite 500 Allen, TX 75002 donated donuts valued at \$10 to the City of Parker.

Chip and Linda Justice donated Tiff's Treats valued at \$100 to the Parker Police Department.

Elvis and Linda Nelson donated \$500 to the Parker Fire Department in recognition of their efforts to save Elvis' life in January 2022 and their property in February 2023.

Kathy Young donated homemade banana nut bread valued at \$10 to the Parker Police Department.

The Regh's donated Nothing Bundt Cakes valued at 30.00 to the Parker Police Department.

Scott Jeffries and Andrea Petro donated \$500 each to the Parker Fire and Police Departments.

First United, Durant, OK donated \$500 via Check No. 229278 to City of Parker, TX Parkerfest.

Maryam Boroujerdi and Mohammad Massoudi donated one (1) Dozen Bundtinis valued at \$28 to City Staff.

Mayor Pettle, on behalf of herself, City Council, and City Staff, thanked the donors for their kind and generous donations.

FUTURE AGENDA ITEMS

14. FUTURE AGENDA ITEMS

Mayor Pettle asked if there were any items to be added to the future agenda.

Hearing no additional requests, she encouraged everyone to email her any requests. She noted the next regularly scheduled meeting would be Tuesday, December 5, 2023.

ADJOURN

Mayor Lee Pettle adjourned the meeting at 9:04 p.m.



APPROVED:



Mayor Lee Pettle

ATTESTED:



Patti Scott Grey, City Secretary

Approved on the 5th day
of December, 2023.

ORDINANCE NO. 854

(Extension of Temporary Moratorium on Acceptance of Development Applications)

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, EXTENDING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION, PROVIDING FINDINGS OF FACT, DEFINITIONS, APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, EXCEPTIONS AND EXEMPTIONS, AND DETERMINATION AND APPEALS; PROVIDING FOR SEVERABILITY, REPEALER, ENFORCEMENT, PROPER NOTICE AND MEETING, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Parker, Texas (the “City Council”), as a duly-elected legislative body, finds that it is facing significant historic and contemporary land use challenges that existing regulations and infrastructure were not designed to address; and

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens to extend the enacted moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction on real property in the City Limits and extraterritorial jurisdiction (“ETJ”); and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that are for the good government, peace, or order of the City and is necessary for carrying out a power granted by law to the City; and

WHEREAS, Texas Local Government Code Chapters 211, 212, 213, 214, and 217 grant the City certain regulation authority concerning construction, land use, nuisances, structures, and development-related activities; and

WHEREAS, the City seeks to ensure that impending and future development is conducted in a fiscally sustainable and environmentally responsible manner; and

WHEREAS, the City limits and ETJ are comprised of a combination of topographical, ecological, and other features that create significant development challenges; and

WHEREAS, as codified in Texas Water Code Chapter 552, Subchapter A, the Legislature of the State of Texas granted municipalities the authority to own and operate “utility systems,” which include water systems designed to provide domestic consumption of water; and

WHEREAS, Texas Water Code Section 552.015 grants Type A general-law municipalities the authority to provide for municipal water supply systems; and

WHEREAS, the City has determined that it is necessary to the health, safety, and welfare of the people in the City limits and ETJ to encourage and promote the development and use of the

City's water utility and supply systems to serve the water provision needs of the citizens in the City limits and ETJ to prevent failure of water supply within the system; and

WHEREAS, the City conducted an updated analysis to determine the adequacy of the City's current water supply, facilities, and the need beyond the estimated capacity that is expected to result from properties currently in development; and

WHEREAS, upon review of the updated analysis by the City's Engineer and City Administrator, the City Council has made findings contained herein as **Attachment B** related to the inadequacy of existing essential public facilities in accordance with Section 212.135 of the Texas Local Government Code; and

WHEREAS, the City Council finds that certain essential public water infrastructure, supply, and improvements throughout the City limits and ETJ are inadequate and insufficient to adequately serve new development; and

WHEREAS, relying on the analysis provided by City staff, the outstanding permits issued by the City prior to this moratorium, and the City's impact fee analysis, the City Council makes the following findings:

1. Taking in account all water that has been committed by contract, the City's water facilities are at capacity; and
2. The current water system has bottlenecks that threaten the proper operation of the City's water system; and
3. Based on these bottlenecks and the contractual commitments that will utilize all additional supply of the City's water system, there is currently no additional supply available to commit to development of lots; and
4. This moratorium is reasonably limited to property located in the City limits and ETJ.

WHEREAS, the City continues to take actions to increase the water supply of the City of Parker, including but not limited to investigating options within the current contract with North Texas Municipal Water District and alternative options, but until actions can be finalized to increase the water capacity, allowing for additional water service connections to the Parker water service area will only exacerbate the situation; and

WHEREAS, the City Council finds that a temporary moratorium on the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction in the City limits and ETJ will prevent the situation from becoming worse, and will allow the City time to address the measures needed to remedy the shortage of supply and to secure funds to pay for such remedial measures; and

WHEREAS, additional evaluation of the existing supply, infrastructure, and development is needed to allow for growth and development within the City limits and ETJ while protecting the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, the City desires to continue its study and evaluation of the impact of further development, the need and source of additional water supply and facilities, appropriate water regulations, and issues that will affect future growth and development of the area within its jurisdiction; and

WHEREAS, the City finds this evaluation process will require community input and will take a reasonable amount of time to complete; and

WHEREAS, the City has determined that resources for additional water supply must be readily available to the City before the City's water system can serve new development; and

WHEREAS, the City has determined that it is necessary to study and update its development ordinances and procedures in order to clarify and improve its planning policies based on the forthcoming regulations, strengthen the connection between the City's Code of Ordinances and the goals and needs of the City's residents, and to protect the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, in order for the City to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances in light of the most recent legislative changes effective September 1, 2023, and to consider the impact of the ordinances upon future growth, public health and safety, development, the natural environment, and place of architectural and ecological importance and significance within the City limits and ETJ, the City wishes to maintain the *status quo* by extending the enacted temporary moratorium, during which certain applications for development permits and/or approvals will be suspended; and

WHEREAS, the purpose of prohibiting certain applications for development permits and/or approvals during this period includes, within limitation, preserving the *status quo* during the planning process, eliminating incentives for hurried applications, facilitating thoughtful and consistent planning, avoiding exploitation of the delays inherent in the municipal legislative process, and preventing applications from undermining the effectiveness of the revised rules by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development regulations; and

WHEREAS, in recognition of the importance of development permits and/or approvals to the community, the City desires to implement the moratorium for a stated and fixed time period, and to include a waiver provision in accordance with Texas Local Government Code Chapter 212, Subchapter E; and

WHEREAS, all notices and hearings, including a hearing by the Planning & Zoning Commission, were published and held in accordance with applicable statutes, law, and regulations and a temporary moratorium was originally adopted on March 11, 2022 for a period of 90 days; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at City Council and City Council approved an extension on June 7, 2022 for an additional 90 days following the original term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at City Council and City Council approved an extension on September 6, 2022 for an additional 90 days following that then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at the City Council and City Council approved an extension on December 6, 2022 for an additional 90 days following that then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at the City Council and City Council approved an extension on March 7, 2023 for an additional 90 days following that then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at the City Council and City Council approved an extension on May 23, 2023 for an additional 90 days following that then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing set for August 15, 2023 at the City Council for City Council's consideration of an extension of an additional 90 days following the then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing set for November 14, 2023 at the City Council for City Council's consideration of an extension following the then-current term; and

WHEREAS, based on the updated findings contained herein, information provided by City staff, and the evidence submitted at public hearings, the City Council has determined that existing development ordinances and regulations and other applicable laws are inadequate to prevent existing essential public water facilities from exceeding capacity, thereby being detrimental to the public health, safety, and welfare of the residents of Parker; and

WHEREAS, the City Council finds that the enactment of this Ordinance is directly related to the immediate preservation of the public peace, health, or safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS:

Section 1. INCORPORATION OF RECITALS/FINDINGS OF FACT

The recitals contained in the preamble of this ordinance are incorporated into the body of this Ordinance as if set out fully herein as legislative findings of fact.

Section 2. DEFINITIONS

As used in this Ordinance, these terms shall be defined as follows. Terms appearing in this Ordinance but not defined herein shall have the meanings provided in the City's Code of

Ordinances, or if not defined therein then the common meanings in accordance with ordinary usage.

- A. **“Essential Public Facilities”** means water, sewer/wastewater, or storm drainage facilities or street improvements provided by a municipality or private utility.
- B. **“Permit”** means a license, certificate, approval, registration, consent, permit, contract, or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought
- C. **“Project”** means an endeavor over which a regulatory agency exerts its jurisdiction and for which one (1) or more permits are required to initiate, continue, or complete the endeavor.
- D. **“Property Development”** means the construction, reconstruction, or other alteration or improvement of buildings or the subdivision or replatting of a subdivision of property.

Section 3. APPLICABILITY

The City of Parker hereby enacts this Ordinance in order to extend the temporary moratorium enacted on March 11, 2022 on the acceptance and processing of certain applications and issuance of particular permits and other forms of municipal authorizations related to specific construction and land development activities. This extension of the temporary moratorium applies to all city zoning district uses within the City limits and ETJ.

Unless a Project falls within an Exception (as provided below), this temporary moratorium applies to all applications for property development permits. Permits that are affected or not affected by the moratorium are attached as Attachment A. The applicability of the moratorium to any permit not listed shall be determined based on the purpose of the moratorium and may be added to the list by the City Administrator or Mayor.

Section 4. PURPOSE

This temporary moratorium is being extended to maintain the *status quo*, and to:

- A. Review the City’s policies on the acceptance of applications for municipal Permits for construction or development;
- B. Update the City’s permitting and planning requirements and processes for utility and water infrastructure;

- C. Obtain and review public input and expert guidance; and
- D. Update the City's water utility infrastructure and supply.

Section 5. ENACTMENT

The City of Parker hereby enacts this Ordinance extending the temporary moratorium on the City's acceptance, review, approval, and issuance of permits in the City limits and ETJ.

Section 6. DURATION

The duration of the extension of this temporary moratorium shall be for a period of one hundred twenty (120) days from December 2, 2023, the expiration of the previously adopted extension, after enactment of this Ordinance to March 31, 2024, or repeal of this Ordinance by the City, whichever is sooner.

Section 7. EXTENSION

If the City determines that the period is insufficient for the City to fully complete its study and increase its water supply, this Ordinance may be renewed or extended for an additional period of time necessary to complete the implementation of the changes to the City codes, policies, and processes and the implementation of actions necessary to expand the City's water supply in accordance with the time limits as provided by law upon a majority vote of the City Council.

Section 8. EXCEPTIONS AND EXEMPTIONS

A. **Exceptions.** Any property owner who believes that he or she falls within the below exceptions shall provide notice of the exception at time of application for any permit with the City-approved form. Exceptions are administratively approved or denied. Any exception that is denied may be appealed to the City Council. Exceptions will be determined within the same time period as the administrative completeness check for each Project, or within ten business days, whichever is sooner. If a Grandfathered Development Status Determination Report is required, then the exception can be applied concurrently with the Request but the time frame of the Request shall be controlling.

1. **No Impact Projects.** The temporary moratorium extended by this Ordinance does not apply to a Project that does not:
 - Impact Water Supply and/or Capacity; and

To make a determination of whether a Project is no impact as listed, an applicant shall apply for an exception to the moratorium.

2. **Ongoing Projects.** The temporary moratorium extended by this Ordinance does not apply to any Projects that are currently, actively in progress for which valid City permits have been issued and have not expired as of

February 25, 2022, such being the fifth business day after the date on which the City published notice of the public hearings to consider the implementation of a temporary moratorium. The provisions of this Ordinance do not apply to any completed application or plan for development for a Permit, plat, verification, rezoning, site plan, approved water plan, or new or revised certificate of occupancy for Property Development that were filed prior to February 25, 2022. New Permits applied for as part of a previously approved Project may proceed once an exception is applied for and approved as described herein.

3. **Grandfathered Projects.** The temporary moratorium extended by this Ordinance shall not apply to Projects that are grandfathered as provided by state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit an application claiming an exception to this temporary moratorium to the planning department for review in accordance with City policy. Grandfathered status can be approved through an approved Grandfathered Development Status Determination Request. If a Grandfathered Development Status Determination Request has been finalized by staff on or after February 25, 2022, then a new request is not required to meet this exception. New permits applied for as part of a previously vested Project may proceed once an exception is applied for and approved as described herein.
4. **Development Agreement.** Property owners with a negotiated approval granted by the City Council providing for construction standards, platting, water, wastewater, and development rules pursuant to Texas Local Government Code Chapter 212, Subchapter G may apply for an exception in accordance with City policy. New Permits applied for as part of a Development Agreement Project may proceed once an exception is applied for and approved as described herein.

B. Waivers. Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain water infrastructure at property owners' sole expense in accordance with Texas Local Government Code Chapter 212, Subchapter E may apply for a waiver in accordance with City policy.

Section 9. DETERMINATIONS AND APPEALS

A. Exceptions. The Public Works Director or his designee shall make all initial determinations regarding the status of all Projects seeking to apply for Permits during this temporary moratorium and recognition of all Exceptions (as provided herein). Exceptions for Projects filed within thirty (30) days of the effective date of this Ordinance may be filed without a corresponding Permit application. Any exception application filed within this period will be decided within (10) business days of receipt.

Any exception that is denied may be appealed to City Council or the applicant may apply for a Waiver. An exception may be applied for by lot, Project, plat, or all area covered by a particular Permit or agreement.

- B. City Council.** City Council shall make a final decision on waivers within 10 days of filing of application.
- C. Waivers.** The decision to approve an Exemption (as provided for above) shall rest solely with the City Council. Any denial will stand until the moratorium is lifted unless the Project requesting the waiver has a substantial change and reapplies for a waiver.

Section 10. REPEALER

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance shall control.

Section 11. SEVERABILITY

If any article, paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of this Ordinance as a whole.

Section 12. ENFORCEMENT

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 temporary moratorium is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

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 and/or equity.

Section 13. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice and a public hearing were also provided as required by Texas Government Code Chapter 212, Subchapter E.

Section 14. EFFECTIVE DATE

This Ordinance shall be effective upon its approved execution and shall extend the moratorium for 120 days from the final day of the previously extended term of the temporary mortarium, which is December 2, 2023, to March 31, 2024.

**READ, PASSED, AND APPROVED BY THE CITY COUNCIL OF PARKER,
COLLIN COUNTY, TEXAS, THIS 14TH DAY OF NOVEMBER 2023.**

Lee Pettle, Mayor

ATTEST:

Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:

Amy J. Stanphill, City Attorney

ATTACHMENT A

PERMITS SUBJECT TO MORATORIUM

- Building Permit Application
- Development Agreement
- Development Agreement Minor Modification/Amendment
- Plan Review Application
- Subdivision Application
- Site Development Application
- Conditional Use Permit
- Variance Application
- Wastewater Application
- Special District Agreement/Amendment
- Accessory Dwelling Unit Permit
- Mobile/Modular Home Permit

PERMITS NOT SUBJECT TO MORATORIUM

- Zoning Amendment/PDD Application
- Contractor Registration Form
- Grandfathered Status Request/Appeal
- City Limits/ETJ Determination Letter
- Street Cut/Driveway Permit
- Operational Permit/Inspection Application
- On Site Sewage Facility Permit Application
- Pre-Development Meeting Form
- Certificate of Appropriateness
- Annexation Application
- Sign Permit
- Master Sign Plan
- License to Encroach
- Exterior Lighting Compliance Review
- Zoning Determination Letter Request
- Building Addition Permit
- Accessory Structure Permit
- Demolition Permit
- Asbestos Compliance Statement
- Pyrotechnics/Fireworks Application
- Certificates of Occupancy Application
- Any Fire Permits
- Swimming Pool Permit

ATTACHMENT B

BIRKHOFF, HENDRICKS & CARTER, L.L.P. PROFESSIONAL ENGINEERS

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Phone (214) 361-7900

www.bhcllp.com

JOHN W. BIRKHOFF, P.E.
GARY C. HENDRICKS, P.E., R.P.L.S.
JOE R. CARTER, P.E.
MATT HICKEY, P.E.
ANDREW MATA, JR., P.E.

DEREK B. CHANEY, P.E., R.P.L.S.
CRAIG M. KERKHOFF, P.E.
JUSTIN R. IVY, P.E.
COOPER E. REINBOLD, P.E.

November 7, 2023

Mr. Luke Olson
City Administrator
City of Parker
5700 E. Parker Road
Parker, Texas 75002

Re: Water Projections

Dear Mr. Olson:

The water system is now experiencing fall and winter demand that is well below the peak demand that occurred in the summer of 2023. We completed a demand study from records received for August 2023. The day of maximum pumpage was determined and selected records were received from the city. The water records from the City show Friday, August 18th as being the day of maximum usage. This day exceeded demands reported in our August 10, 2023, letter in connection with the moratorium. We reviewed the hourly records on the day of maximum usage and have tabulated those hourly results. Based on the number of September 2023 connections of 2,108 and a per unit density of 2.79 persons per unit calculates a population of 5,882. For August 18th, the maximum daily demand was 4,242,888 gallons which equates to a per capita demand of 721 gallons per capita. The maximum hourly demand occurred at 6 AM at a rate of 1,236 gallons per capita. Since the September analysis of water usage, 11 additional homes have been brought online.

To meet the demand placed on the system all pumps at the Eastside Pump Station were in use. The design of a pump station to conform to the TCEQ requirements has the largest pump out at any given time as it is the backup pump in the event any of the three remaining pumps fail. Although the system performed during the summer of 2023, we recommend during the fall the city have the pumps and electrical switch gear checked out and flow test be run to determine if any work is required to minimize the probability of a pump or switch gear failure next summer in the event the new supply to the Central Pump Station is not in place.

We recommend no additional lots be approved for development until a contract with NTMWD is executed to supply water to the Central Pump Station. In addition, we recommend the city consider more rigid water management requirements in an attempt eliminate the need to routinely run the backup pump to meet water demands.

We are available at your convenience to discuss our findings and recommendations.

Sincerely,



John W. Birkhoff, P.E.

For Cities – By Cities

Making a Powerful
Choice

Texas Coalition for Affordable Power

Who is TCAP?



TCAP Board

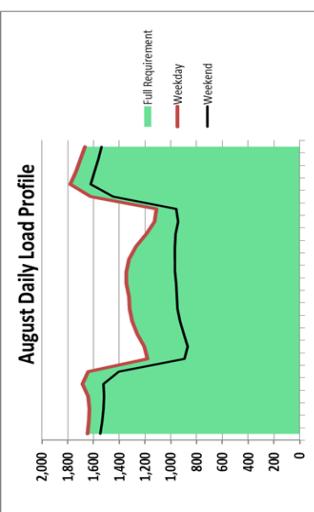
Place 1- Grand Prairie (North) Chuong Phung Assistant City Attorney January 2019	Place 2- McAllen (South) Roy Rodriguez City Manager July 2021, 2016	Place 3- Victoria (South) Gilbert Reyna Chief Financial Officer Pre Merger (STAP)	Place 4 – Hidalgo Co. (South) Hon. Richard Cortez County Judge May 2023	Place 5- Sugar Land (Houston) Scott Butler Executive Director May 2023	Place 6-North Richland Hills (North) Karen Manila Assistant City Manager January 2012	Place 7-Hurst (North) Clayton Fulton Assistant City Manager January 2021	Place 8- Kingsville (South) Courtney Alvarez City Attorney Pre Merger (STAP)	Place 9- Lancaster (North) Carey Neal Assistant City Manager July 2021	Place 10- Edna (South) Gary Broz City Manager January 2021	Place 11 -Anna (North) Alan Guard Finance Director January 2023	Place 12-Tomball (Houston) David Esquivel City Manager July 2021	Place 13-Lewisville (North) Clifford Howard Fiscal Services Manager January 2013	Place 14-Wichita Falls (West) Darron Leiker City Manager July 2016	Place 15- South Texas Water Authority (South) Jo Ella Wagner Asst. ED/Finance Director January 2023	Place 16- At Large Small Members	Place 17- At Large Medium Members	Place 18- At Large Large Members
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160 Members
87 Members – North Zone
46 Members – South Zone
13 Members – West Zone
14 Members – Houston Zone

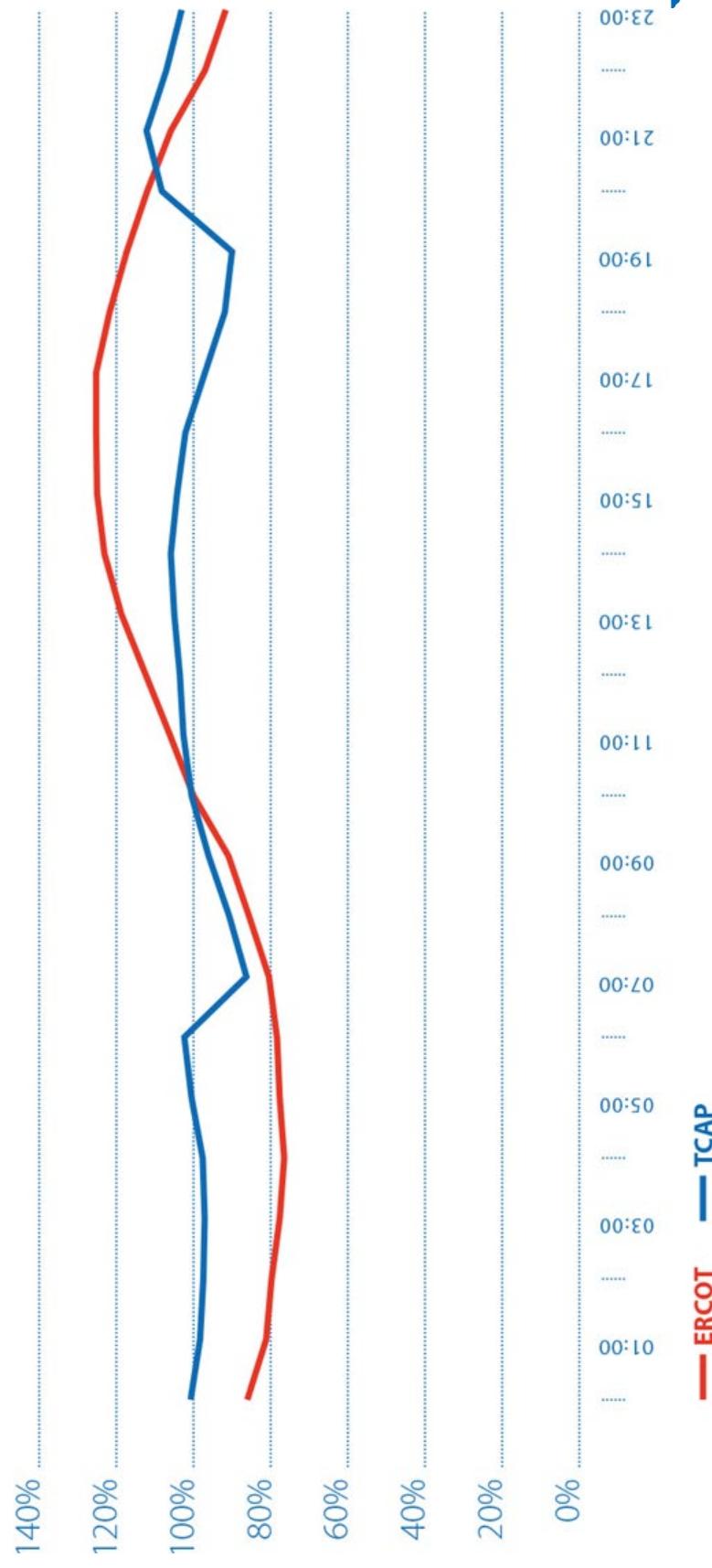


WHY TCAP?

- Non-profit organization
- Wholesale Market
- Pool 1 billion kWh of energy to negotiate low rates
- Attractive Load Profile



Average August Day Load—ERCOT vs. TCAP (Hourly Demand % of Average)



Uniquely Different



Local Government Code

- Section 304
 - Energy Aggregation for Local Governments
 - Section 252.022
 - Exempts electricity from bidding requirements

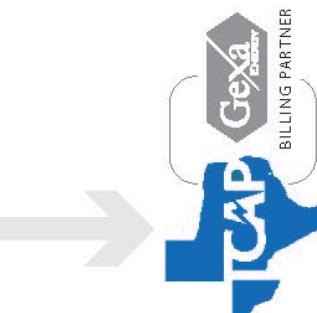
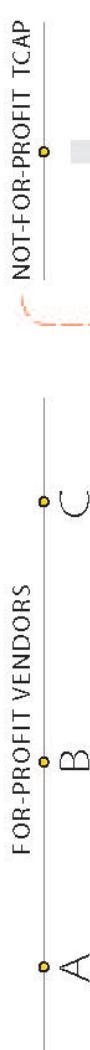
Bifurcated Contract

- Buys in wholesale market
- REP only a billing partner
- Can change REP and not lose price

Membership Services

- Annual Budget estimates
- Help with state reporting
- Access to Energy consultants
- Review of renewable contracts
- Energy conservation programs
- TCAP billing portal
- Webinars
- Peer elected Board of Directors

MUNICIPAL BUYER



WHOLESALE MARKET

Contracting

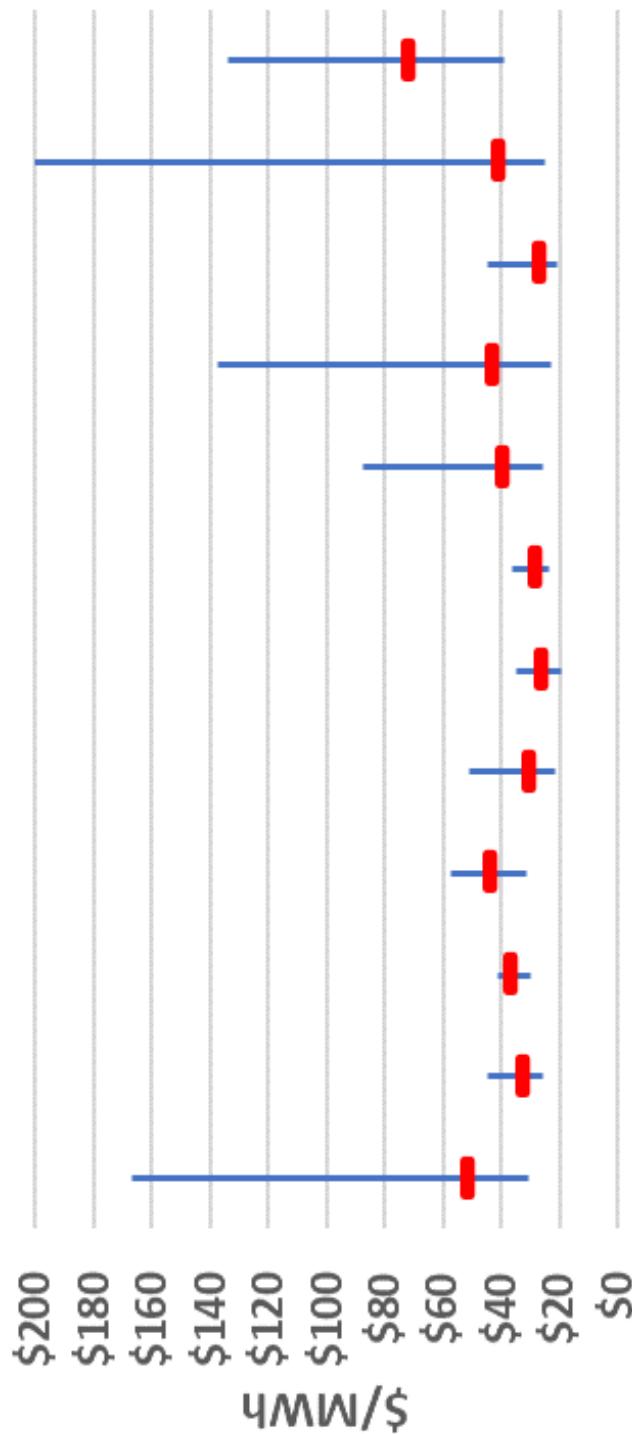


- **Fixed Price, Fixed Term Contracts**
Pro - Energy price fixed for up to 5 years
Pro - Can plan budgets 5 years out
Con - Pick one day in the year to make 5 years of purchases
Con - Not able to take advantage if energy prices fall
- **SHP – Strategic Purchasing**
Pro – flexible, can take advantage of market
Pro – take advantage of falling prices
Pro – can lock in a contract if market or city changes mind
Con – prices are fixed for 1-year periods only
Con – prices could be higher one year than the previous

SHP - The Average Is Much More Stable

Monthly High/Low/Avg Price - North zone

Day Ahead Market



Price Range Varies Greatly by Year

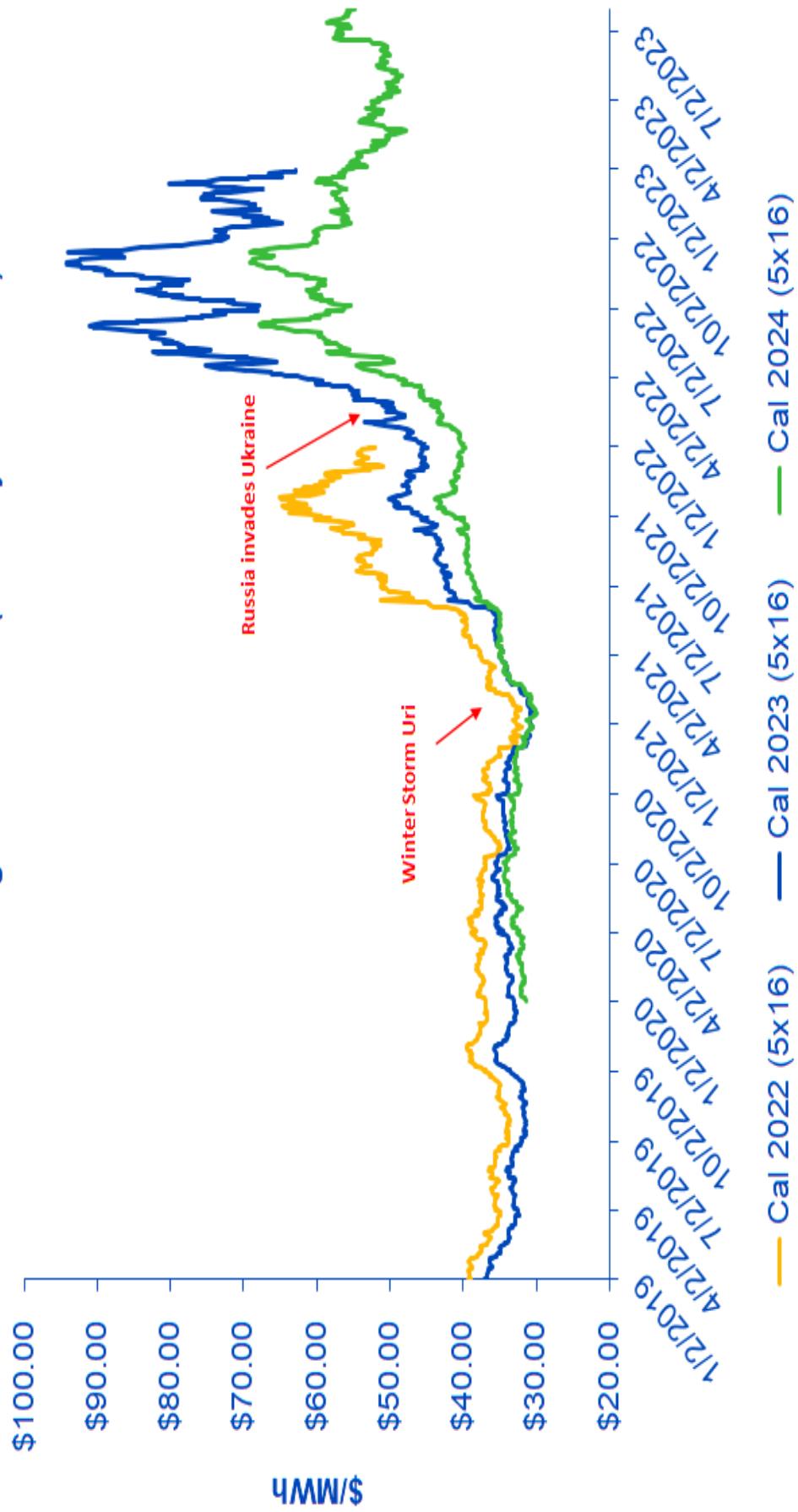
But Average Pricing is Much Less Volatile

2021 Max Price was \$1,586/MWh due to Winter Storm Uri
2021 Average Price Excludes Winter Storm Uri Impacts



Electricity Prices

ERCOT NORTH HUB FUTURES PRICING During On Peak Hours (Weekdays 6AM-10PM)



ERCOT Pricing Pattern Dynamics

Why Does Price Change Over Time?

Current Year or Next Year: Prices Often Higher in Immediate Next Year Reflecting Uncertainty Created by Current Market Problems and Issues

Two Years out: Market Feels Short Term Problems will be Resolved. Carrying Charges and Market Premium are Low. Typically, **A Good Time to Buy.**

More than Two Years: Prices Increase Over Time Reflecting Carrying Costs of Procurement for Future Needs and Risk Premiums for future market uncertainty

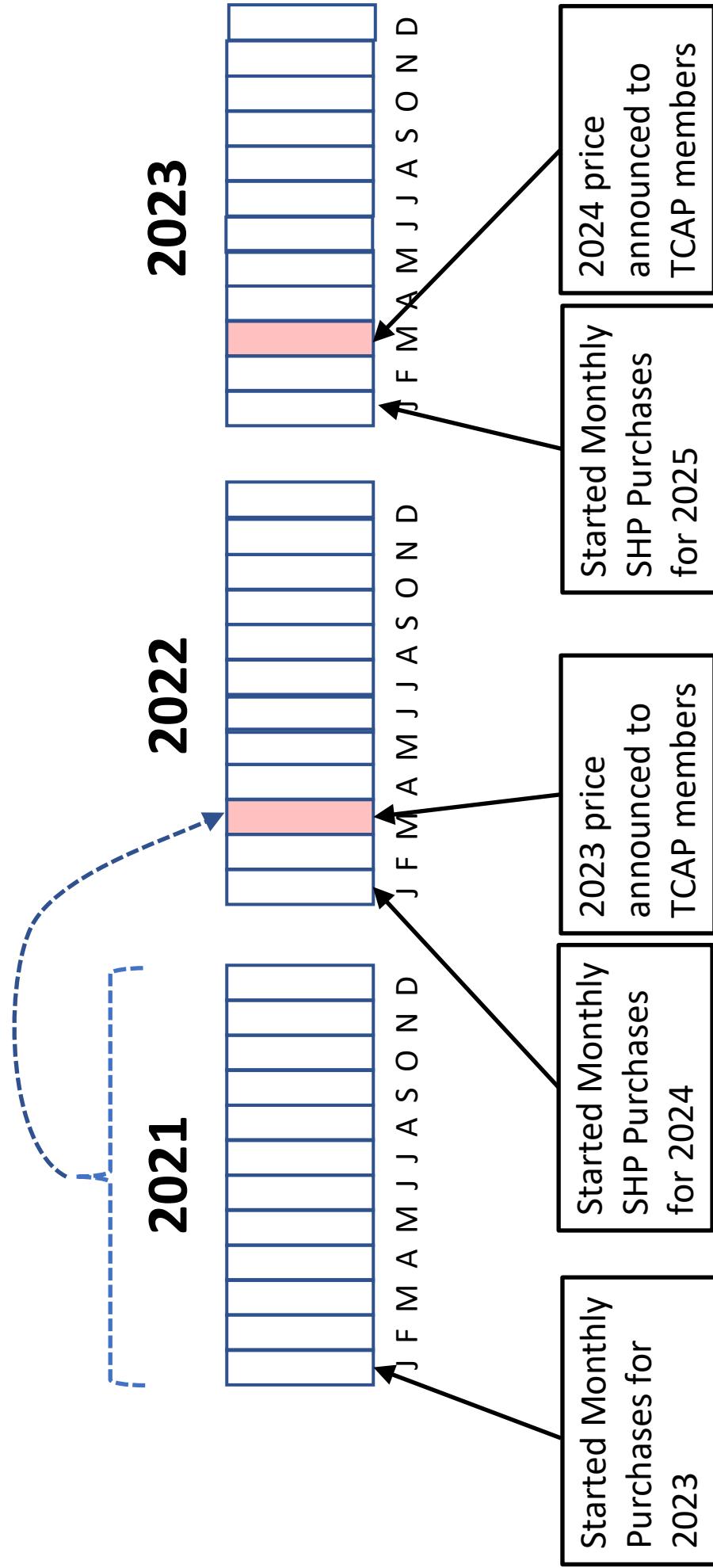


SHP Mechanics – What is Different?

- **Ultra-Competitive RFP Process for Procurement**
 - Multiple RFPs for Each Year’s Procurement to Mitigate Price Risk
- **Periodic Procurements**
 - Avoids the “All-In” Guess of a Single Fixed Price Multi-Year Deal
- **Fits Member Needs**
 - Timely – Price known Prior to Fiscal Year Budgeting Needs
 - Market Competitive** – Avoids Having To Explain a Long Term Out of Market Price to Citizens



SHP – Timeline



2024 – Purchases for 2026

2025 – Purchases for 2027. Also review purchasing strategy for post 2027

The board reviews the market at every board meeting to determine if something needs to change



- ERCOT continues to spend money to buy more of these products.
 - Used for extra capacity in the market
 - Prior to Uri - \$2.15 MW
 - Typically - \$4.00 MW
 - Spiked to \$8.65 MW in June
- TCAP has entered into an agreement with Broad Reach Power
 - leading utility-scale battery storage
 - fixed price over a five-year period.
- Contract allows for renegotiation when ERCOT adds more ancillary services to market.

Ancillary Service Costs





QUESTIONS?

Margaret Somereve
msomereve@tcaptx.com
972-764-3136