

## MINUTES

### CITY COUNCIL MEETING

JULY 11, 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 Z Marshall called the meeting to order at 7:00 p.m. Council members Cindy Meyer, Lee Pettie, Cleburne Raney, and Ed Standridge were present. Mayor Pro tem Scott Levine was absent.

Staff Present: City Administrator Jeff Flanigan, Finance/H.R. Manager Johnna Boyd, City Secretary Patti Scott Grey, City Attorney Brandon Shelby, Fire Chief Mike Sheff, and Police Chief Richard Brooks

#### PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Boy Scout Houston Fett led the pledge.

TEXAS PLEDGE: Billy Barron 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.

Stephanie Casson, 1807 Dublin Road, voiced her concern about Resolution No. 2017-541, approved June 20, 2017, awarding the 2016-2017 Annual Street Maintenance Project, only having one bidder, Pavecon Public Works, LP of Grand Prairie, Texas, in the amount of \$255,988.00. Mayor Marshall asked City Administrator Flanigan to schedule an appointment with Ms. Casson to review the City's bidding process.

#### INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 749, KING'S CROSSING PHASE 4 ANNEXATION. [SHELBY]

City Attorney Shelby reviewed the King's Crossing Phase 4 annexation process, commenting the two (2) required public hearings were held on June 6 and 20, 2017, in accordance with Texas State Law, and Ordinance No. 749 was prepared for City Council consideration for this annexation.

Mayor Marshall asked Developer Steve Sallman if he had any additional comments. King's Crossing Phase 4 Representative/Manager Stephen "Steve" L. Sallman, 4925

Greenville Avenue, Suite 1020, Dallas, Texas, came forward, stated his name and address for the record, said he requested the property, currently in the City's Exterritorial Jurisdiction (ETJ) be annexed, and noted the development to be annexed was approximately 71 +/- acres and had 59 residential lots.

MOTION: Councilmember Standridge moved to approve Ordinance No. 749, annexing the King's Crossing Phase 4 into the City of Parker. Councilmember Raney seconded with Councilmembers Meyer, Pettie, Raney, and Standridge voting for the motion. Motion carried 4-0.

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 750, AMENDING NUISANCE ORDINANCE NO. 553. [SHELBY]

City Attorney Shelby stated proposed Ordinance No. 750, amends the Nuisance Ordinance, to incorporate Police Chief Brooks' decibel recommendations and City Council's suggestions, as follows:

SECTION 3, Paragraph K, of Ordinance No. 553 shall be amended as follows:

- K. The act of allowing or permitting on any premises owned or controlled by such person the emission of music, sound or other noise in a continuous, or for extended periods of time, in such a manner as to disturb persons living in the vicinity of the premises. It shall be presumed to be a violation of this Ordinance if the continuous. or extended periods of time, produce sound or other noise at the property line of such property in excess of: (a) 75 decibels, between the hours of 6 a.m. to 11 p.m. and/or (b) 65 decibels, between the hours of 11 p.m. and 6 am.*
- (a) 75 decibels, between the hours of 6:00 a.m. to 11:00 p.m.*
  - (b) 65 decibels, between the hours of 11:00 p.m. and midnight*
  - (c) 55 decibels, between the hours of midnight and 1:00 a.m.*
  - (d) 45 decibels, between the hours of 1:00 a.m. and 6:00 a.m.*

SECTION 3, of Ordinance No. 553 shall be amended to insert Paragraph U as follows:

- U. The failure to comply, without waiver, with all City drainage and storm water ordinances, rules, and regulations.*

SECTION 4, Paragraph B, of Ordinance No. 553 shall be amended as follows:

- B. It is an affirmative defense to a complaint filed pursuant to Section 3(K) of this Ordinance that the property on which the alleged nuisance occurred was an activity expressly or impliedly authorized pursuant to a special use permit for the property, or within an area zoned Special Activities (SA) pursuant to the City's Zoning Ordinance.*

Mayor Marshal asked City Attorney Shelby to elaborate on the affirmative defense portion of the changes. Mr. Shelby stated in the original Nuisance Ordinance, the affirmative defense, noise portion allowed for a Special Activities (SA) zoning. That portion has been eliminated, so Southfork Ranch will have to comply with the ordinance as amended.

Councilmember Meyer asked if the changes stipulated a day of week. Mayor Marshall and City Attorney Shelby stated the ordinance did not differentiate between weekdays and weekend days. The noise levels would be the same any day of the week.

Mayor Marshall asked Councilmember Meyer for suggestions. Ms. Meyer suggested lowering certain decibels, certain days and City Administrator Flanigan explained the decibels levels were for the entire City of Parker, not just for Southfork. Mr. Flanigan then noted reductions from Ordinance No. 553 of 75 decibels, between the hours of 6 a.m. to 11 p.m. and/or (b) 65 decibels between the hours of 11 p.m. and 6 a.m. to the proposed ordinance, as follows:

- (a) 75 decibels, between the hours of 6:00 a.m. to 11:00 p.m.
- (b) 65 decibels, between the hours of 11:00 p.m. and midnight
- (c) 55 decibels, between the hours of midnight and 1:00 a.m.
- (d) 45 decibels, between the hours of 1:00 a.m. and 6:00 a.m.

This ordinance was a compromise. Councilmember Raney said he thought it was important for the City to take the first step.

MOTION: Councilmember Raney moved to approve Ordinance No. 750, amending Nuisance Ordinance No. 553. Councilmember Standridge seconded with Councilmembers Pettie, Raney, and Standridge voting for the motion. Councilmember Meyer voting against the motion. Motion carried 3-1.

### 3. DISCUSSION AND/OR DIRECTION ON REVIEW OF ALL ORDINANCES. [SHELBY]

Brian Smith, 7228 Moss Ridge Circle, expressed concerns about the City's Code Enforcement, particularly in Moss Ridge Estates. Mr. Smith said he contacted his neighbor and reported numerous concerns in regard to his neighbor's property, 7234 Moss Ridge. He asked that the City Code be enforced and Moss Ridge Estates be monitored more closely.

Peggy Threadgill, 7233 Moss Ridge Road, said she agreed with her neighbor Brian Smith. Ms. Threadgill also asked that the City monitor and enforce the current City Code. Additionally, she asked City Council to consider the difference between acreage and residential subdivision properties with regard to the City Code of Ordinances.

Jim Threadgill, 7233 Moss Ridge Road, agreed with his wife, Peggy, and their neighbor Mr. Smith. He believes there are areas in Moss Ridge Estates that are in violation of the City Code of Ordinances, particularly addresses 7234 and 7252. Those properties were not being maintained. Mr. Threadgill reiterated the need for City Code enforcement in Moss Ridge Estates.

Annette Stone, 7266 Moss Ridge Road, agreed with the other Moss Ridge Estates residents and encouraged the City to continue monitoring code violations in Moss Ridge Estates.

Moss Ridge Estates residents indicated their concerns were not being acknowledged and to their knowledge residents, violating city code, were not even receiving letters to correct code issues. City Administrator Flanigan said he received approximately 40-50 possible code violations a week and he, his staff, and the city attorney were working diligently to resolve code violations they were made aware of in the City of Parker.

City Attorney Shelby said our city codes are enforced by Municipal Court. Certain procedures must be followed by City Staff. City Staff cannot trespass or violate the law to investigate possible code violations; however, City Staff may under proper circumstances obtain court orders to check private property. In regard to the City's Code of Ordinances, zoning code may be amended or revised, but public hearings are required. A regular review of the City's Code of Ordinances would be beneficial, as federal and state laws change among other factors. Mr. Shelby said if residents are trying to build a case, it would be helpful if they photographed alleged violations and reported those violations to the City. That would assist City Staff with enforcement.

Mayor Marshall said he asked City Administrator Flanigan to prepare a list of ordinances that require public hearings and have a more lengthy response time, as well as other ordinances that can be handled more quickly. (See Exhibit 1 – List of requested ordinances, requiring public hearing and other ordinances.) The Mayor suggested forming a subcommittee consisting of himself, Councilmember Pettie, Councilmember Meyer, City Attorney Shelby and City Administrator Flanigan, to review the City Code of Ordinances to ensure compliance with state and federal laws, revising the Code for clarity, and editing for conflicts, and then return to City Council with recommendations.

MOTION: Councilmember Standridge moved to form a subcommittee consisting of Councilmember Pettie, Councilmember Meyer, City Administrator Flanigan and City Attorney Shelby to review the City's Code of Ordinances and return to City Council with recommendations. Councilmember Pettie seconded with Councilmembers Meyer, Pettie, Raney, and Standridge voting for the motion. Motion carried 4-0.

#### 4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON FY 2017-2018 BUDGET. [BOYD]

Copies of the 2017-2018 Annual Budget Work Session Excel spreadsheets were provided at the June 20, 2017 City Council meeting.

Police Chief Brooks stated in reference to the FY 2017-2018 budget that his department had been saving money, in hopes of having funds to purchase body cameras in this fiscal year. Chief Brooks said he would advise City Council and City Staff on or about September 1, 2017.

Fire Chief Sheff said he would need \$40,000 as previously stated to fund stipends for night and weekend staffing, due to personnel situations. There were not enough volunteers to provide adequate staffing on nights and weekends.

Mayor Marshall announced there were still 171 properties under protest with the Collin County Appraisal District, so as of now the City's budget would have a \$57,000 shortfall. The City should receive its certified number from Collin County on July 25, 2017.

No action was taken. Again, City Council, City Staff and Citizens were urged to send any comments and/or questions, regarding the proposed budget to Mayor Marshall, City Administrator Flanigan, and/or Finance/H.R. Manager Boyd.

## ROUTINE ITEMS

### 5. FUTURE AGENDA ITEMS

Mayor Marshall asked if there were any items to be added to the future agenda. He said the next regularly scheduled meeting would be Tuesday, July 18, 2017.

Councilmember Meyer suggested the City create a "New Resident's Packet". City Administrator Flanigan said the City has a packet and invited Councilmember Meyer to review the packet and make suggestions. Finance/H.R. Manager Boyd said Utility Billing (Water/Trash/Recycle) Clerk Kathy Clark does a wonderful job presenting the packet to new residents. Councilmember Pettie agreed. Councilmember Meyer said she thought that would be a good opportunity to highlight or bring attention to our Parker Volunteer Fire Department (PVFD).

### 6. ADJOURN


Mayor Marshall adjourned the meeting at 8:31p.m.



APPROVED:

  
Mayor Z Marshall

ATTESTED:

  
Patti Scott Grey, City Secretary

Approved on the 15th  
day  
of August, 2017.

## **ORDINANCES IN ZONING**

### **Requires Public Hearings**

- Single-Family Building Requirements, Lot Size, Setbacks, Approved Uses
- Fences
- Swimming Pool Enclosures
- Visibility at Intersections
- Offensive Trade Activity
- Lot Maintenance
- Major Recreational Equipment
- Parking
- Home occupation
- Accessory Buildings
- Accessory Dwellings
- Storage Units
- Portable Toilets

### **OTHER ORDINANCES**

- Official Newspaper
- Council Terms
- Municipal Attorney
- Municipal Engineer
- Municipal Judge
- Municipal Court Clerk
- Records Management Program
- Emergency Management
- Police Department
- Fire Department
- Water Regulations
- Emergency water Management
- Sewer construction standards
- Solid Waste Disposal / Recycling
- Traffic Rules
- Abandoned and Junk Vehicles

- Alarms systems
- Animal Control
- Fire Prevention
- Nuisances
- Curfew
- Bicycles
- Peddlers and Solicitors
- Discharge of Firearms
- Carrying of Concealed Weapons
- Building Regulations (Codes)
- Dangerous Structures
- Sign Control
- Flood Damage Prevention