

MINUTES
CITY COUNCIL MEETING
FEBRUARY 27, 2017

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 Pro Tem Scott Levine called the meeting to order at 7:04 p.m. Councilmembers Scott Levine, Lee Pettie, Cleburne Raney, Ed Standridge, and Patrick Taylor were present. Mayor Z Marshall was absent.

Staff Present: City Administrator Jeff Flanigan, City Secretary Patti Scott Grey, City Attorney Brandon Shelby, Police Chief Richard Brooks and Developer/Capital Improvement Advisory Committee (CIAC) Member Stephen "Steve" L. Sallman

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Councilmember Lee Pettie led the pledge.

TEXAS PLEDGE: Councilmember Patrick Taylor 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, said she attended the Planning and Zoning (P&Z) Commission meeting held last Thursday, February 23, on Water Impact Fees *[This was the Capital Improvement or Water and Impact Advisory Committee meeting.]* Ms. Meyer said she was pleased City Council was exploring impact fees. This was something she felt should have been investigated 20-30 years ago. From her understanding, impact fees may include water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; stormwater, drainage, and flood control facilities; and roadway facilities. The current Water Impact Fee Report 2016-2026 only reviewed water supply and distribution. It did not include stormwater, drainage or roadways. She read the following:

TEXAS LOCAL GOVERNMENT CODE

TITLE 12. PLANNING AND DEVELOPMENT

SUBTITLE C. PLANNING AND DEVELOPMENT PROVISIONS APPLYING TO
MORE THAN ONE TYPE OF LOCAL GOVERNMENT

CHAPTER 395. FINANCING CAPITAL IMPROVEMENTS REQUIRED BY NEW
DEVELOPMENT IN MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER
LOCAL GOVERNMENTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 395.017. ADDITIONAL FEE PROHIBITED; EXCEPTION.

After assessment of the impact fees attributable to the new development or execution of an agreement for payment of impact fees, additional impact fees or increases in fees may not be assessed against the tract for any reason unless the number of service units to be developed on the tract increases. In the event of the increase in the number of service units, the impact fees to be imposed are limited to the amount attributable to the additional service units.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Ms. Meyer said her concern was under Texas Government Code Section 395.017, if the city imposed a water impact fee, the City would not be able to levy additional fees for stormwater, drainage, and roadways.

Ms. Meyer also asked City Council and staff to investigate drainage more extensively. When large homes with driveways, pools, sidewalks, etc., were built on small one (1) acre lots, fifteen (15) to twenty-five (25) percent of the permeable surface was lost. If a new development was built adjacent to an existing, lower elevated subdivision, she asked that problems be investigated. She urged City Council and staff to thoroughly review issues before making final decisions and to make sure those decisions were in the best interest of the citizens of Parker.

Lou Zettler, 4202 Donna Lane, spoke about the ongoing traffic problems along Donna Lane. Mr. Zettler requested the City do something to slow down and/or stop speeding vehicles, including large trucks, from using Donna Lane. He said he had been advised that a transportation study was needed to determine what should be done. Mr. Zettler wanted to know how such a study was initiated; who selected the person(s) conducting the study; and who funded such a study. He said if it was reasonable he would pay for the study and if necessary he would get additional financing from his neighbors. For now, he said he felt a stop sign was needed and asked the construction contractors and trucks to use the new roads in the development, rather than Donna Lane.

Councilmember Standridge arrived at 7:11 p.m.

1. APPROVAL OF MEETING MINUTES FOR FEBRUARY 7, 2017. [SCOTT GREY]
2. APPROVAL OF MEETING MINUTES FOR FEBRUARY 21, 2017. [SCOTT GREY]
3. REPUBLIC WASTE QUARTERLY REPORT. [BERNAS]
4. DEPARTMENT REPORTS-ANIMAL CONTROL, BUILDING, COURT, FIRE, POLICE AND WEBSITE

MOTION: Councilmember Standridge moved to approve consent agenda items 1-4 as presented. Councilmember Raney seconded. Councilmember Pettie noted four (4) changes to the February 7 and February 21, 2017 meeting minutes.

Mayor Pro Tem Levine asked City Secretary Scott Grey if she was aware of the modifications. Ms. Scott Grey said yes, Councilmember Pettie emailed her suggestions. Ms. Scott Grey said she made changes to minutes to be signed, but had not had time to make copies for the entire City Council. She said she would detail the modifications in tonight's meeting minutes.

In the February 7, 2017 minutes, the following two (2) changes were requested by email.

Page 1, under the Pledges:

"AMERICAN PLEDGE: Boy Scout Ricky ~~Willie~~ Wille led the pledge", removing the "I".

Page 3, Paragraph 2:

Mayor Pro Tem Levine asked Mr. Watson how many years BrooksCardiel, PLLC, had been preparing the audit. Mr. Watson said four (4) or five (5) years. Mayor Marshall noted for the audience the City of Parker ~~was~~ is required to switch auditors at least every five years. He also thanked Jon Watson, CPA, with BrooksCardiel, PLLC and Finance/H.R. Manager Johnna Boyd.

And in the February 21, 2017 minutes, the following two (2) changes were requested by email.

Page 1, Paragraph 3:

Staff/Others Present: City Administrator Jeff Flanigan, City Secretary Patti Scott Grey, City Attorney Brandon Shelby, Fire Chief Mike Sheff, Police Chief Richard **Brooks, and** Developer/Capital Improvement Advisory Committee (CIAC) Member Stephen "Steve" L. Sallman, ~~and 2017 Councilmember Candidate Cindy Meyer~~ (See Exhibit 1 – Councilmember Pettie's email, dated February 27, 2017.)

MOTION: Councilmember Taylor restated his motion to approve the February 7 and 21, 2017 meeting minutes as amended with the four (4) modifications and the reports. Councilmember Raney seconded the amended motion with Councilmembers Levine, Pettie, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

Councilmember Pettie commended Police Chief Brooks on his new departmental report.

INDIVIDUAL CONSIDERATION ITEMS

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON WHITESTONE ESTATES (FORMERLY DONIHOO FARMS) PHASE 1 FINAL PLAT. {FLANIGAN}

City Administrator Flanigan reviewed the item, stating the Whitestone Estates (Formerly Donihoo Farms) Phase 1 Final Plat was approved by the Planning and Zoning (P&Z) Commission. The P&Z Commission recommended approval of the plat, subject to escrowing \$38,000 for a few unfinished items. Developer Sallman has also requested two (2) variances, a variance to construct a fence or screen wall and a variance to landscape within the right-of-way of Whitestone Drive. The Homeowners Association (HOA) would have the responsibility of maintenance for the variances. City Engineer Birkhoff estimated the escrowed amount of \$38,000 for the unfinished items.

Mayor Pro Tem Levine asked if there was anyone from the City Engineer's office present tonight. Mr. Flanigan said no.

Whitestone Estates (Formerly Donihoo Farms) Representative/Manager Stephen L. Sallman, 4925 Greenville Avenue, Suite 1020, Dallas, Texas, said he was requesting approval of the recommended Whitestone Estates (Formerly Donihoo Farms) Phase 1 Final Plat. He provided an exhibit showing the proposed fence line to help City Council visualize. (See Exhibit 2 – Whitestone Estate (Formerly Donihoo Farms) Proposed Fence Line, dated February 27, 2017.)

Mayor Pro Tem Levine asked if City Council had a punch list of items that needed to be addressed from the City Engineer. Mr. Sallman directed everyone to City Engineer Birkhoff's Letter, dated February 15, 2017, and reviewed the list. Mayor Pro Tem Levine recapped, stating City Engineer Birkhoff estimated the escrow amount of \$38,000 to cover the remaining items, which would be addressed in the next couple of weeks. He asked if there were any questions. (See Exhibit 3 – City Engineer Birkhoff's Letter, dated February 15, 2017.)

MOTION: Councilmember Taylor moved to approve the Whitestone Estates (Formerly Donihoo Farms) Phase 1 Final Plat, with the escrowed funds of \$38,000 to take care of the issues in City Engineer John Birkhoff's letter, dated February 15, 2017. Councilmember Standridge seconded.

Mayor Pro Tem Levine asked City Attorney Shelby if he had an opportunity to review the plat and whether he was comfortable with the plat. Mr. Shelby said yes. There was some discussion to include the variance in the motion. City Attorney Shelby said City Council should include the variance in their motion, as the P&Z Commission had.

Councilmember Taylor restated his motion to approve the Whitestone Estates (Formerly Donihoo Farms) Phase 1 Final Plat with the escrowed funds of \$38,000, to take care of the issues in City Engineer John Birkhoff's letter, dated February 15, 2017, and approve the landscaping and fencing along the parkway on Whitestone

Drive. Councilmember Standridge seconded the amended motion with Councilmembers Levine, Pettie, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON SETTING A PUBLIC HEARING DATE FOR OUR WATER IMPACT FEES. [FLANIGAN/BIRKHOFF]

City Administrator Flanigan noted last Thursday, February 23, 2017 the Water and Impact Advisory Committee met. Andrew Mata, Jr., P.E., with Birkhoff, Hendricks & Carter, LLP, Professional Engineers, presented the Water Impact Fee Report 2016-2026. The next step was to schedule a public hearing and that was what this item was for to schedule that public hearing date, April 4, 2017. Mr. Flanigan reviewed the advertisement requirements.

Mayor Pro Tem Levine said he would take a motion in a moment. He wanted to note Cindy Meyer's public comment, regarding the matter. Mr. Levine said he understood Ms. Meyer's concern was that if the City passed one (1) impact fee that would preclude the City from adopting additional impact fees. Mayor Pro Tem Levine said he did not know that was the case, but he did want City Attorney Shelby to examine the matter. The City did not want to lose any opportunities for the future. Mr. Levine verified with Ms. Meyer that was her concern and she agreed. Mayor Pro Tem Levine said City Council would set the public hearing date, review or examine the matter, and give an update whether there was a concern prior to that hearing. City Attorney Shelby said that was correct. Mr. Shelby said he thought he knew the answer, but since that concern was not on tonight's agenda he would check and update City Council.

MOTION: Councilmember Taylor moved to set the Water Impact Fees public hearing date for Tuesday, April 4, 2017. Councilmember Raney seconded with Councilmembers Levine, Pettie, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

ROUTINE ITEMS

7. FUTURE AGENDA ITEMS

UPDATE(S):

- DISCUSSION OF POSSIBLE MARCH 7, 2017 CITY COUNCIL MEETING CANCELTION [LEVINE]

Mayor Pro Tem Levine said he had spoken with Mayor Marshall about canceling the March 7, 2017 City Council meeting. City Council agreed not to have the March 7, 2017, since there was already a special meeting scheduled for March 13, 2017 for the Whitestone Estates (Formerly Donihoo Farms) annexation.

- PROJECTED 2017 TAX RATE PLANNING CALENDAR

City Administrator Flanigan said City Secretary Scott Grey projected the 2017 tax rate calendar and it was included in the City Council packet to assist with City Council's summer schedules.

Mayor Pro Tem Levine asked if there were any items to be added to the future agenda. There were no additions at that time. He encouraged anyone who might have an item to contact the Mayor and/or City Staff to be included in the future agenda items. Mayor Pro Tem Levine said the next scheduled meeting would be the special meeting Monday, March 13, 2017.

8. ADJOURN

Mayor Pro Tem Levine asked adjourned the meeting at 7:30 p.m.



ATTESTED:

Patti Scott Grey, City Secretary

APPROVED:

Mayor Pro Tem Scott Levine

Approved on the 13th day
of March, 2017.

From: [REDACTED]
Sent: Monday, February 27, 2017 3:20 AM
To: Patti Grey [REDACTED]
Subject: Suggestions for the Minutes

Hi Patti,

I have a couple of suggestions for the proposed minutes.

Minutes of 2/7/17:

Pledge: I believe Ricky spells his last name Wille.
Page 3, paragraph starting with Mayor Pro Tem,
third line, City of Parker is required to switch
auditors every 5 years.

Minutes of 2/21/17:

Call to Order, third paragraph: Police Chief Richard Brooks.
I have never seen us list a City Council candidate being present before. You might want to check with Jeff or Z to see if that is what they feel is appropriate. Especially as, do we also list Council Members Raney, Standridge and Taylor as City Council candidates?

That's it. Don't mean to be a stickler or pain in the whatever 😊).

Thanks!

Lee

Exhibit 1

DONIHOO FARMS LTD.

December 22, 2016

City of Parker
c/o Jeff Flanigan
5700 Parker Rd
Parker, Texas 75002

Ref: Donihoo Farms (Whitestone Estates) Fencing & Landscape

Dear Jeff:

In conjunction with the development of Donihoo Farms and the construction of Whitestone Drive, a residential collector northward from Parker Road, Donihoo Farms requests the following variance and approval for landscaping in the right-of-way.

1. A variance to construct a solid fence to screen various outdoor buildings and structures that fall outside the allowed use in the city limits. Fencing would begin approximately 300 feet North of Parker Road and border the eastern and northern sides of Mr. Condren's property, see Exhibit A. This type of variance has previously been granted to areas where the adjacent land use is not under the jurisdiction of the City.
2. Donihoo Farms requests to enter into an agreement with the City of Parker to landscape within the right-of-way of Whitestone Drive, see Exhibit B. The developer, Donihoo Farms, and Whitestone Estates Homeowners Association will accept full responsibility for landscape installation and maintenance.

Exhibits are attached for reference. If you have any questions please give me a call.

Sincerely,

DF Advisors, LLC,
General Partner



Stephen L. Sallman
Manager

4925 Greenville Ave., Suite 1020, Dallas, Texas 75206
(214) 368-0238:Office (214) 368-0812:Fax

Exhibit 2



PROPOSED FENCE LINE

Google earth

EP 10/24/24

Google earth

feet
meters

1000
300



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

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Fax (214) 461-8390

Phone (214) 361-7900

JOHN W. BIRKHOFF, P.E.
GARY C. HENDRICKS, P.E.
JOE R. CARTER, P.E.
MATT HICKEY, P.E.
ANDREW MATA, JR., P.E.
JOSEPH T. GRAJEWSKI, III, P.E.
DEREK B. CHANEY, P.E.
CRAIG M. KERKHOFF, P.E.

February 15, 2017

Mr. Jeff Flanigan
City of Parker
5700 E. Parker Rd.
Parker, Texas 75002

Re: Whitestone Estates (formerly Donihoo)

Dear Mr. Flanigan:

We completed a site visit to the Whitestone Estates development on Tuesday, February 15, 2017 to determine if the work is complete. During our site visit we observed the following:

The detention pond has been excavated and the bottom is rough graded. It appears wind rows are in the bottom and holds water.

Fire Hydrants have not been rotated to have the 5 1/4 inch nozzle pointed to the street and valve stacks need to be adjusted to grade. Final grading around the fire hydrants will need to take place.

Water meter boxes have not been installed.

It was reported that the gas line has not been installed and that the addition may not be served by gas.

No vegetation has been established. It has been reported that the disturbed areas have been seeded.

The parkway along the west side of Whitestone Drive has a windrow berm preventing storm water from draining to the drainage ditch.

Water ponds on the pavement at the intersection of Donna Drive and Donihoo Drive.

It is our opinion that the fire hydrants and valve stacks should be able to be completed within a few days, clean up grading within a week. We are not sure what will need to take place to resolve the ponding of water at Donna Drive and Donihoo Drive, the design engineer will need to review this intersection. We are available at your convenience to discuss any questions you may have of our finding.

Sincerely,



John W. Birkhoff, P

Exhibit 3