



## AGENDA

### CITY COUNCIL MEETING

**NOVEMBER 8, 2017 @ 7:00 P.M.**

Notice is hereby given the City Council for the City of Parker will meet in a Special Meeting on Wednesday, November 8, 2017 at 7:00 P.M. at the Parker City Hall, 5700 E. Parker Road, Parker, Texas, 75002.

#### **CALL TO ORDER – Roll Call and Determination of a Quorum**

#### **PLEDGE OF ALLEGIANCE**

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

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

#### **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. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 756, UPDATING THE CITY'S CODE OF ORDINANCES (SUPPLEMENT S-9). [SHELBY]
2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON KING'S CROSSING PHASE 3 PRELIMINARY PLAT EXTENSION. [FLANIGAN]
3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2017-557 VOTES FOR COLLIN COUNTY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS. [MARSHALL]

#### **INDIVIDUAL CONSIDERATION ITEMS**

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2017-558 FOR THE HOME RULE RECOMMENDATIONS. [MARSHALL]
5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2017-559 MAKING APPOINTMENTS TO THE PLANNING AND ZONING (P&Z) COMMISSION. [FLANIGAN]

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2017-560 MAKING APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENTS (ZBA). [FLANIGAN]
7. DISCUSSION, CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON UPCOMING REGULAR CITY COUNCIL MEETING DATES DUE TO THE HOLIDAYS. [FLANIGAN]
8. DISCUSSION/CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A 1% MUNICIPAL SALES TAX. [SHELBY] [TABLED – 08292017]
9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PARKER RANCH ESTATES PHASE 2 AND 3 PRELIMINARY PLAT EXTENSION. [FLANIGAN]
10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESERVE AT SOUTHRIDGE. [FLANIGAN]

## ROUTINE ITEMS

### 11. FUTURE AGENDA ITEMS

### 12. ADJOURN

In addition to any specifically identified Executive Sessions, Council may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Council elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before November 3, 2017 by 5:00 p.m. at the Parker City Hall, and as a courtesy, this Agenda is also posted to the City of Parker Website at [www.parkertexas.us](http://www.parkertexas.us).

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Date Notice Removed

Patti Scott Grey  
City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.



## Council Agenda Item

Item 1  
C/Sec Use Only

Budget Account Code:	Meeting Date:	November 8, 2017
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	City Secretary Scott Grey
Estimated Cost:	Date Prepared:	November 2, 2017
Exhibits:	<ul style="list-style-type: none"><li>Proposed Ordinance</li></ul>	

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 756, UPDATING THE CITY'S CODE OF ORDINANCES (SUPPLEMENT S-9). [SHELBY]

### SUMMARY

American Legal Publishing Corporation has updated the Parker City Code of Ordinances (Supplement S-9). This supplement contains ordinances of a general and permanent nature enacted since the previous supplement.

### POSSIBLE ACTION

Council may direct staff to take appropriate action.

#### Inter – Office Use

Approved by:			
Department Head/ Requestor:		Date:	
City Attorney:	<i>Brandon S. Shelby</i>	Date:	11/02/2017 via email
City Administrator:	<i>Jeff Flanigan</i>	Date:	11/03/2017

**ORDINANCE NO. 756**  
*(Adoption of 2017 S-9 Codification Supplement)*

**AN ORDINANCE ENACTING AND ADOPTING THE NINTH  
SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE  
CITY OF PARKER, TEXAS, COLLIN COUNTY.**

**WHEREAS**, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the Ninth supplement to the Code of Ordinances of the City of Parker, Texas, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the City of Parker; and

**WHEREAS**, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Parker Municipal Code; and

**WHEREAS**, it is the intent of the City Council to accept these updated sections in accordance with the changes of the law of the City of Parker; and

**WHEREAS**, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF  
THE CITY COUNCIL OF THE CITY OF PARKER:**

- Section 1. That the Ninth supplement to the Code of Ordinances of the City of Parker as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto (Exhibit A), be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the City Council and the City Secretary of the City of Parker is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the City Secretary.

**PASSED AND ADOPTED** by the City Council of the City of Parker on this 8th day of November, 2017.

**CITY OF PARKER, TEXAS**

**BY:**

**Z MARSHALL, MAYOR**

**ATTEST:**

**BY:**

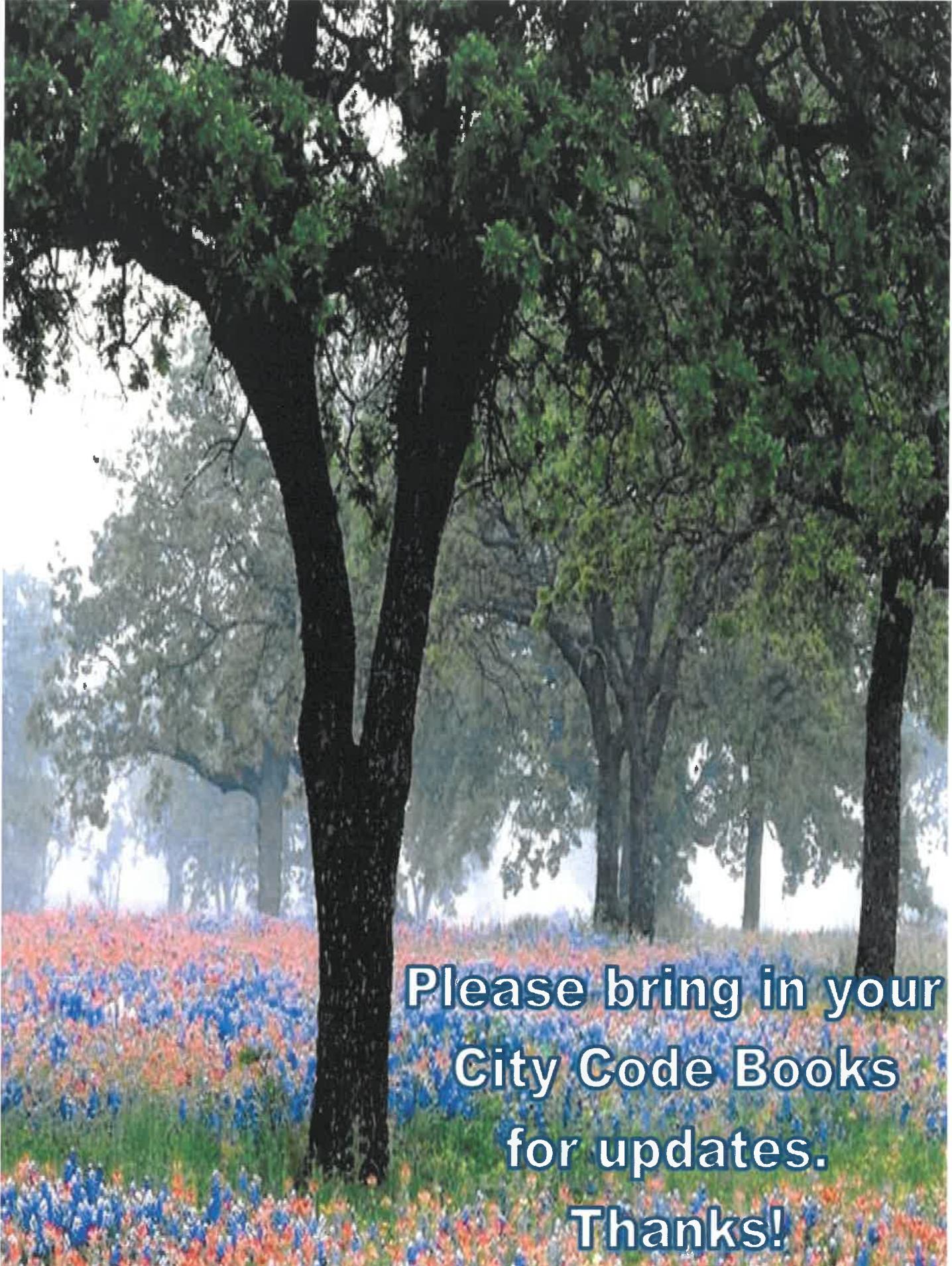
**PATTI SCOTT GREY, CITY CLERK**

**APPROVED AS TO FORM  
AND CONTENT:**

**BY:**

**BRANDON S. SHELBY, CITY ATTORNEY**

Proposed

A photograph of a large, dark tree trunk and branches in the foreground, with a field of bluebonnets and other wildflowers in the background under a clear sky.

Please bring in your  
City Code Books  
for updates.  
Thanks!



## Council Agenda Item

Item 2  
C Sec Use Only

Budget Account Code:	Meeting Date: November 8, 2017
Budgeted Amount:	Department/ Requestor: City Administrator Flanigan
Fund Balance-before expenditure:	Prepared by: City Administrator Flanigan
Estimated Cost:	Date Prepared: November 2, 2017
Exhibits:	<ul style="list-style-type: none"><li>1. Lewis Bend Partners, Ltd. Extension Request Letter, dated Oct. 2, 2017</li><li>2. §155.029 Extension or Reinstatement of Plat Approval</li><li>3. Feb. 16, 2016 CC Meeting Minutes, p. 4, Item 7 – Kings Crossing Phase 3 approval</li></ul>

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON KING'S CROSSING PHASE 3 PRELIMINARY PLAT EXTENSION. [FLANIGAN]

### SUMMARY

On February 16, 2016, City Council moved to approve King's Crossing Phase 3 Preliminary Plat, with the comment that "Preliminary" be placed on the plat.

Please review the request letter, dated October 2, 2017, and additional information provided. A Lewis Bend Partners, Ltd. Representative will be present to answer any questions.

### POSSIBLE ACTION

Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Jeff Flanigan</i>	Date: 	11/03/2017

Lewis Bend Partners, Ltd.

October 2, 2017

City of Parker  
Attn: Jeff Flanigan  
5700 E. Parker Road  
Parker, Texas 75002

RE: Lewis Bend: Kings Crossing Phase 3  
Request for Preliminary Plat Extension

Dear Mr. Flanigan,

The Preliminary Plat for Kings Crossing Phase 3 by Lewis Bend Partners, was approved by the City Council on February 16, 2016. In accordance with the existing subdivision regulations Lapse of Plat Approval is set to occur two years from the date the plat is approved by the Council. In regard to Kings Crossing Phase 3, the preliminary plat approval will lapse on February 16, 2018.

Kings Crossing Phase 3 is part of the larger master planned community as designed and approved by the Development Agreement with the City. Kings Crossing Phase 4 was developed ahead of Kings Crossing Phase 3 in order to extend the existing development (Kings Crossing Phase 2) North toward Kings Crossing Phase 1.

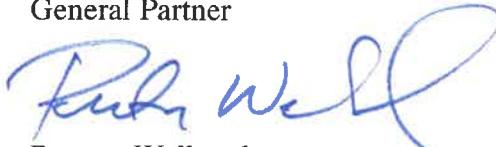
On behalf of Lewis Bend Partners, we request the Council grant a twenty-four (24) month extension to the preliminary plat approval for Kings Crossing Phase 3.

If you have any questions, please don't hesitate to contact us.

Sincerely,

Warner Land Advisors, LP

General Partner



Preston Walhood  
Development Manager

cc: Stephen L. Sallman

enclosures

§ 155.029 EXTENSION OR REINSTATEMENT OF PLAT APPROVAL.

(A) Sixty days prior to or following the lapse of approval for a-plat, as provided in this chapter, the developer may petition the Council to extend or reinstate the approval. This petition shall be considered at a public meeting of the Council.

(B) In determining whether to grant such a request, the Council shall take into account the reasons for the lapse, the ability of developer to comply with any conditions attached to the original approval, and the extent to which newly adopted subdivision regulations shall apply to the plat or study. The Council may extend or reinstate the plat, or deny the request, in which instance the developer must submit a new application for approval.

(C) The Council may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or as are necessary to ensure compliance with the original conditions of approval. The Council may also specify a shorter time for lapse of the extended or reinstated plat or study than is applicable to original approvals.

(Ord. 487, passed 7-18-2000)

Councilmember Stone asked about refrigerators. Mr. Bernas said refrigerators may be picked up, but the Freon needed to be removed.

**MOTION:** Councilmember Stone moved to approve Resolution No. 2016-503 Trash Contract. Councilmember Taylor seconded with Councilmembers Pettle, Standridge, Stone and Taylor voting for. Motion carried 4-0.

**7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PRELIMINARY PLAT FOR KINGS CROSSING 3. [FLANIGAN] [Tabled – 02022016]**

City Administrator Flanigan said Kings Crossing Phase 3 went through P & Z and the engineering review process. The item was tabled at the February 2, 2016 City Council meeting, because the large plat map provided in Council's packet on lot twenty (20) did not show a 10' waterline easement. That was corrected; however, the plans needed to reflect preliminary plat, not a final plat.

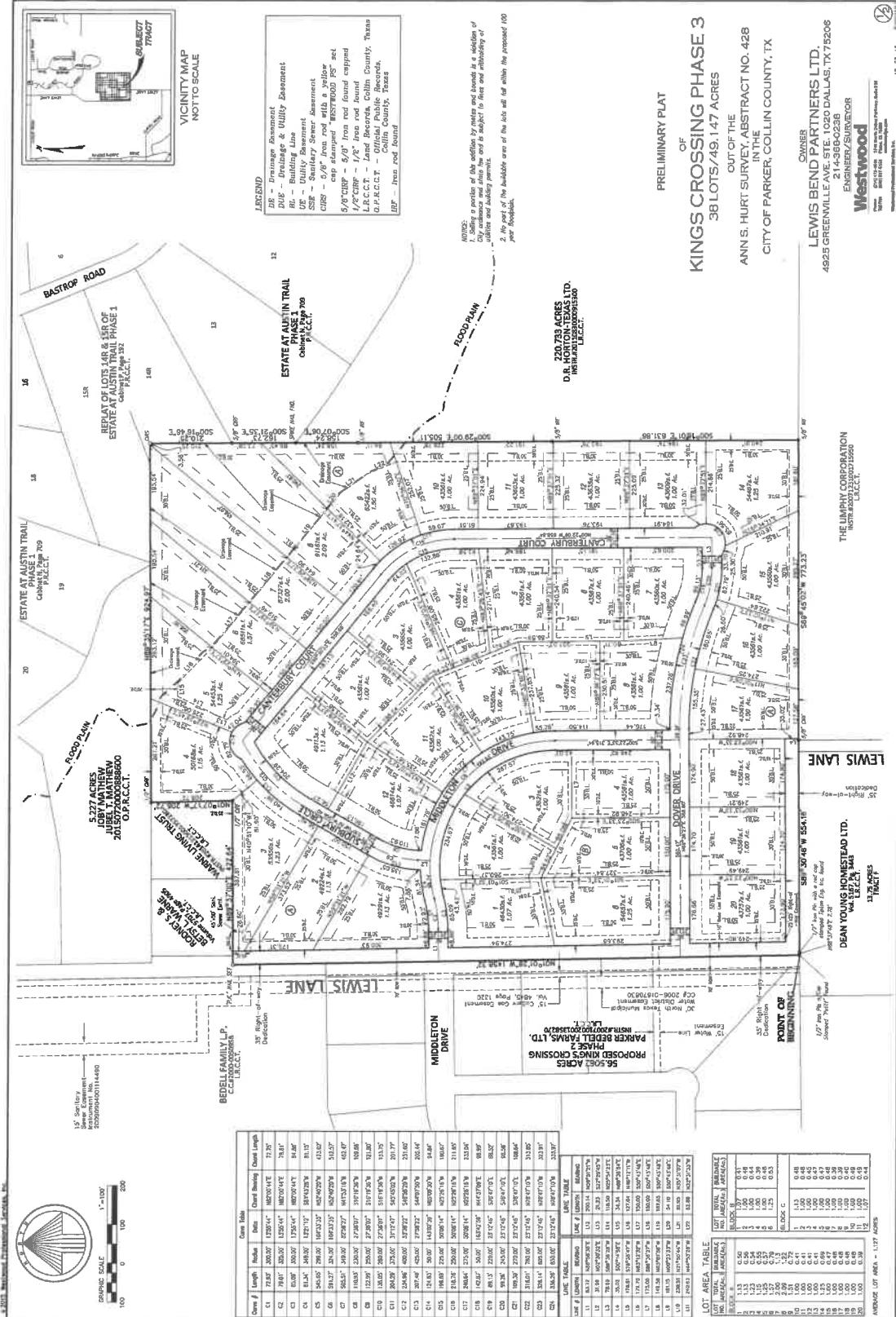
**MOTION:** Councilmember Standridge moved to approve the Preliminary Plat for Kings Crossing Phase 3, with the comment that "Preliminary" was placed on the plat. Councilmember Taylor seconded with Councilmembers Pettle, Standridge, Stone and Taylor voting for. Motion carried 4-0.

**8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PRELIMINARY PLAT FOR RESERVE OF SOUTHRIDGE. [FLANIGAN]**

City Administrator Flanigan said this had been a long process for Reserve of Southridge. The subdivision was between the existing Southridge Subdivision and FM 2551 just south of Curtis Road. He noted the latest engineering review letter commented there was only one means of access and City ordinance required two points of access. They were bringing a four-lane divided road from Curtis south to the development, which was something Council considered in the past. When the future FM 2551 road is constructed this subdivision would have four (4) means of access. The other item on the engineer's letter was an agreement that the detention pond was not part of this plat. It was right outside the limits of the plat and would be maintained by the HOA and the City had no maintenance of that pond. It was reviewed by our City Attorney. He asked the City Attorney to make any further comments about the drainage pond.

Dean Cardwell, P.E., Kimley-Horn and Associates, Inc., 5750 Genesis CT 200 455K, Frisco, Texas, the engineer of record, stated essentially P&Z asked that they provide plantings for three (3) lots and there be a retaining wall.

City Attorney Shepherd said everyone worked together on the off-site detention pond. A road was planned through that area, so the off-site parcel that had the pond on it had an outline of the extension of future 2551 connecting to old 2551. Those plans are not finalized. The owners of the off-site parcel with the pond and the subdivision proposed an easement, allowing their drainage pass along through to the detention pond and required the owner of the subdivision and the future to be developed, HOA to maintain parcel seven (7); all mowing, siltation, pumps, whatever it would need to maintain in a way not to violate the City nuisance ordinance or other ordinances that







# Council Agenda Item

Item 3  
C Sec Use Only

Budget Account Code:	Meeting Date:	November 8, 2017
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	City Administrator Flanigan
Estimated Cost:	Date Prepared:	November 2, 2017
Exhibits:	<ul style="list-style-type: none"><li>1. Proposed Resolution</li><li>2. Collin Central Appraisal District Board of Director Election letter, dated October 18, 2017</li><li>3. Res. No. 2017-553 (Collin County Appraisal District Board Nomination)</li></ul>	

## AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2017-557 VOTES FOR COLLIN COUNTY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS. [MARSHALL]

## SUMMARY

Review the Collin Central Appraisal District letter, containing a ballot listing of nominated candidates for the two-year term beginning January 1, 2018. City Council approved Resolution No. 2017-553 September 28, 2017, nominating Councilmember Ed Standridge.

## POSSIBLE ACTION

Council may direct staff to take appropriate action.

Inter – Office Use

Approved by:			
Department Head:		Date:	
City Attorney:	<i>Brandon S. Shelby</i>	Date:	11/02/2017 via email
City Administrator:	<i>Jeff Flanigan</i>	Date:	11/03/2017

**RESOLUTION NO. 2017-557**  
*(Votes for 2018-2019 CCCAD Board of Directors)*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS CASTING THE ALLOCATED SIX VOTES FOR A CANDIDATE(S) TO SERVE ON THE COLLIN COUNTY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS FOR A TWO YEAR TERM BEGINNING JANUARY 1, 2018.**

**WHEREAS**, the City of Parker is located within Collin County, Texas; and

**WHEREAS**, the City of Parker has elected to utilize the services of Collin County Central Appraisal District (CCCAD); and

**WHEREAS**, the City of Parker would like to cast its allocated six votes for a candidate or candidates listed on the official ballot for CCCAD directors for terms of two years commencing in January 2016;

**NOW, THEREFORE**, be it resolved by the City Council of the City of Parker, that the City casts its six votes for the following qualified candidate as follows:

**Section 1. Candidate**

ED STANDRIDGE 5 VOTES

DULY RESOLVED by the City Council of the City of Parker on this 8th day of November, 2017.

APPROVED:

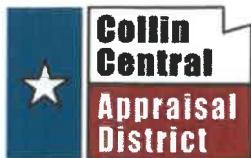
Z Marshall, Mayor

ATTESTED:

APPROVED TO FORM:

Patti Scott Grey, City Secretary

Brandon S. Shelby, City Attorney



# Collin Central Appraisal District

October 18, 2017

Jeff Flanigan, City Administrator  
City of Parker  
5700 East Parker Road  
Parker, TX 75002

RE: Board of Directors election, two-year term, beginning January 1, 2018

Dear Mr. Flanigan:

Enclosed you will find the ballot listing the nominees for the Board of Director positions for the Collin Central Appraisal District. The candidates are listed alphabetically by their last name.

Each voting unit must vote in an open meeting, report its vote by written resolution, and submit the resolution to the chief appraiser before December 15, 2017. Each unit may cast all its votes for one candidate or distribute the votes among any number of the candidates listed. Since there is no provision for write-in candidates, the chief appraiser may not count votes for someone not listed on the official ballot.

Sincerely,

A handwritten signature in black ink that reads "Bo Daffin".

Bo Daffin  
Chief Appraiser

Enclosure



# Collin Central Appraisal District

## OFFICIAL BALLOT

ISSUED TO: **City of Parker**

NUMBER OF VOTES: **5**

FOR: **BOARD OF DIRECTORS, COLLIN CENTRAL APPRAISAL DISTRICT, TWO-YEAR TERM  
BEGINNING JANUARY 1, 2018.**

EARNEST BURKE \_\_\_\_\_ VOTES

RONALD CARLISLE \_\_\_\_\_ VOTES

WAYNE MAYO \_\_\_\_\_ VOTES

MICHAEL A. PIREK \_\_\_\_\_ VOTES

GARY RODENBAUGH \_\_\_\_\_ VOTES

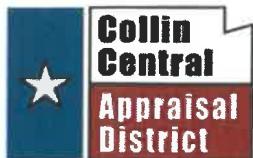
ED STANDRIDGE \_\_\_\_\_ VOTES

October 18, 2017

  
Bo Daffin, Chief Appraiser

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Section 6.03 (g) of the State Property Tax Code requires the above action be taken by resolution, therefore, please attach a copy of the resolution to this ballot and return to the chief appraiser, at 250 Eldorado Pkwy., McKinney, Texas 75069, before December 15, 2017.



# Collin Central Appraisal District

## 2018 - 2019 CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTOR'S NOMINATIONS

EARNEST BURKE

Is a current board member and has served since 1/2016.  
Nominated by Plano ISD and Collin County Community College. Resides in Plano, TX.

RONALD CARLISLE

Is a current board member and has served since 1/1994.  
Nominated by Frisco ISD and Collin County Community College. Resides in Frisco, TX.

WAYNE MAYO

Is a current board member and has served since 1/1998.  
Nominated by the City of Lucas, the City of Richardson, the City of Sachse, Plano ISD and Collin County Community College. Resides in Richardson, TX.

MICHAEL A. PIREK

Is a current board member and has served since 1/2014.  
Nominated by the City of Plano, Plano ISD, and Collin County Community College. Resides in Plano, TX.

GARY RODENBAUGH

Is a current board member and has served since 1/2001.  
Nominated by the Allen ISD and Collin County Community College. Resides in Allen, TX.

ED STANDRIDGE

Nominated by the City of Parker. Resides in Parker, TX.

**RESOLUTION NO. 2017-553**  
*(Collin County Appraisal District Board Nomination)*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS;  
NOMINATING ED STANDRIDGE AS A CANDIDATE FOR THE COLLIN COUNTY  
CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.**

**WHEREAS**, in accordance with the Texas Property Tax Code at Section 6.03, the Collin County Appraisal District's five directors are to be appointed by the taxing units that participate in the District; and

**WHEREAS**, each taxing unit may nominate one to five board candidates; and,

**WHEREAS**, the nomination(s) must be made in an open meeting and a written resolution from the presiding officer of your governing body must be delivered to the Chief Appraiser by October 14, 2017; and,

**WHEREAS**, Councilmember Ed Standridge meets the qualifications and has expressed an interest in serving on the District's Board of Directors;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Parker, Texas that:

The City Council of the City of Parker, Texas authorizes the Mayor to execute and deliver this Resolution to the Chief Appraiser of the Collin County Appraisal District making the following nomination as a candidate for the District Board of Directors:

Parker Councilmember Ed Standridge  
3607 Hogge Drive  
Parker, Texas 75002

**RESOLVED** this 28th day of September, 2017.



APPROVED:

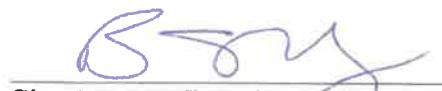


Mayor Z. Marshall

ATTEST:

  
\_\_\_\_\_  
City Secretary Patti Scott Grey

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney Brandon Shelby



## Council Agenda Item

Item 4  
C'Sec Use Only

Budget Account Code:	Meeting Date:	November 8, 2017
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	City Attorney Shelby
Estimated Cost:	Date Prepared:	November 2, 2017
Exhibits:	<ol style="list-style-type: none"><li>1. Proposed Resolution</li><li>2. Res. No. 2017-542, passed and approved July 18, 2017</li></ol>	

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2017-558 FOR THE HOME RULE RECOMMENDATIONS. [MARSHALL]

### SUMMARY

Resolution No. 2017-542, passed and approved July 18, 2017, projected the City of Parker, Texas would attain a population over 5,000 by May, 2018, which is necessary under Texas Government Code for a City to elect to become Home Rule, and the resolution also authorizes the Mayor to nominate Home Rule Charter Commission members for appointment by the governing body.

On September 19, 2017, City Council discussed the Home Rule Charter Committee criteria. The Mayor has interviewed various candidates, please consider recommendations for appointment.

### POSSIBLE ACTION

Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:		Date:	
Mayor Pro Tem Levine:		Date:	
City Administrator:	<i>Jeff Flanigan</i>	Date: 	11/03/2017

**RESOLUTION NO. 2017-558**  
*(Home-Rule Charter Commission)*

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS,  
APPOINTING MEMBERS AND ALTERNATE MEMBERS TO SERVE ON  
THE HOME-RULE CHARTER COMMISSION**

**WHEREAS**, the City Council of the City of Parker, Texas estimates that the population of the City of Parker will be greater than 5,000 as of May 2018; and,

**WHEREAS**, the Texas Local Government Code provides that Cities with populations greater than 5,000 may elect to become a Home-Rule City by drafting and approving a Home-Rule Charter; and,

**WHEREAS**, Section 9.002(d) of the Texas Local Government Code provides that the governing body of a municipality may appoint individuals to serve on a Charter Commission tasked with drafting a Home-Rule Charter.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PARKER,  
COLLIN COUNTY, TEXAS AS FOLLOWS:**

**SECTION 1. Appointment of Chairperson**

The City Council hereby appoints Mayor Pro-tem Scott Levine as the Chairperson of the Home-Rule Charter Commission. The Chairperson shall preside over all meetings and report to the City Council. The Chairperson shall be a non-voting member of the Charter Commission and shall not be counted for the purpose of determining a quorum.

**SECTION 2. Appointment of Voting Members of the Home-Rule Charter Commission:**

The following are hereby appointed to serve on the Home-Rule Charter Commission as voting members.

Place 1	_____
Place 2	_____
Place 3	_____
Place 4	_____
Place 5	_____

**SECTION 3. Alternate Members of the Home-Rule Charter Commission:**

The following are hereby appointed to serve as alternate members on the Home-Rule Charter Commission and shall vote in the absence of one of the voting members named in Section 2.

Alternate 1 \_\_\_\_\_  
Alternate 2 \_\_\_\_\_  
Alternate 3 \_\_\_\_\_

**SECTION 4. Effective Date**

This resolution shall be effective upon its passage.

**PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas on this the 8th day of November, 2017.

APPROVED:

\_\_\_\_\_  
Z Marshall, Mayor

ATTEST:

\_\_\_\_\_  
Patti Scott Grey, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Brandon Shelby, City Attorney

**RESOLUTION NO. 2017-542**  
*{Projecting Population – Charter Commission}*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER,  
TEXAS, PROJECTING THE POPULATION OF PARKER TO BE 5000 OR  
GREATER BY MAY 5, 2018 AND AUTHORIZING THE MAYOR TO  
NOMINATE MEMBERS OF A HOME RULE CHARTER COMMISSION;  
FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS  
RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE  
PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City of Parker is a Type A General Law City incorporated under the laws of the State of Texas; and

**WHEREAS**, the Texas Government Code provides that cities with a population of 5000 or more may elect to become Home Rule; and

**WHEREAS**, without an official census the governing body of a city may make a good faith estimate of its own population using utility connections and a multiplier; and

**WHEREAS**, the North Central Texas Council of Governments (NCTCOG) has used a multiplier of 3.213 to project the population of Parker for their own purposes; and

**WHEREAS**, there will be 1560 water utility connections within the city limits of Parker, Texas by May 5, 2018; therefore using NCTCOG's multiplier the population of Parker projects to be 5012 by that date;

**WHEREAS**, section 9.002(d) of the Texas Local Government Code authorizes the governing body of a municipality to appoint a Charter Commission to draft a Home Rule Charter to be presented to the citizens of the municipality for approval;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS:**

**SECTION 1.** That the City Council of Parker projects the population of Parker, Texas to be 5012 by May 5, 2018.

**SECTION 2.** That the City Council of Parker authorizes the Mayor to nominate members of a Home Rule Charter Commission for appointment by the governing body.

**SECTION 3.** That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** on this the 18th day of July, 2017.

**CITY OF PARKER, TEXAS**

**BY:**

**Z MARSHALL, MAYOR**

**ATTEST:**

**BY:**

**PATTI SCOTT GREY,  
CITY SECRETARY**

**APPROVED AS TO FORM  
AND CONTENT:**

**BY:**

**BRANDON S. SHELBY,  
CITY ATTORNEY**

**PROPOSED**



# Council Agenda Item

Item 5  
C'Sec Use Only

Budget Account Code:	Meeting Date:	November 8, 2017
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	City Administrator Flanigan
Estimated Cost:	Date Prepared:	November 2, 2017
Exhibits:	<ul style="list-style-type: none"><li>1. Proposed Resolution</li><li>2. Res. No. 2016-528 (2016 P&amp;Z Appointments)</li><li>3. Alternate 1 Anthony "Tony" Cassavechia resignation – 2017 1004</li><li>4. Attendance Record</li></ul>	

## AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2017-559 MAKING APPOINTMENTS TO THE PLANNING AND ZONING (P&Z) COMMISSION. [FLANIGAN]

## SUMMARY

The following Commissioner(s), whose term(s) will expire soon, expressed desire to continue to serve on the Planning and Zoning (P&Z) Commission:

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

Due to Anthony Cassavechia's recent resignation, the City has a vacancy.

<u>Vacancy</u>	Alternate 1	Nov. 30
----------------	-------------	---------

## POSSIBLE ACTION

Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date: <i>PSG</i>	11/02/2017
City Attorney:	<i>Brandon S. Shelby</i>	Date:	11/02/2017 via email
City Administrator:	<i>Jeff Flanigan</i>	Date:	11/03/2017

**RESOLUTION NO. 2017-559**  
*(2018-2019 P&Z Appointments)*

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, APPOINTING MEMBERS AND ALTERNATE MEMBERS TO SERVE ON THE PLANNING AND ZONING COMMISSION**

**WHEREAS;** Members and Alternates of the Planning and Zoning serve in staggered two year terms, commencing on December 1<sup>st</sup> and ending on November 30<sup>th</sup>, as set forth below:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS AS FOLLOWS:**

**SECTION 1. Appointment of Voting Members with terms expiring November 30, 2019**

The following are hereby appointed to serve on the Planning and Zoning Commission as voting member for a term of two years, expiring November 30 of 2019:

Place 1 \_\_\_\_\_  
Place 3 \_\_\_\_\_  
Place 5 \_\_\_\_\_

**SECTION 2. Voting Members with terms expiring November 30, 2018**

The following were previously appointed to serve on the Planning and Zoning Commission as voting members for a two year term, expiring November 30, 2018.

Place 2 \_\_\_\_\_  
Place 4 \_\_\_\_\_  
Joe Lozano  
David Leamy

**SECTION 3. Alternate Members with terms expiring November 30, 2019**

The following are hereby appointed to serve on the Planning and Zoning Commission as Alternate Members for a two year term, expiring November 30, 2019.

Alternate 1 \_\_\_\_\_  
Alternate 2 \_\_\_\_\_  
Alternate 3 \_\_\_\_\_

**SECTION 4. Appointment of Officers**

The officers of the Planning and Zoning Commission shall include a Chairperson, Vice-chairperson, and Secretary for a term of two-years, expiring on the same date as the member's term, unless otherwise designated by council.

Chairperson \_\_\_\_\_  
Vice Chairperson Joe Lozano  
Secretary \_\_\_\_\_

**SECTION 5. Effective Date**

This resolution shall be effective upon its passage.

**PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas on this the 8<sup>th</sup> day of November, 2017.

**CITY OF PARKER:**

Z Marshall, Mayor

**APPROVED AS TO FORM:**

ATTEST:  
Patti Scott Grey, City Secretary

Brandon Shelby, City Attorney

**RESOLUTION NO. 2016-528**  
*(2017-2018 P&Z Appointments)*

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, APPOINTING MEMBERS AND ALTERNATE MEMBERS TO SERVE ON THE PLANNING AND ZONING COMMISSION**

**WHEREAS;** Members and Alternates of the Planning and Zoning serve in staggered two year terms, commencing on December 1<sup>st</sup> and ending on November 30<sup>th</sup>, as set forth below:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS AS FOLLOWS:**

**SECTION 1. Appointment of Voting Members with terms expiring November 30, 2018**

The following is hereby appointed to serve on the Planning and Zoning Commission as voting member for a term of two years, expiring November 30 of 2018.

Place 2	Joe Lozano
Place 4	David Leamy

**SECTION 2. Voting Members with terms expiring November 30, 2017**

The following were previously appointed to serve on the Planning and Zoning Commission as voting members for a two year term, expiring November 30, 2017.

Place 1	Russell Wright
Place 3	Wei Wei Jeang
Place 5	Jasmat Sutaria

**SECTION 3. Alternate Members with terms expiring November 30, 2017**

The following were previously appointed to serve on the Planning and Zoning Commission as Alternate Members for a two year term, expiring November 30, 2017.

Alternate 1	Tony Cassavechia
Alternate 2	Larkin Crutcher
Alternate 3	JR Douglas

**SECTION 4. Appointment of Officers**

The officers of the Planning and Zoning Commission shall include a Chairperson, Vice-chairperson, and Secretary for a term of two-years, expiring on the same date as the member's term, unless otherwise designated by council.

Chairperson	Russell Wright
Vice Chairperson	Joe Lozano
Secretary	Wei Wei Jeang

#### **SECTION 5. Effective Date**

This resolution shall be effective upon its passage.

**PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas on this the 15<sup>th</sup> day of November, 2016.

**CITY OF PARKER:**



Z. Marshall, Mayor

**ATTEST:**



Patti Scott Grey, City Secretary

**APPROVED AS TO FORM:**



Brandon Shelby, City Attorney

## Planning and Zoning 2016-2017 Attendance

2017 Res. No. 2016-528		1 Chairman Russell Wright	2 Vice Chair Joe Lozano	3 Secretary Wei Wei Jeang	4 David Leamy	5 Jasmat Sutaria	6 Anthony Cassavechia	7 Absent 1	8 Alternate 1	9 Larkin Crutcher	10 Alternate 2	11 JR Douglas
2017												
Jan	12	Regular	Canceled									
	26	GIAC	✓	✓								
Feb	9	Regular	Canceled									
	16	Special	✓	✓								
	23	Regular	Canceled									
Mar	9	Regular	Canceled									
	23	Regular	✓	✓								
Apr	13	Regular	Canceled									
	27	Regular	Canceled									
May	11	Regular	Canceled									
	25	Regular	No Quorum	No Quorum								
Jun	8	Regular	✓	✓								
	22	Regular	Canceled									
Jul	13	Regular										
	27	Regular										
Aug	10	Regular										
	24	Regular										
Sept	14	Regular										
	28	Regular										
Oct	12	Regular										
	26	Regular										
Nov	9	Regular										
	23	Regular	Canceled									
Dec	14	Regular										
	28	Regular										
2017 Absences		0	0	0	1	0	1	4	0	2		



# Council Agenda Item

Item 6  
C'Sec Use Only

Budget Account Code:	Meeting Date:	November 8, 2017
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	City Administrator Flanigan
Estimated Cost:	Date Prepared:	November 2, 2017
Exhibits:	1. Proposed Resolution 2. Res. No. 2016-529 (2016 ZBA Appointments)	

## AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2017-560 MAKING APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENTS (ZBA). [FLANIGAN]

## SUMMARY

The following Zoning and Board of Adjustments (ZBA) members, whose term(s) will expire soon, expressed their desire to continue to serve on the ZBA in their current positions:

Member	Position	Term Expiration
Jack Albritton	Place One (1); Chairperson	Nov. 30, 2017
Andrew Ellison	Place Three (3); Voting	Nov. 30, 2017
Brian Deaver	Place Five (5), Voting	Nov. 30, 2017

The City has a vacancy.

Vacancy	Alternate Two (2)	Nov. 30, 2018
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## POSSIBLE ACTION

Council may direct staff to take appropriate action.

Inter – Office Use

Approved by:		Date:	
Department Head:	<i>Patti Scott Grey</i>	<i>PSG</i>	11/02/2017
City Attorney:	<i>Brandon S. Shelby</i>	<i>BS</i>	11/02/2017 via email
City Administrator:	<i>Jeff Flanigan</i>	<i>JF</i>	11/03/2017

**RESOLUTION NO. 2017-560**  
*(2017 Zoning Board of Adjustment Appointments)*

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, APPOINTING MEMBERS AND ALTERNATE MEMBERS TO SERVE ON THE ZONING BOARD OF ADJUSTMENT**

**WHEREAS**, Members and Alternate Members of the Zoning Board of Adjustment serve in staggered two year terms, commencing December 1st and ending on November 30th as set forth below:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS AS FOLLOWS:**

**SECTION 1. Appointment of Voting Members with terms expiring November 1, 2019**

The following are hereby appointed to serve on the Zoning Board of Adjustment as voting members for the remainder of a two year term, expiring November 30, 2019 or until their successors are appointed and qualified.

Place 1 \_\_\_\_\_  
Place 3 \_\_\_\_\_  
Place 5 \_\_\_\_\_

**SECTION 2. Voting Members with terms expiring November 30, 2018**

The following were previously appointed to serve on the Zoning Board of Adjustments as voting members for a term of two years, expiring November 30, 2018 or until their successors are appointed and qualified.

Place 2 \_\_\_\_\_ Hal Camp  
Place 4 \_\_\_\_\_ Don Dickson

**SECTION 3. Alternate Members with terms expiring November 30, 2018**

The following were previously appointed to serve on the Zoning Board of Adjustment as alternate members for the unexpired portion of a two year term, expiring November 30, 2018 or until their successors are appointed and qualified.

Alternate 1 James Clay  
Alternate 2 \_\_\_\_\_

#### **SECTION 4. Appointment of Officers**

The officers of the Zoning Board of Adjustment shall include a Chairperson and Vice-chairperson, for a term of two-years, expiring on the same date as the member's term, unless otherwise designated by council.

Chairperson \_\_\_\_\_  
Vice Chairperson      Don Dickson

#### **SECTION 5 Effective Date**

This resolution shall be effective upon its passage.

**PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas on this the 8th day of November, 2017.

APPROVED:

\_\_\_\_\_  
Z Marshall, Mayor

ATTEST:

\_\_\_\_\_  
Patti Scott Grey, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Brandon S. Shelby, City Attorney

**RESOLUTION NO. 2016-529**  
*(2016 Zoning Board of Adjustment Appointments)*

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, APPOINTING MEMBERS AND ALTERNATE MEMBERS TO SERVE ON THE ZONING BOARD OF ADJUSTMENT**

**WHEREAS**, Members and Alternate Members of the Zoning Board of Adjustment serve in staggered two year terms, commencing December 1st and ending on November 30th as set forth below:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS AS FOLLOWS:**

**SECTION 1. Appointment of Voting Members with terms expiring November 1, 2018**

The following are hereby appointed to serve on the Zoning Board of Adjustment as voting members for the remainder of a two year term, expiring November 30, 2018 or until their successors are appointed and qualified.

Place 2	Hal Camp
Place 4	Don Dickson

**SECTION 2. Appointment of Voting Members with terms expiring November 30, 2017**

The following are hereby appointed to serve on the Zoning Board of Adjustments as voting members for a term of two years, expiring November 30, 2017 or until their successors are appointed and qualified.

Place 1	Jack Albritton
Place 3	Andrew Ellison
Place 5	Brian Deaver

**SECTION 3. Appointment of Alternate Members with terms expiring November 30, 2018**

The following are hereby appointed to serve on the Zoning Board of Adjustment as alternate members for the unexpired portion of a two year term, expiring November 30, 2018 or until their successors are appointed and qualified.

Alternate 1	James Clay
Alternate 2	Phil Steiman

#### **SECTION 4. Appointment of Officers**

The officers of the Zoning Board of Adjustment shall include a Chairperson and Vice-chairperson, for a term of two-years, expiring on the same date as the member's term, unless otherwise designated by council.

Chairperson	Jack Albritton
Vice Chairperson	Don Dickson

#### **SECTION 5 Effective Date**

This resolution shall be effective upon its passage.

**PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas on this the 15th day of November, 2016.

APPROVED:



Z. Marshall, Mayor

ATTEST:



Patti Scott Grey

Patti Scott Grey, City Secretary

APPROVED AS TO FORM:



Brandon Shelby

Brandon Shelby, City Attorney



# Council Agenda Item

Item 7  
C Sec Use Only

Budget Account Code:	Meeting Date:	November 8, 2017
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	City Secretary Grey
Estimated Cost:	Date Prepared:	November 2, 2017
Exhibits:	City Calendar	

## AGENDA SUBJECT

DISCUSSION, CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON UPCOMING REGULAR CITY COUNCIL MEETING DATES DUE TO THE HOLIDAYS. [FLANIGAN]

## SUMMARY

Note the November 2017, December 2017, and January 2018 calendar months below. Please review and discuss any upcoming changes needed.

NOVEMBER 2017							DECEMBER 2017							JANUARY 2018						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3	4					1	2							
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
26	27	28	29	30			24	25	26	27	28	29	30	28	29	30	31			
							31													

- Regular City Council meeting dates.
- City Holidays – City Offices are closed.

## POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date: 	11/02/2017
City Attorney:		Date: 	
City Administrator:	<i>Jeff Flanigan</i>	Date: 	11/03/2017



# Council Agenda Item

Item 8  
C Sec Use Only

Budget Account Code:	Meeting Date: November 8, 2017
Budgeted Amount:	Department/ Requestor: City Council
Fund Balance-before expenditure:	Prepared by: City Attorney Shelby
Estimated Cost:	Date Prepared: November 2, 2017
Exhibits:	<ol style="list-style-type: none"><li>1. Backup Information</li><li>2. Local Sales Tax Options</li><li>3. Using Sales Tax to Reduce the Property Tax Rate</li></ol>

## AGENDA SUBJECT

DISCUSSION/CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A 1% MUNICIPAL SALES TAX. [SHELBY] [TABLED – 08292017]

## SUMMARY

On October 24, 2017 City Council reviewed the information provided by Finance/H.R. Manager Johnna Boyd.

Previously, on August 29, 2017, City Council reviewed information, regarding a 1-2% Municipal Sales Tax. Councilmember Meyer asked that the one percent increase generated, approximately \$150,000 annually (based on historical data), be dedicated to reduce the City of Parker's municipal property tax rate and with council approval, a ballot proposition for the sales tax increase be held on the uniform election date: May 5, 2018, for Parker voter approval. [Ref: TX Tax Code Section 401.405] City Council tabled the City sales tax rate increase until the September 19, 2017 City Council meeting, to allow City Attorney Shelby time to provide additional information and legal advice.

The item was tabled while City Attorney Shelby researched the matter further.

## POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:		Date:	
City Attorney:	<i>Brandon S. Shelby</i>	Date:	11/02/2017 via email
City Administrator:	<i>Jeff Flanigan</i>	Date:	11/03/2017

## **Municipal Sales Tax for Property Tax Relief**

**(Prepared by Johnna Boyd)**

- Since our local sales tax rate maximum is 2% and our current local sales tax rate 1%, we can only adopt up to an additional 1%. This can be done in .125% increments or the entire 1%.
- Must reduce our property tax rate enough so we collect less taxes equal to the projected additional sales tax collected.
  - Assume \$150,000 in additional sales tax
  - Property tax collection has to be reduced by \$150,000
    - Using our current rate with this example we would have to go from a rate of .365984 to .3480603 or a reduction of .0179234
      - This will also reduce your effective and rollback rates.
- If we collect less than our “projected” amount of sales tax then our total revenue collection would be reduced by that shortfall since we reduced our property tax collections.
  - This would not be an issue if we decided to adopt the additional 1% as just a sales & use tax rate increase without the restriction of reducing property taxes. This revenue stream would be additional revenue used in the general fund for budgeted expenditures.
- During the first three years after this election if we collect more than our “projected” amount of sales tax then the EXCESS revenue must be deposited into an Excess sales tax revenue fund.
  - During these years the excess dollars revenues can only be used if other revenues fall short of budgeted amounts.
  - After the third year, the city may use the revenue in the fund for any legal purpose listed in the budget.
- In the fourth year, city must deposit any excess funds into a “municipal sales tax debt service fund” which may only be used to pay city debts. After current debt obligations have been paid, excess funds may be used for any legal purpose listed in the budget.
  - A City cannot pledge the anticipated sales tax revenue to pay bonds or other debts.

# LOCAL SALES TAX OPTIONS

JANUARY 2016



Glenn Hegar

Texas Comptroller of  
Public Accounts

A city, county or special-purpose district may adopt a sales tax provided the combined rate of all local sales taxes would not exceed 2 percent at any location within its territorial limits. All local sales taxes require voter approval.

## SALES TAX OPTIONS FOR CITIES

### SALES AND USE TAX

(Increments of 0.125 percent) – Most cities in Texas have this form of sales tax. It may be imposed by any incorporated city. Revenues are deposited into the city's general revenue fund and may be used for any lawful purpose. (Tax Code, Chap. 820.)

### SALES TAX FOR ECONOMIC DEVELOPMENT\*

(Increments of 0.125 percent) – Two options are available for a city to adopt this tax:

Type A – This form of tax may be imposed by most incorporated cities. (There are exceptions in certain counties with mass transit systems). Revenues must be turned over to a development corporation formed to act on behalf of the city to carry out programs related to industrial development, business infrastructure and the promotion of new and expanded business enterprises that create or retain primary jobs.

Type B – This form of tax may be imposed by any incorporated city. Revenues must be turned over to a development corporation formed to act on behalf of the city to carry out programs related to a wide variety of projects including business development and public parks.

For more detailed information, see the Comptroller's Economic Development Sales Tax brochure (PDF). (Tax Code, Chap. 824.502.)



### STREET MAINTENANCE SALES TAX

(Increments of 0.125 percent) – All cities are authorized to hold an election to adopt a sales tax to repair and maintain existing city streets. The tax expires after four years unless a new election is held to reauthorize the tax. The revenue from this tax may be used only to maintain and repair existing city streets and sidewalks. For more detailed information, see the Comptroller's Street Maintenance Sales Tax brochure (PDF). (Tax Code, Chap. 327.)

### MUNICIPAL DEVELOPMENT CORPORATION\*

(0.125, 0.25, 0.375 or 0.5 percent) – A city may create a municipal development corporation to undertake projects that provide job training, early childhood education, after-school programs, scholarships, literacy promotion and other projects.

\* This tax is actually imposed by a board, district or authority created by and for the benefit of a city or county.

This publication is intended as a general guide and not as a comprehensive resource on the subjects covered. It is not a substitute for legal advice.

The Comptroller's  
online sales tax rates  
tool locator all sales tax  
rates in effect for any  
Texas address.

FOR MORE INFORMATION,  
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[www.texascomptroller.gov](http://www.texascomptroller.gov)

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BY EMAIL AT

[taxinfo@texascomptroller.gov](mailto:taxinfo@texascomptroller.gov)

# LOCAL SALES TAX OPTIONS

## Local sales tax rates

may not exceed 2  
combined 2 percent

Voters in the city may authorize adoption of a sales tax to fund activities of the corporation. (Loc. Govt. Code, Chap. 379A.)

### MUNICIPAL DEVELOPMENT DISTRICT\*

(0.125, 0.25, 0.375 or 0.5 percent) – Cities may hold an election in all or part of a city, including the extraterritorial jurisdiction, to create a municipal development district and adopt a sales tax to fund the district. The district may undertake a variety of projects including a convention center, civic center, auditorium and other projects eligible for Type B Corporations under Chapter 505 of the Local Government Code. (Loc. Govt. Code, Chap. 377.)

### FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES (EMS) DISTRICTS\*

(0.125, 0.25, 0.375 or 0.5 percent) – Cities with a population between 25,000 and 550,000 or more than 1.0 million may create an EMS district. The district may include all or any part of a city. The district may finance the operation of a fire control, prevention and EMS program. (Loc. Govt. Code, Chap. 344, and Tax Code, Sect. 323.105.)

### MUNICIPAL SALES TAX FOR PROPERTY TAX RELIEF

(Increments of 0.125 percent) – This “additional sales tax” may be imposed by most incorporated cities (there are exceptions in certain counties with rapid transit systems). Revenues are deposited into a city’s general revenue fund. Cities adopting this form of local sales tax must reduce the effective and rollback property tax rates within the city. For more detailed information, see the Comptroller’s Using Sales Tax to Reduce The Property Tax Rate brochure (PDF). (Tax Code, Chap. 372.)

FOR MORE INFORMATION,  
VISIT OUR WEBSITE

[www.treasury.state.ny.us](http://www.treasury.state.ny.us)

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[www.treasury.state.ny.us](http://www.treasury.state.ny.us)

more than 5,000 or by a county with a population of more than 130,000. The governing body in a municipality or commissioners court may specify the number of years (5, 10, 15 or 20) the district would be continued. Revenues from the sales tax may be used to finance a wide variety of crime control and prevention programs. (Loc. Govt. Code, Chap. 368, and Tax Code, Sec. 323.105.)

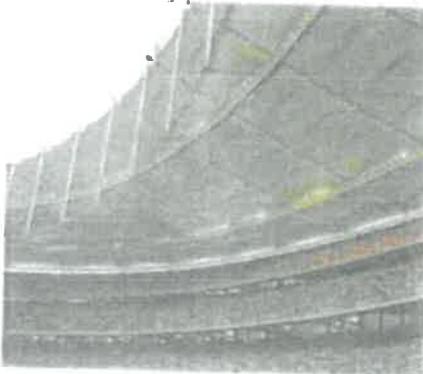
### VENUE TAX “STADIUM BILL”

(Increments of 0.125 percent) – This sales tax is one of several revenue options available to a city or county to fund sports and community “venue” projects. Multiple cities and counties in any combination may join to form a venue district under Chapter 335, Local Government Code, as well. Some examples of a “venue” are a stadium, convention center, park or economic development-type facility. (The rate for a county imposing the tax is capped at one-half of one percent.)

For more detailed information, see the Comptroller’s Sports and Community Venue Tax brochure (PDF). (Loc. Govt. Code, Chap. 364 and 335.)

### METROPOLITAN AND RAPID TRANSIT AUTHORITIES/MUNICIPAL TRANSIT DEPARTMENTS\*

(0.25, 0.5, 0.75 or 1 percent) – In certain instances, authorities may be created to levy a sales tax to provide transportation services in participating cities. These are not offered statewide to all cities and are



### SALES TAX OPTIONS FOR CITIES & COUNTIES

### CRIME CONTROL AND PREVENTION DISTRICT\*

(Increments of 0.125 percent up to 0.5 percent maximum rate) – This sales tax may be imposed by a city located in a county with a population of

# USING SALES TAX TO REDUCE THE PROPERTY TAX RATE

JANUARY 2016



Glenn Hegar

Texas Comptroller of  
Public Accounts

Texas cities, counties and hospital districts have the option to reduce property taxes by imposing a sales and use tax.

Although this tax is sometimes called "the sales tax to reduce the property tax rate," state statutes refer to it as "the additional municipal sales and use tax" for cities, the "county sales and use tax" for counties and the "hospital district sales and use tax" for hospital districts.

[Refer to [Texas Comptroller of Public Accounts](#) and [Texas Statutes](#) for more information.]

## ELIGIBILITY

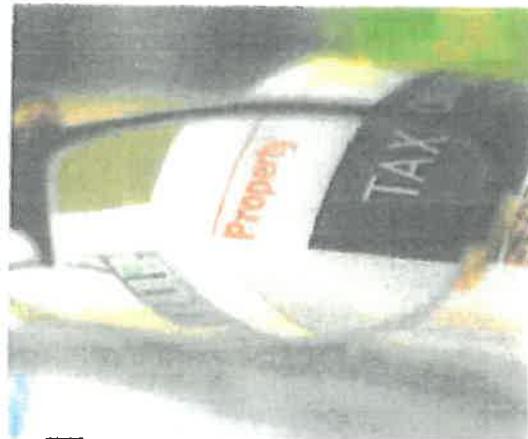
### CITIES

A city is eligible to adopt the tax if it is not within the boundaries of a regional transportation or rapid transit authority, does not impose a sales tax to fund a municipal transit department, and the new combined local sales tax rate would not exceed two percent at any location within the city.

Cities within the boundaries of the following metropolitan transit authorities (MTAs), regional transit authority (RTAs), and city transit departments (CTDs) are generally excluded from enacting the tax:

Austin MTA, Corpus Christi MTA, Houston MTA and San Antonio MTA;  
Dallas RTA and Fort Worth RTA; and  
El Paso CTD and Laredo CTD.

[Refer to [Texas Comptroller of Public Accounts](#) and [Texas Statutes](#) for more information.]



### COUNTIES

A county is eligible to adopt the tax if the new combined local sales tax rate would not exceed 2 percent at any location within the county, and no part of the county is located within the boundaries of a rapid transit or regional transportation authority. An authority is not considered part of a county if fewer than 250 people are residents of both the county and the authority.

[Refer to [Texas Comptroller of Public Accounts](#) and [Texas Statutes](#) for more information.]

### HOSPITAL DISTRICTS

A hospital district authorized to impose a property tax is eligible to adopt the sales and use tax to lower the district's property taxes if the new combined rate of all local sales taxes would not exceed 2 percent at any location within the district.

[Refer to [Texas Comptroller of Public Accounts](#) and [Texas Statutes](#) for more information.]

Additional sales and use tax can be enacted if a community's total local sales tax will not exceed 2 percent.

FOR MORE INFORMATION,  
VISIT OUR WEBSITE  
[www.TexasAhead.org](http://www.TexasAhead.org)

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[econ.dev@cpa.texas.gov](mailto:econ.dev@cpa.texas.gov)

This publication is intended as a general guide and not as a comprehensive resource on the subjects covered.  
It is not a substitute for legal advice.

**Within 10 days after an election, the governing body must enter the resolution or the ordinance declaring the results into the minutes of a meeting held for that purpose.**

**FOR MORE INFORMATION,  
VISIT OUR WEBSITE  
[www.TexasAhead.org](http://www.TexasAhead.org)**

**RECEIVE ECONOMIC  
DEVELOPMENT TAX HELP  
BY EMAIL AT  
[ecpn.dev@cpa.texas.gov](mailto:ecpn.dev@cpa.texas.gov)**

## **TAX RATE**

### **CITIES**

**Voters may adopt a tax rate of up to 2 percent in increments of 0.125 percent. Increases or reductions in the tax rate also must be in increments of 0.125 percent.**

[Refer to [Tex. Code, Sect. 221.103](#).]

### **COUNTIES**

**Voters may adopt the sales and use tax at a rate of 0.5 percent. If a county has no incorporated cities, the county tax rate must be 1 percent.**

[Refer to [Tex. Code, Sect. 223.101](#).]

### **HOSPITAL DISTRICTS**

**Voters may adopt or change the tax in increments of 0.125 percent to a maximum of 2 percent, as long as the combined local sales tax rate would not exceed 2 percent at any location within the district.**

[Refer to [Health and Safety Code, Sect. 215.003\(j\)\(1\)](#).]

## **CALLING ELECTIONS**

**The governing body of an eligible city, county or hospital district may call for an election in two ways:**

- by majority vote of the governing body; or**
- by petition of qualified voters equal to at least five percent of the number of registered voters.**

### **COMBINED BALLOT PROPOSITION**

**A city may use a combined ballot proposition to lower or to repeal any dedicated or special purpose municipal sales tax, including the additional sales tax for property tax relief; and by the same proposition raise or adopt any other dedicated or special purpose municipal sales tax.**

**A combined sales tax proposition under this section shall contain substantially the same language, if any, required by law for the lowering, repealing, raising, or adopting each tax as appropriate.**

**A negative vote on a combined sales tax proposition under this section shall have no effect on either the sales tax to be lowered or repealed by the proposition or the sales tax to be raised or adopted by the proposition. This provision only applies to elections called by the city council.**

[Refer to [Tex. Code, Sect. 221.403](#).]

### **DEADLINE AFTER PETITION**

**If responding to a petition, the governing body must determine if it is sufficient within 30 days of receiving it.**

**If deemed sufficient, the governing body must then adopt an ordinance or order calling for the election within 60 days after receiving the petition.**

### **TIME OF ELECTION**

**The Tax Code specifies that the election must be held on the next uniform election date not less than 30 days after the ordinance or order is passed.**

**The uniform election dates are:**

- the first Saturday in May; and**
- the first Tuesday after the first Monday in November.**

**For guidance on the timing of elections, please contact the Secretary of State (SOS) at 512-463-5850 or toll free at 1-800-252-8883. Additional information is available on the [Secretary of State's website](#).**

### **WITHDRAWAL FROM A TRANSPORTATION AUTHORITY**

**A municipality may withdraw from a Transportation Authority after holding an election for that purpose. However, a municipality may not use a combined ballot proposition to withdraw from a Transportation Authority and impose a sales tax to reduce the property tax rate or any other special purpose sales tax.**



## BALLOT WORDING

### CITIES

When holding an election to adopt, increase, reduce or repeal the additional sales tax, a city must print the ballot to permit voting for or against one of the following propositions, as appropriate:

If a city has a property tax and proposes to adopt or increase the additional sales tax, the ballot proposition must state:

*"The adoption of an additional sales and use tax within the city at the rate of \_\_\_\_\_ to be used to reduce the property tax rate." (Insert rate in increments of 0.125 percent as appropriate).*

If a city does not have a property tax and proposes to adopt or increase the additional sales tax, the ballot proposition must state:

*"The adoption of an additional sales and use tax within the city at the rate of \_\_\_\_\_." (Insert rate in increments of 0.125 percent, as appropriate).*

For a city to repeal the tax, the ballot proposition must state:

*"The abolition of the additional sales and use tax within the city."*

[Refer to [Section 101.001, Article 3, Section 101.001, Article 3](#)]

### COUNTIES

When holding an election to adopt or repeal the sales and use tax, a county must print the ballot

to permit voting for or against one of the following propositions, as appropriate:

In a county with territory within the limits of a city, the ballot proposition to adopt the tax must state:

*"Adoption of a one-half percent county sales and use tax within the county to be used to reduce the county property tax rate."*

In a county that does not have territory within the limits of a city, the ballot proposition to adopt the tax must state:

*"Adoption of a one percent county sales and use tax within the county to be used to reduce the county property tax rate."*  
*In an election to repeal the tax, the ballot proposition must state:*  
*"Abolition of the county sales and use tax within the county."*

[Refer to [Section 101.001, Article 3, Section 101.001, Article 3](#)]

### HOSPITAL DISTRICTS

When holding an election to adopt, increase, reduce or repeal the sales and use tax, a hospital district must print the ballot to permit voting for or against one of the following propositions, as appropriate:

For a hospital district to adopt the tax, the ballot proposition must state:

*"The adoption of a local sales and use tax in (name of district) at the rate of (proposed tax rate) percent to be used to reduce the district property taxes."*

To change the tax rate, the ballot proposition must state:

*"The (increase or decrease, as applicable) in the rate of the local sales and use tax imposed by (name of district) from (tax rate on election date) percent to (proposed tax rate) percent."*

To abolish the tax, the ballot proposition must state:

*"The abolition of the local sales and use tax in (name of district)."*

[Refer to [Section 101.001, Article 3, Section 101.001, Article 3](#)]

Cities, counties and hospital districts may use revenues from this tax as they would use property tax revenues.

FOR MORE INFORMATION,  
VISIT OUR WEBSITE  
[www.TexasAhead.org](http://www.TexasAhead.org)

RECEIVE ECONOMIC  
DEVELOPMENT TAX HELP  
BY EMAIL AT  
[econ.dev@cpa.texas.gov](mailto:econ.dev@cpa.texas.gov)

**Cities and counties**  
must use excess funds  
to pay current debt  
obligations.

## NOTIFICATION TO THE COMPTROLLER

Within 10 days after an election, the governing body must enter the resolution or the ordinance declaring the results into its meeting minutes. The resolution or ordinance must include:

- the date of the election;
- the proposition on which the vote was held;
- the total number of votes cast for and against the proposition; and
- the number of votes by which the proposition was approved.

Before the end of the current calendar quarter, the city, county or hospital district must send copies of the resolution or ordinance to the Comptroller's office, through U.S. certified or registered mail. After receiving the resolution or ordinance, the Comptroller has 30 days to notify the entity that the Comptroller's office is ready to manage the administration of the tax.

### COMPTROLLER'S ADDRESS

Comptroller of Public Accounts  
Revenue Accounting Division, Tax Allocation Section  
P.O. Box 13528  
Austin, Texas 78711-3528.

### EFFECTIVE DATE OF TAX OR TAX CHANGE

After voter approval, the tax change becomes effective on Oct. 1 after the expiration of the first com-

plete calendar quarter after the Comptroller receives official notice from the entity of the tax rate change.

**May Election:** Send notice to the Comptroller no later than the last week in June. The new tax rate will take effect on Oct. 1 of the same year. The entity will receive its first payment from the Comptroller in December.

**November Election:** Send notice to the Comptroller no later than the last week in December. The new tax rate will take effect on Oct. 1 of the following year. The entity will receive its first payment from the Comptroller during the subsequent December.

[Refer to [Tex. Code, Sec. 26.102\(d\)\(1\)\(B\)\(i\)](#), [26.102\(e\)\(1\)](#), and [Health and Safety Code, Sec. 26.102\(e\)\(2\)](#).]

### USE OF REVENUE AND EXCESS REVENUE

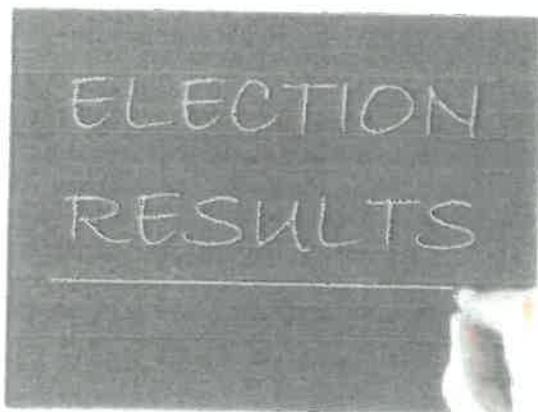
Cities, counties and hospital districts may use revenues from this tax as they would use property tax revenues. There are, however, some restrictions placed on cities and counties in the use of "excess" revenues—the additional sales and use tax that exceeds the projected amount of property tax to be reduced for a given year. For cities and counties that impose a property tax, the revenues collected from the additional sales and use tax up to the projected amount may be used for any legal budgeted purpose. The projected amount is the estimate of sales tax revenue calculated under [Tex. Code, Sec. 26.811\(n\)](#).

During the first three years of imposing the tax, a city or a county must deposit any amounts that exceed the projected amount into an "excess sales tax revenue fund."

During these first three years, the city or the county may use the excess revenues only if, and to the extent that, other revenues fall short of budgeted amounts. After the third year, the city or the county may use the revenue in the fund for any legal purpose listed in its budget. When all revenue in the fund has been spent, the fund ceases to exist.

FOR MORE INFORMATION,  
VISIT OUR WEBSITE  
[www.TexasAhead.org](http://www.TexasAhead.org)

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BY EMAIL AT  
[econ.dev@cpa.texas.gov](mailto:econ.dev@cpa.texas.gov)



Similarities in depositing and using funds end with the beginning of the fourth year. In the fourth year, a city must deposit excess funds into a "municipal sales tax debt service fund," which may be used only to pay city debts. After current debt obligations have been paid, excess funds may be used for any legal budgeted purpose. A city cannot pledge the anticipated sales tax revenue to pay bonds or other debts.

Counties also must use excess funds to reduce county debts. After all debt is paid, a county may use the excess funds for any legal budgeted purpose. Similarly, a county cannot pledge anticipated sales tax revenue to secure the payment of bonds or other debts for a period longer than one year.

[Refer to [Municipal Sales Tax Fund](#) and [County Sales Tax Fund](#).]

## FOR MORE INFORMATION

For more information about the sales tax to reduce the property tax rate, contact the Comptroller's Data Analysis and Transparency Division at 1-800-531-5441, ext. 9-4679 or [Ask the Comptroller](#).

For more information about property taxes or about calculating effective tax rates and rollback rates, contact the Comptroller's Property Tax Division at 1-800-252-9121.

**Find out more**

FOR MORE INFORMATION,  
VISIT OUR WEBSITE  
[www.TexasAhead.org](http://www.TexasAhead.org)

RECEIVE ECONOMIC  
DEVELOPMENT TAX HELP  
BY EMAIL AT  
[econ.dev@cpa.texas.gov](mailto:econ.dev@cpa.texas.gov)



Glenn Hegar  
Texas Comptroller of Public Accounts

This publication is intended as a general guide and not as a comprehensive resource on the subjects covered. It is not a substitute for legal advice.

## WE'RE HERE TO HELP!

If you have questions or need information, contact us:

For more information, visit our website  
[www.texaspublicaccounts.com](http://www.texaspublicaccounts.com)

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tax help by email at  
[taxinfo@texaspublicaccounts.com](mailto:taxinfo@texaspublicaccounts.com)

Texas Comptroller of Public Accounts  
111 East 17th Street  
Austin, Texas 78711-1440

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In compliance with the Americans with Disabilities Act, this document may be requested in alternative formats by calling the appropriate toll-free number listed or by mailing a fax to 512-475-0300.

### 1-800-252-5555

911 Emergency Services/  
Equalization Surcharge  
Automotive Oil Fee  
Battery Fee  
Boat and Boat Motor Sales Tax  
Customs Broker  
Fireworks Tax  
Mixed Beverage Taxes  
Off-Road, Heavy-Duty Diesel  
Equipment Surcharge  
Oyster Fee  
Sales and Use Taxes

### 1-800-531-5441

Current Tax  
Interference Tax  
Local Revenue  
Miscellaneous Gross Receipts Taxes  
Oil Well Servicing Tax  
Sulphur Tax

### 1-800-531-5441, ext. 3-3630

WebFile Help

### 1-800-252-1381

Bank Franchise  
Franchise Tax

### 1-800-252-7875

Spanish

### 1-800-531-1441

Fax on Demand (Most frequently requested  
Sales and franchise tax forms)

### 1-800-252-1382

Clean Vehicle Incentive Program  
Manufactured Housing Tax  
Motor Vehicle Sales Surcharge,  
Rental and Seller Financed Sales Tax  
Motor Vehicle Registration Surcharge

### 1-800-252-1383

Peris Tax  
IFTA  
LG Decals  
Petroleum Products Delivery Fee  
School Fund Benefit Fee

### 1-800-252-1384

Crude Oil Production  
Crude Oil Production Tax  
Natural Gas Production Tax

### 1-800-252-1387

Insurance Tax

### 1-800-252-1385

Coin-Operated Machines Tax  
Hotel Occupancy Tax

### 1-800-252-1386

Account Status  
Officer and Director Information

### 1-800-862-2268

Cigarettes and Tobacco

### 1-800-4-FILING (1-800-434-5454) TELEFILE: To File by Phone

### 1-800-252-1389

GETPUB: To Order Forms and Publications

### 1-800-654-FIND (1-800-654-3463) Treasury Fid

### 1-800-321-2274

Unclaimed Property Claimants  
Unclaimed Property Holders  
Unclaimed Property Name Searches  
512-463-3120 in Austin

### 1-877-44RATE4 (1-877-447-2834) Interest Rate



# Council Agenda Item

Item 9  
C Sec Use Only

Budget Account Code:	Meeting Date: November 8, 2017
Budgeted Amount:	Department/ Requestor: City Administrator Flanigan
Fund Balance-before expenditure:	Prepared by: City Administrator Flanigan
Estimated Cost:	Date Prepared: November 2, 2017
Exhibits:	<ol style="list-style-type: none"><li>1. First Texas Homes Extension Request Letter, dated March 31, 2017</li><li>2. §155.029 Extension or Reinstatement of Plat Approval</li><li>3. April 17, 2017 CC Meeting Minutes, p.3, Item 4 – Parker Ranch Estates Phase 2 and 3</li></ol>

## AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PARKER RANCH PHASE 2 AND 3 PRELIMINARY PLAT EXTENSION. [FLANIGAN]

## SUMMARY

On April 17, 2017, First Texas Homes Project Manager Steve Stolt requested an extension on Parker Ranch Estates Phase 2 and 3 preliminary plats. City Council voted 5-0 to extend it until September 30, 2017, which has lapsed.

Please review the request letter, dated March 31, 2017, and additional information provided. A First Texas Homes Representative will be present to answer any questions.

## POSSIBLE ACTION

Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Jeff Flanigan</i>	Date: 	11/03/2017



March 31, 2017

Jeff Flanigan  
City Administrator  
City of Parker  
5700 E. Parker Road  
Parker, TX 75002

Hand Delivery

**Re: Parker Ranch, Phases Two & Three.**

Dear Mr. Flanigan:

We hereby request an extension of the approval of the Final Plat for Parker Ranch Estates - Phases 2 and 3 for a period of one year. The Final Plats for both phases were approved on June 16, 2015 by the City Council.

These projects have been delayed due to unforeseen circumstances. However, we are anticipating completion and acceptance of the project within the next few months and are currently paving the roads in both phases.

Please let us know if you have any questions or comments.

Sincerely,

**First Texas Homes, Inc.  
RVW Sunchase, L.P.**

A handwritten signature in blue ink that reads "Keith Hardesty". The signature is written in a cursive, flowing style.

Keith Hardesty  
Division President  
Managing Partner

Cc: File  
Matthew D. Lee, P.E., Westwood Professional Services  
Steve Stolte, Project Manager

§ 155.029 EXTENSION OR REINSTATEMENT OF PLAT APPROVAL.

(A) Sixty days prior to or following the lapse of approval for a-plat, as provided in this chapter, the developer may petition the Council to extend or reinstate the approval. This petition shall be considered at a public meeting of the Council.

(B) In determining whether to grant such a request, the Council shall take into account the reasons for the lapse, the ability of developer to comply with any conditions attached to the original approval, and the extent to which newly adopted subdivision regulations shall apply to the plat or study. The Council may extend or reinstate the plat, or deny the request, in which instance the developer must submit a new application for approval.

(C) The Council may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or as are necessary to ensure compliance with the original conditions of approval. The Council may also specify a shorter time for lapse of the extended or reinstated plat or study than is applicable to original approvals.

(Ord. 487, passed 7-18-2000)

proposed annexation would be on the May 9, 2017, Special City Council meeting agenda.

**4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PARKER RANCH ESTATES PHASE 2 AND 3 PRELIMINARY PLAT EXTENSION. [FLANIGAN]**

Steve Stolte, First Texas Homes Project Manager, 500 Crescent Court, Dallas, Texas, spoke briefly about the delays in Parker Ranch Phase 2 and 3, due to unforeseen circumstances.

Mr. Stolte and the City Council discussed the length of time needed to complete the development. Mr. Stolte agreed that September 30, 2017 would give him sufficient time and no additional extensions would be necessary.

**MOTION:** Councilmember Levine moved to extend the time for Parker Ranch Estates Phase 2 and Phase 3 until September 30, 2017. Councilmember Taylor seconded with Councilmembers Levine, Pettle, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

**5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2017-534 AWARDING THE MOSS RIDGE ROAD DRAINAGE IMPROVEMENTS PROJECT. [FLANIGAN/BIRKHOFF]**

Mayor Marshall asked Mayor Pro Tem to preside over the meeting, as he recused himself from this item, and left Council Chambers.

City Administrator Flanigan summarized the item, stating in 2016, the Moss Ridge Road Drainage Improvements for 7279, 7281, and 7285 (partial) Moss Ridge were advertised in the Dallas Morning News. On August 10, 2016, City Council rejected all the bids and authorized re-bidding the project with alternative options, reducing the scope using other possible alternatives. Moss Ridge Road Drainage Improvements were re-advertised in the Dallas Morning News March 16 and 23, 2017, with the bid opening at 1:15 p.m., Thursday, March 30, 2017. As stated in the City Engineer Craig M. Kerkhoff, P.E., C.F.M., letter dated, April 7, 2017, Construction Companies, L.L.C. has been recommended as the lowest responsible bidder meeting specifications in the amount of \$98,775.00. City Council contingency funds will be used for this project.

**MOTION:** Councilmember Taylor moved to approve Resolution No. 2017-534, awarding the Moss Ridge Road drainage improvements project to Construction Companies, L.L.C. in the amount of \$98,775.00. Councilmember Pettle seconded with Councilmembers Levine, Pettle, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

Mayor Marshall returned to the Council Chambers.

**6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2017-535 AWARDING THE SPRINGHILL ESTATES DRIVE CULVERT REPLACEMENT PROJECT. [FLANIGAN/BIRKHOFF]**



# Council Agenda Item

Item 10  
C Sec Use Only

Budget Account Code:	Meeting Date: November 8, 2017
Budgeted Amount:	Department/ Requestor: City Administrator Flanigan
Fund Balance-before expenditure:	Prepared by: City Administrator Flanigan
Estimated Cost:	Date Prepared: November 2, 2017
Exhibits:	<ol style="list-style-type: none"><li>1. City Engineer John Birkhoff, P.E. letter, dated October 27, 2017</li><li>2. Developer Diyar LP response, dated November 3, 2017</li><li>3. Slope Maintenance Agreement</li><li>4. Cost estimate for the remaining three (3) items</li></ol>

## AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESERVE AT SOUTHRIDGE. [FLANIGAN]

## SUMMARY

On August 15, 2017, the City Council approved final plat for the Reserve at Southridge, subject to completion of City Engineer John Birkhoff's letter, dated August 9, 2017. Mr. Birkhoff's October 27, 2017 letter has three (3) remaining items. Developer Diyar LP has provided a cashier's check for the remaining items and requested approval of the final plat.

## POSSIBLE ACTION

Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Jeff Flanigan</i>	Date:	11/03/2017

**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.

October 27, 2017

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

Re: Reserve at Southridge

Dear Mr. Flanigan:

We completed a third site visit to the Reserve at Southridge Development on Wednesday, October 25, 2017 to determine if the work is complete. During our site visit we observed the following:

1. During our last visit concrete was being placed at the top of the wall. Approximately 4 of the finished slabs are of poor workmanship and will need to be replaced. Those slabs are located at Frenzel Street.
2. Side slope of the cut south of the retainage wall and around the inlet has eroded and is rough. The plan grade needs to be re-established and the ground vegetated or a wall constructed. The slope of this cut from the retaining wall to past the inlet needs to be reviewed to determine if the pan grade has been established or has been exceeded. Provide the survey to the City for review.
3. The channel between Section B5 and B5-1 and associated berm has not been vegetated. No compaction reports have been provided to show that the entire berm forming the channel is compacted in place. The cross sections indicate a grade from the top of the berm to be relatively flat. This would take the slope to the property line to the west and would eliminate the second channel being created by erosion. This is not the case in the field. The toe of the berm does not extend to the property line.

Based on our observation, this development nearing completion. The items in this letter are similar to the items outlined in our July letter. We are available at your convenience to discuss any questions you may have of our finding.

Sincerely,



John W. Birkhoff, P.E.

November 03, 2017

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

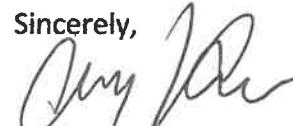
Re: Reserve at Southridge

Dear Mr. Flanigan,

Pursuant to our phone conversations to address Birkhoff's site visit observations, we believe this letter and the attached documents accurately meets your expectations. Please add the project to the agenda of the city meeting on Wednesday Nov. 8<sup>th</sup>, 2017 for final approval.

1. Retaining wall top slabs: John Birkhoff's comment indicated 4 slabs he found of poor workmanship finishing. We checked the mentioned slabs and we believe this is a cosmetic matter. GTI will fix by Monday, November 6<sup>th</sup>, 2017. Attached is the confirmation from the project manager.
2. Side Slope Maintenance: We are attaching a notarized slope maintenance agreement indicating Diyar LP and The Reserve at Southridge HOA shall maintain the side slope area highlighted in the attached exhibit.
3. Erosion of channel between sections B5 and B5-1. We are including an escrow cashier's check in the amount of \$3,890 which is the amount RPM requested in the attached change order, item 9004. Additionally, we are including a cashier's check in the amount of \$1,000 for vegetation of the same area. Furthermore, we asked Alpha labs to perform a test to show the entire berm is compacted in place.

Sincerely,



Osama Hussein,  
Managing Director, Diyar LP

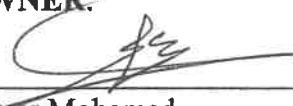
## SLOPE MAINTENANCE AGREEMENT

THIS SLOPE MAINTENANCE AGREEMENT is entered into as of the 02 day of November, 2017, by and between Diyar Parker, LP, hereinafter referred to as "Landowner" and the City of Parker, hereinafter referred to as "City".

Landowner agrees and covenants to continue to maintain the tract of land described and depicted in EXHIBIT A, hereinafter called the "Property". At a minimum, it is the Landowner's responsibility to ensure that (a) slopes of the Property have established grass cover to avoid erosion and soil loss and (b) routine mowing or weed whacking is performed. The City of Parker shall be under no obligation to maintain the Property. Upon filing of the final plat, the Reserve at Southridge Homeowner's Association will assume maintenance of the property. This Agreement shall not be amended with regard to maintenance responsibilities without prior written approval from Landowner and the City.

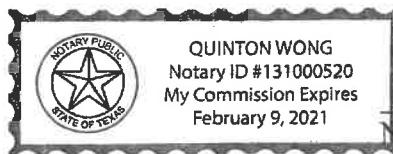
IN WITNESS THEREOF, this Agreement is executed effective as of the date written above.

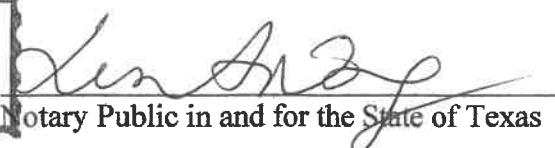
### LANDOWNER:

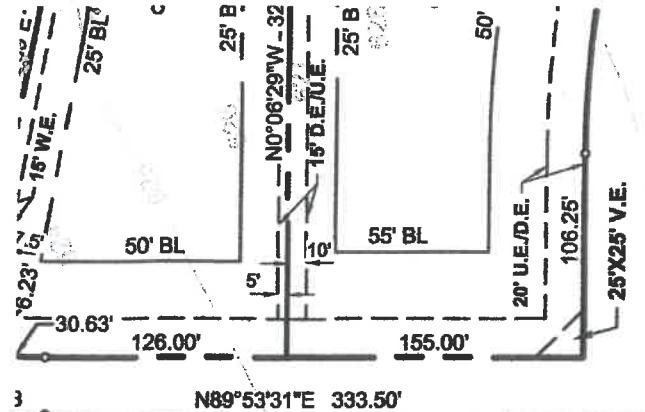
By:   
Name: Omar Mohamed  
Title: Managing Director

STATE OF TEXAS §  
COUNTY OF Collin §

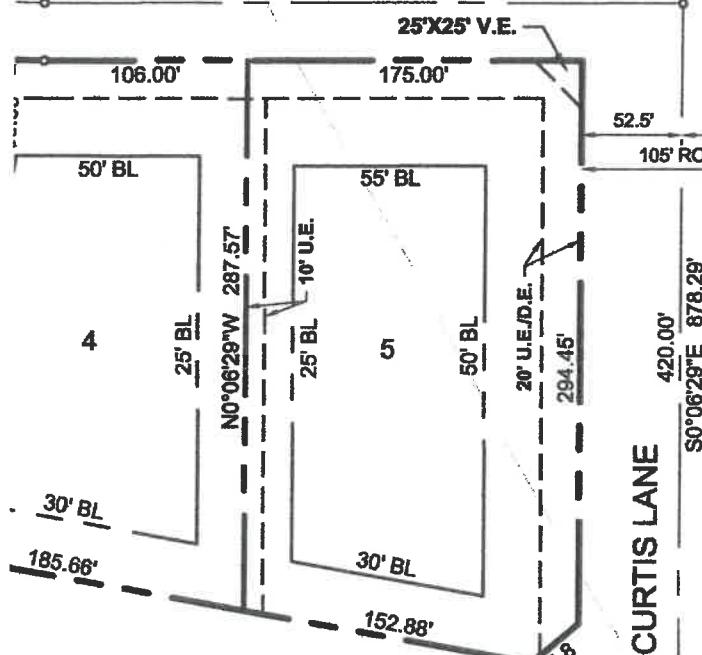
BEFORE ME, a Notary Public, on this day personally appeared Omar Mohamed  
SUBSCRIBED AND SWORN TO before me, this the 2 day of Nov, 2017.



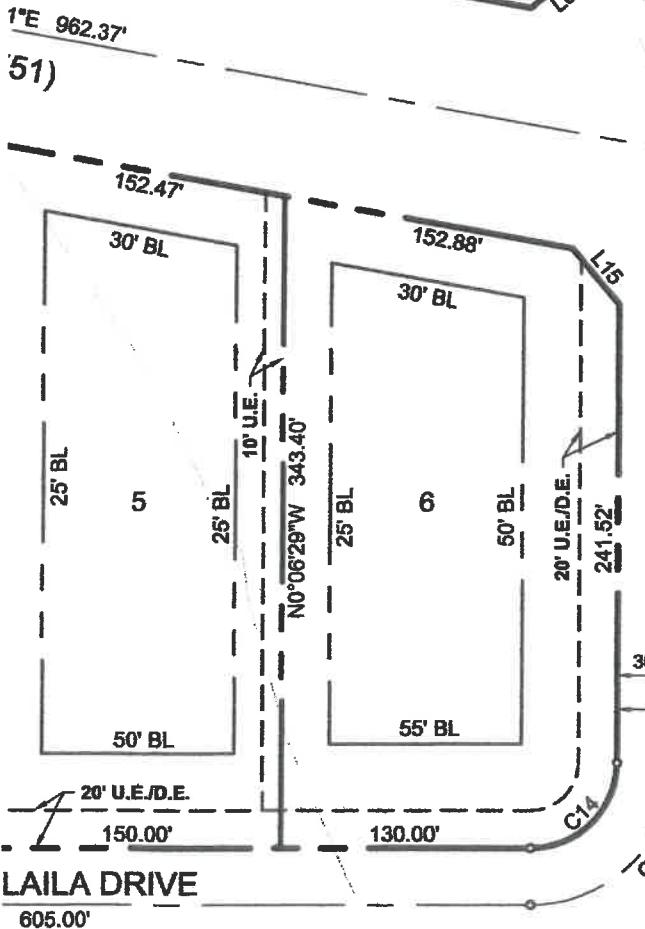
  
Notary Public in and for the State of Texas



Approximate area  
to be maintained  
by the HOA



**BLOCK B**  
**SOUTHRIDGE ESTATES ADDITION PHASE 1**  
**VOLUME 2006, PAGE 424**  
**P.R.C.G.T.**



**NON-SHADED ZONE X**  
(SCALED FROM FEMA F.I.R.M.)

**BLOCK F  
SOUTHRIDGE ESTATES ADDITION PHASE 1  
VOLUME 2006, PAGE 424  
P.R.C.T.**

20' U.E. (2006-42a)  
15 D.E. (20-  
15)  
W  
E  
N  
S

## **Exhibit A**

**Form 202**

Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
FAX: 512/463-5709

Filing Fee: \$25


**Certificate of Formation  
Nonprofit Corporation**

**Filed in the Office of the  
Secretary of State of Texas  
Filing #: 802841759 10/20/2017  
Document #: 767615190002  
Image Generated Electronically  
for Web Filing**

**Article 1 - Corporate Name**

The filing entity formed is a nonprofit corporation. The name of the entity is :

**The Reserve at Southridge**

**Article 2 – Registered Agent and Registered Office**

A. The initial registered agent is an organization (cannot be corporation named above) by the name of:

OR

B. The initial registered agent is an individual resident of the state whose name is set forth below:

Name:

**Omar H Mohamed**

C. The business address of the registered agent and the registered office address is:

Street Address:

**2504 Glacier Street Irving TX 75062**

**Consent of Registered Agent**

A. A copy of the consent of registered agent is attached.

OR

B. The consent of the registered agent is maintained by the entity.

**Article 3 - Management**

A. Management of the affairs of the corporation is to be vested solely in the members of the corporation.

OR

B. Management of the affairs of the corporation is to be vested in its board of directors. The number of directors, which must be a minimum of three, that constitutes the initial board of directors and the names and addresses of the persons who are to serve as directors until the first annual meeting or until their successors are elected and qualified are set forth below.

Director 1: **Ahmed Hussein**

Title: Director

Address: **2504 Glacier Street Irving TX, USA 75062**

Director 2: **Omar H Mohamed**

Title: Director

Address: **2504 Glacier Street Irving TX, USA 75062**

Director 3: **Osama Hussein**

Title: Director

Address: **2504 Glacier Street Irving TX, USA 75062**

**Article 4 - Organization Structure**

A. The corporation will have members.

or

B. The corporation will not have members.

**Article 5 - Purpose**

The corporation is organized for the following purpose or purposes:

**Formation of Homeowner's Association to serve and manage The Reserve at Southridge community and also to maintain and enhance property values.**

## Supplemental Provisions / Information

[The attached addendum, if any, is incorporated herein by reference.]

### Effectiveness of Filing

A. This document becomes effective when the document is filed by the secretary of state.

OR

B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

### Organizer

The name and address of the organizer are set forth below.

**Omar H. Mohamed**      **2504 Glacier Street, Irving, Texas 75062**

### Execution

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

**Omar H. Mohamed**

Signature of organizer.

**FILING OFFICE COPY**

# APPLICATION AND CERTIFICATE FOR PAYMENT

To Owner: Diver Real Estate, LLC  
2504 Glacier Street, Irving, TX 75062  
Irving, TX 75062

From Contractor: RPM xConstruction, LLC  
5208 Terryson Parkway, Site 130  
Plano, TX 75024

Contract For:

Invoice #: 1605.7

Project: 1605, Reserve at Southridge  
Application No.: 7

Period To: 9/30/2017

Project No.:

Distribution to:  
Owner  
Architect  
Contractor  
[ ]  
[ ]  
[ ]  
[ ]

## CONTRACTOR'S APPLICATION FOR PAYMENT

*(Application is made for payment) as shown below in connection with the Contract  
Continuation Sheet is attached*

1. Original Contract Sum \$564,500.85
2. Net Change By Change Order -\$47,970.00
3. Contract Sum To Date \$516,530.85
4. Total Completed and Stored to Date \$516,530.85
5. Retainage  
a. 3.00% of Completed Work, \$0.00
- b. 0.00% of Stored Material \$0.00
- Total Retainage \$0.00
6. Total Earned Less Retainage \$516,530.85
7. Less Previous Certificates For Payments -\$505,950.85
8. Current Payment Due \$10,580.00
9. Balance To Finish. Plus Retainage \$0.00

Amy Braddock Notary Public State of Texas ID # 1250578 Comm. Expires 03/17/2020	
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Contract Date:

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief, the work covered by this Application for Payment has been completed in accordance with the Contract Documents. That all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: RPM xConstruction, LLC

  
By: 

Date: 08/25/17

County of Collin  
day of 2017

State of Texas  
Subscribed and sworn to before me this 15  
Notary Public: John C. Johnson  
My Commission expires 3-17-2018

## AMOUNTS CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the date comprising the above application, the undersigned certifies to the Owner that to the best of the Contractor's knowledge, information, and belief, the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED

AMOUNT CERTIFIED \$ 10,580.00

*(Attach explanation if amount certified differs from the amount appted. Initial all figures on this Application and on the  
Continuation Sheet that are changed to conform with the amount certified.)*

CHANGE ORDER SUMMARY	Additions	Deductions
Total changes approved in previous months by Owner	\$93,000.00	\$151,550.00
Total Approved this Month	\$10,580.00	\$0.00
TOTALS	\$103,580.00	\$151,550.00
Net Changes By Change Order	-\$47,970.00	

By: John C. Johnson Date 9/27/17

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract

**CONTINUATION SHEET**

Contract : 1605. Reserve at Southridge  
Diyar Real Estate, LLC  
2504 Glacier Street  
Irving TX 75062

Item	Description of Work	Qty	U/M	Unit Price	Contract Amount	Prev Qty	Qty This Est	Cost To Date	Cost To Date	Previous Cost	Cost This Estimate	% Complete
10	CLEARING	48.30	ACR	\$20.00	99,608.00	48.30	0.00	48.30	39,608.00	39,608.00	0.00	100.00%
20	EXCAV - ONSITE & 20.0000 CY IMPORTED BY OTHERS	69,382.00	CY	2.15	149,171.30	69,382.00	0.00	69,382.00	149,171.30	0.00	100.00%	
30	POND EXCAVATION (CLAY)	25,245.00	CY	2.15	54,278.90	25,246.00	0.00	25,246.00	54,278.90	0.00	100.00%	
40	POND EXCAVATION (TAN LIMESTONE)	23,611.00	CY	3.65	85,180.15	23,611.00	0.00	23,611.00	85,180.15	85,180.15	0.00	100.00%
50	POND EXCAVATION (GRAY LIMESTONE)	13,713.00	CY	4.85	63,765.45	13,713.00	0.00	13,713.00	63,765.45	63,765.45	0.00	100.00%
60	DOUBLE HANDLE MAT FOR 1' - 2' OF DIRT ON PADS & LOTS	1.00	LS	15,000.00	15,000.00	0.00	0.00	0.00	15,000.00	15,000.00	0.00	100.00%
70	INITIAL LOT GRADING	31.00	EA	745.00	23,095.00	31.00	0.00	31.00	23,095.00	23,095.00	0.00	100.00%
80	FINAL LOT GRADING	31.00	EA	400.00	12,400.00	31.00	0.00	31.00	12,400.00	12,400.00	0.00	100.00%
90	CLAY POND LINER FROM ONSITE CLAYS	3,395.00	SV	4.44	41,713.80	8,395.00	0.00	9,395.00	41,713.80	41,713.80	0.00	100.00%
98	8 MIL POLY ON ZONE 1 & II PADS	15.00	EA	1,630.00	24,450.00	15.00	0.00	15.00	24,450.00	24,450.00	0.00	100.00%
97	MOISTURE CONDITION FILLS (ZONE III) FOR FILLS IN P	17,255.00	CY	0.95	9,430.25	17,255.00	0.00	17,255.00	9,430.25	9,430.25	0.00	100.00%
98	6 MIL POLY ON PADS +5' OFFSET EACH WAY (BETWEEN 8'	10.00	EA	1,690.00	16,900.00	10.00	0.00	10.00	16,900.00	16,900.00	0.00	100.00%
99	STABILIZED CONSTRUCTION ENTRANCE	1.00	LS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00%
9904	CO 4 Grading Between Site Corners	1.00	LS	3,000.00	3,000.00	0.00	0.00	0.00	3,000.00	3,000.00	0.00	0.00%
CO-1	Additional 10,000 CY Excavation	6,000.00	CY	2.15	12,940.00	6,000.00	0.00	6,000.00	12,940.00	12,940.00	0.00	100.00%
CO-2	Deletion of 10,000 CY of Gray Limestone	-10,000.00	CY	4.65	-46,500.00	-10,000.00	0.00	-10,000.00	-46,500.00	-46,500.00	0.00	100.00%
CO-3	Cut dirt common area and along road to main site	1.00	LS	6,000.00	6,000.00	0.00	0.00	0.00	6,000.00	6,000.00	0.00	100.00%
CO-7	Additional Common Fill	1.00	LS	3,500.00	3,500.00	0.00	0.00	0.00	3,500.00	3,500.00	0.00	100.00%

Net This Estimate  
Less Retainer  
Net This Estimate

CITY COUNCIL  
FUTURE AGENDA ITEMS

MEETING DATE	ITEM DESCRIPTION	CONTACT	Notes
TBD	Staff Contract Policy	Shelby/Staff	10/18/16 CC Mtg
Dec/Jan	Planning Session		
Dec/Jan	PVFD Pilot Program - 90 days Eval. Effectiveness		8/29/17 CC mtg
<b>2018</b>			
TBD	2018 City Fee Schedule		2015-16 Approved 2/29; added 2016-17 to FAI
TBD	Annual Codification Supplement	C'Sec	March
TBD	Staff Contract Policy	Shelby/Staff	10/18/16 CC Mtg
Jan., Apr., July., Oct.,	Republic Waste Report		2016 1018 REQUIRED PER ORDINANCE AND AGREEMENT.
Jan., Apr., July., Oct.	Fire Dept. Report	Sheff/Barnaby	
January	ANNUAL AUDIT REPORT		2016 0119
January 16, 2018	Calling Election/Collin County Election Contract	C'Sec	Annual - January, if possible
Jan/Feb	Racial Profiling Report		Per Capt. Price - Annual Report by March 1st