

MINUTES

CITY COUNCIL MEETING

March 30, 2010

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 Cordina called the meeting to order at 6:00 p.m. with Councilmember's Marshall, Sumrow, Threadgill, Evans and Levine present. A quorum was present.

Staff present: City Attorney Jim Shepherd, City Administrator Dena Daniel, City Secretary Carrie Smith, and Police Chief Tony Fragoso.

EXECUTIVE SESSION 6:00 – 7:00 P.M.

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

Mayor Cordina recessed in Executive Session at 6:00 p.m.

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN: **TX Government Code, §551.071**

Confidential legal advice regarding the following:

- a. Re-plat of Country Ridge Estates
- b. Wylie Wholesale Water Agreement
- c. SUP for 5508 5504 Gregory Lane

2. RECONVENE REGULAR MEETING.

Mayor Cordina reconvened the open meeting at 7:43 p.m.

3. ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE, INCLUDING SUCH RESOLUTIONS, POLICIES, AND/OR ORDINANCES AS MAY BE REQUIRED.

No action was taken.

PLEDGE OF ALLEGIANCE

City Secretary Smith led the Pledge of Allegiance to the American Flag. Councilmember Marshall led the Pledge of Allegiance to the Texas Flag.

PUBLIC COMMENTS The City Council invites any person with business before the Council not scheduled on the agenda 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 ORDINANCE 652 CANCELLING THE MAY 8, 2010 GENERAL ELECTION.

All incumbents ran unopposed, allowing the cancellation of the regularly scheduled May Election.

MOTION: Councilmember Marshall motioned to approve Ordinance 652 cancelling the May 8 General Election. Councilmember Sumrow seconded with Councilmember's Marshall, Sumrow, Threadgill, Evans, and Levine voting for. Motion carried 5-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 654 GRANTING AN SUP FOR 5508 5504 GREGORY LANE.

Property owner Jeanne Vielock noted the address is 5504, not 5508 as shown on the agenda.

City Attorney Shepherd gave an overview of the requested SUP and previous action by the Council.

At the March 16 City Council meeting, a public hearing was held for a special use permit for a riding arena, a barn to be constructed at a later date, and a discussion of the number of horses allowed on the various tracts of land including the 6 plus acres leased from the Henry's. Council had no opposition at the public hearing to the applicants request for the riding arena/academy or addition of a barn. However, the discussion on the number of horses allowed was unclear to the Council. Council was of the understanding there was an ample number of fully enclosed stalls for all horses housed on the property as required by the City Animal Control Ordinance 625. City Code Enforcement went to the property and took photos and found there were only 27 fully enclosed stalls on the property that met the definition of the Ordinance. There were a number of paddocks in the pastures but were not fully enclosed as required by the Ordinance. Without significantly adjusting the Ordinance, the applicants may build additional fully enclosed stalls to house the 53 horses on the property, if the Council was willing to give the Vielocks credit for all of the 20 acres they owned, as well as the 6 acres leased from the Henrys. That 26 acres, with 52 fully enclosed stalls, could constitute a generous interpretation of the animal regulations. However, a strict view of the animal provisions would deduct $\frac{1}{2}$ acre from each of the Vielocks two lots, leaving them 19 acres. Modifying some of the stalls on the property to "fully enclosed" status, and not counting the use of the Henry property, the limit would be approximately 39 horses.

Various solutions for Council are to proceed with approval of the academy/riding arena, construction of the barn in the future, and let the Animal Control Ordinance set the number of allowed horses or set a number for horses different than 39 with significant requirements for cleanup of manure.

Mayor Cordina referred to Ordinance 625:

“(l) One (1) large animal per 1/2 acre of net grazing area when each animal is provided a fully enclosed stall inside a barn, suitable for the large animal's care and feeding, accessible by the animal, and not used for storage or other use.”

His question is, “are we looking at gross acreage or net acreage.” City Attorney Shepherd stated, the net acreage is the difference between 38 and 40. Mayor Cordina was confused as to the number of horses stated in the previous meeting and the actual number of horses on the property. The Council reviewed photos from Code Enforcement.

Mr. Joe Vielock stated that the stalls in the paddock and the stalls in the barn are enclosed. There are a total of 70 stalls enclosed. The horses go into them and the horses are closed in. Mrs. Jeanne Vielock stated there is some confusion as to the definition of fully enclosed. The paddocks do have doors to prevent the horses from leaving the stall that you have not even counted. There are even additional shed in the pastured that have doors that may be closed. She requested someone come out and look at the property. When they moved in they were told they could have as many horses as they wanted. “We are trying to work with the City.” Mr. Joe Vielock stated his lawyer would address this further with the City.

Councilmember Marshall stated the City should adhere to the number of animals allowed by the animal control ordinance.

Council requested the request of the Vielock's to have someone from the City go out and take a look at the stalls on the property. City Administrator Daniel noted their stable hand Lynn was present when the photos were taken by Code Enforcement Officer Machado. Council discussed the definition of “fully enclosed stalls” in a barn, in accordance with our ordinance. They feel it was intended to be four walls, with a concrete floor or other solution for easy sanitation maintenance. They agreed the ordinance need clarification.

Councilmember Sumrow requested the Council work with the Vielock's for a reasonable amount of time to move the excess number of animals off the property. She recommended three (3) months with a possible one time extension for three (3) months. City Attorney Shepherd wants to pin down a date the Code Enforcement Officer is to begin writing tickets.

City Attorney Shepherd proposed an SUP authorizing a riding arena and barn on Lot 4 of Ryan's Place plat. Providing a fire hydrant being installed at least 400' from the barn prior to construction. The number of horses permitted will be addressed by the current animal control ordinance as well as the parking of trailers and R.V.'s.

MOTION: Mayor Pro-tem motioned to have the City Attorney prepare a draft ordinance as discussed and bring back to Council at the next meeting for final approval.

City Administrator clarified the animals would not be addressed by the SUP ordinance.

Councilmember Levine clarified that Mr. Shepherd is to prepare and draft and bring back to the Council for final approval.

Councilmember Evans seconded with Councilmember's Marshall, Sumrow, Threadgill, Evans, and Levine voting for. Motion carried 5-0.

Mayor Pro-tem Threadgill requested the Staff prepare a letter to the Vielock's to explain how the number of horses permitted was figured. His opinion is the paddock's where they can close the horse up is a fully enclosed stall. The number of horses allowed by the animal control ordinance would not allow the number of horses they currently have. The only way to allow additional horses is through the SUP.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2010-294 APPROVING A WHOLESALE WATER SUPPLY CONTRACT WITH THE CITY OF WYLIE.

MOTION: Councilmember Sumrow motioned to approve Resolution 2010-294 approving a Wholesale Water Agreement with the City of Wylie. Councilmember Marshall seconded with Councilmember's Marshall, Sumrow, Threadgill, Evans, and Levine voting for. Motion carried 5-0.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PHOTOS FOR THE OPEN HOUSE INVITATION.

After a brief discussion, Council agreed for City Administrator Daniel select a photo of the complex to be used on the invitation. They would like a photo of the whole complex with the water tower raised.

ROUTINE ITEMS

8. FUTURE AGENDA ITEM REQUESTS.

FM 2551 & Parker Road may be removed and discussed between the effected residents.

GCEC screening wall may be removed as GCEC has agreed to build the screen wall.

Discuss Monument Sign for McCreary Road.

9. UPDATES

Due to April 16 being Election Day for the County Primary Run-off's there will not be a Council meeting that evening.

10. ADJOURN

Mayor Cordina adjourned the meeting at 8:35 p.m.

APPROVED:

Joe Cordina
Mayor

ATTESTED:

Carrie L. Smith, TRMC
City Secretary

APPROVED on the 20th day of
April, 2010.