

MINUTES
CITY COUNCIL MEETING
NOVEMBER 8, 2017

CALL TO ORDER – Roll Call and Determination of a Quorum

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

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

Staff Present: City Administrator Jeff Flanigan, City Secretary Patti Scott Grey, City Attorney Brandon Shelby, and Police Chief Richard Brooks

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Joe Cordina led the pledge.

TEXAS PLEDGE: Stephanie Casson led the pledge.

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

Stephanie Casson, 1807 Dublin Road, spoke in regard to her concerns about rising taxes; said she felt the one percent (1%) municipal sales tax should be dedicated to property tax relief and not go into the city's general fund; and finally, she did not agree with any additional taxes, unless the tax revenues generated are used for property tax relief.

Joe Cordina, 9302 4302 Boulder Drive, said when he was Mayor of Parker, the city generated approximately \$144,000 in sales tax revenue and if that money could be used to enrich Parker residents, it should be returned to its residents. Mr. Cordina said Parker could be the exception, lowering property tax rates by raising the sales tax. He indicated this would be "free" money, being paid by non-resident to offset costs for residents. Mr. Cordina urged City Council to put the money back into the pockets of Parker citizens.

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]

Mayor Marshall noted Councilmember Pettle asked that item #1, updating the City's Code of Ordinances, be removed from the consent for further discussion.

MOTION: Councilmember Mayor Pro Tem Levine moved to approve consent agenda items 2, granting a 24 month extension to the Kings Crossing Phase 3 preliminary plat approval, and 3, approving Resolution No. 2017-557, casting City of Parker's five (5) votes for Collin County Central Appraisal District Board of Directors for Ed Standridge, as presented. Councilmember Standridge seconded with Councilmembers Levine, Meyer, Pettle, Raney, and Standridge voting for the motion. Motion carried 5-0.

INDIVIDUAL CONSIDERATION ITEMS

Councilmember Pettle asked if codification is legally required.

City Attorney Shelby said codification should make the City's ordinances more accessible, searchable, and user-friendly, but it is not mandatory. Codification Companies, such as American Legal Publishing Corporation of Cincinnati, Ohio, have municipal attorneys who review and arrange the ordinances into a more organized way.

Councilmember Pettle had concerns about the formatting. She felt certain aspects were confusing and ordinances were often difficult to locate.

Mayor Pro Tem Levine asked Councilmember Pettle if there was anything specific about this supplement she would like addressed. He asked whether City Council should table the item or vote on Ordinance No. 756, updating the City's Code of Ordinances (Supplement S-9), and possibly add an item to the future agenda items to discuss the concept and/or formatting of our codification.

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

MOTION: Councilmember Pettle moved to approve Ordinance No. 756, updating the City's Code of Ordinances (Supplement S-9), and further moved to request a discussion item regarding future codification be added to the Future Agenda Items. Councilmember Standridge seconded with Councilmembers Levine, Meyer, Pettle, Raney, and Standridge voting for the motion. Motion carried 5-0.

Mayor Marshall proceeded to the individual consideration items.

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

Mayor Marshall suggested changes to the Home Rule Charter Commission and stated his recommendation was to have an eight (8) member commission.

Councilmember Meyer voiced her concerns about the number of members, diversity of members, and length of Parker residency. Ms. Meyer also clarified that the members/positions of Mayor, Mayor Pro Tem and City Administrator were the title and not the individual.

MOTION: Councilmember Standridge moved to approve Resolution No. 2017-558, accepting Mayor Marshall's recommendations for the Home Rule Charter Commission (HRCC), which included the following changes, an eight member commission with fifty percent (50%) constituting a quorum. The members include Mayor (Z Marshall), Diana Abraham, Billy Barron, Roxanne Bogdan, Joe Cordina, Terry Lynch, Andy Redmond, and Edwin Smith. Mayor Pro Tem (Scott Levine) would be the HRCC Chair, who shall vote in case of a tie only. City Administrator (Jeff Flanigan) will provide staff support as needed. Finally, clarification was made that the title, not the person, would be involved with committee . . . e.g. Mayor, Mayor Pro Tem and City Administrator.

Councilmember Raney seconded with Councilmembers Levine, Pettie, Raney, and Standridge voting for the motion. Councilmember Meyer voting against the motion. Motion carried 4-1. (See Exhibit 1 – Updated City of Parker Resolution No. 2017-558.)

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

Mayor Marshall recognized City Administrator Flanigan. Mr. Flanigan said staff spoke with the P&Z commissioners and the following members expressed a desire to continue their service for the following terms:

Member	Position	Term Expiration
Russell Wright	Place One; Chairperson	Nov. 30, 2019
Wei Wei Jeang	Place Three, Secretary	Nov. 30, 2019
Jasmat Sutaria	Place Five	Nov. 30, 2019
Larkin Crutcher	Alternate 2	Nov. 30, 2019
JR Douglas	Alternate 3	Nov. 30, 2019

Member	Position	Term Expiration
Joe Lozano	Place Two; Vice Chairperson	Nov. 30, 2018
David Leamy	Place Four	Nov. 30, 2018

Mr. Flanigan said the City had one (1) vacancy, due Mr. Cassavechia's recent resignation. P&Z Commission reviewed the applications and interviewed each applicant. After commenting the City was fortunate to have such well-qualified applicants, the P&Z Commission recommended

Recommendation	Position	Term Expiration
Marilyn Kittrell	Alternate 1	Nov. 30, 2019

to fill the vacant Alternate 1 position. Also, it was recommended that Russell Wright continue as Chair; Joe Lozano as Vice Chair; and Wei Wei Jeang as Secretary.

MOTION: Councilmember Pettie moved to approve Resolution No. 2017-559, making said reappointments and appointment of Marilyn Kittrell for the terms noted to the Planning and Zoning (P&Z) Commission. Councilmember Raney seconded with Councilmembers Levine, Meyer, Pettie, Raney, and Standridge voting for the motion. Motion carried 5-0.

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

Mayor Marshall reviewed the item, stating Places One (1), Three (3), and Five (5) were up for reappointment; there was a vacancy for the Alternate Two (2) position; and the Chair position was open. He said Place One (1) Chair Jack Albritton, Place Three (3) Andrew Ellison, and Place Five (5) Brian Deaver have expressed an interest in continuing to serve in their current capacities for another two year term, ending November 30, 2019, as well as Place Two (2) Hal Camp, Place Four (4) Don Dickson, and Alternate One (1) James Clay for the remainder of their terms. The Mayor said the City had an application for the Alternate Two (2) position, Mr. Randy Kercho, he and the City Administrator Flanigan met with Mr. Kercho earlier in the week, and he would like to recommend Mr. Kercho for the vacant Alternate Two (2) position.

Councilmember Meyer asked if there was consideration given to or rules that govern moving alternates up into various positions, rather than keeping them as alternates. Mayor Marshall said staff usually inquires whether the current position holder(s) would like to continue to serve, unless their attendance has been poor or they have been unable to perform their duties; they have been allowed to continue to serve. Also, generally, staff inquires whether an alternate would like to step into a vacant full voting position, when those positions are available. Ms. Meyer said she noticed there were no ZBA meeting minutes or audio recordings on the City's website and she thought that was part of what the City should be doing. Mayor Marshall commented previous legal counsel, reviewed the City's process and agreed it was adequate and then asked City Attorney Shelby his thoughts. Mr. Shelby reviewed Texas Local Government Code § 211.008 Board of Adjustment (f), which states "the board shall keep minutes of its proceedings that indicate the vote of each member on each questions or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records." City Administrator Flanigan said the ZBA recordings have never been on the City's website; although the P&Z meeting minutes and recordings are on the City's website. City Attorney Shelby reiterated the state statute states the minutes shall be filed in the board's office, but there is no requirement for those minutes to be posted on the website. Mayor Marshall said he would be willing to bring Councilmember Meyer's concern back in the future, but at the time City Council was considering appointments/reappointments of the members and officers.

Councilmember Pettie said she was of opinion the City needed “new blood” on ZBA, which was no reflection on anyone. She felt the ZBA needed a new chairperson. Chair Jack Albritton has been chairperson, since the ZBA was established. Ms. Pettie suggested either Andrew Ellison or Brian Deaver as ZBA Chair. Mayor Marshall said in fairness to Brian Deaver, Andrew Ellison and Jack Albritton someone needed to reach out to Mr. Ellison and Mr. Deaver to see if either would be interested in serving in that capacity, as well as Mr. Albritton to express your thoughts. Mayor Marshall suggested tabling the item until those mentioned are contacted or approve the item subject to the response received.

City Attorney Shelby recommended tabling the item.

MOTION: Councilmember Pettie moved to table Resolution No. 2017-560, making appointments to the Zoning Board of Adjustment (ZBA), until the City has an opportunity to reach out to Mr. Ellison, Mr. Deaver, and Mr. Albritton. Councilmember Meyer seconded with Councilmembers Levine, Meyer, Pettie, Raney, and Standridge voting for the motion. Motion carried 5-0.

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

Mayor Marshall suggested canceling the regularly scheduled City Council meetings for November 21, 2017 and January 2, 2018; keeping the December 5, 2017 meeting date; and having the December 19, 2017 meeting, if needed.

MOTION: Councilmember Mayor Pro Tem Levine moved to approve canceling the regularly scheduled City Council meetings for November 21, 2017 and January 2, 2018. Councilmember Standridge seconded.

Councilmember Meyer asked when the Planning Session would take place. Mayor Marshall said the Planning Session may be on December 5, 2017.

Councilmembers Levine, Meyer, Pettie, Raney, and Standridge voting for the motion. Motion carried 5-0.

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

Mayor Marshall reminded the City Council of the public comments made earlier tonight and recapped, stating a motion for a one percent (1%) municipal sales tax increase with that increase specifically going toward property tax reduction failed at the last meeting; and at that time City Council reserved the right to bring the item back for further discussion, possibly using the sales tax increase for something other than property tax such as general fund. The Mayor noted this would be subject to voter approval and it could possibly be on the ballot for May, 2018.

Mayor Pro Tem Levine asked City Attorney Shelby if the increase could go into the general fund. Mr. Shelby said yes. Mr. Levine also asked staff whether there would be issues with those funds going into the general fund, commenting there were accounting concerns if the funds were used specifically toward property tax reduction. City Administrator Flanigan said no.

MOTION: Mayor Pro Tem Levine moved to approve placing a one percent (1%) Municipal Sales Tax increase on the May 5, 2018 ballot with the funds generated going in the City's General Fund subject to voter approval. Councilmember Standridge seconded.

Councilmember Standridge spoke about the discussions regarding this sales tax increase and its positive aspects.

Councilmember Meyer asked if this motion passed tonight and residents voiced their concern that the increase should go specifically toward property tax reduction, would City Council have an opportunity to change where the funds were designated. City Attorney Shelby said the ordinance calling for the election would be closer to May 2018 and City Council would have an opportunity to discuss the matter at that time.

Mayor Pro Tem Levine clarified that yes, City Council would have another opportunity to change their minds before the item actually went on the May ballot.

Councilmember Raney said he was in total support of local control through the general fund, as opposed to state control with the funds designated for property tax reduction.

Councilmembers Levine, Raney, and Standridge voting for the motion. Councilmembers Meyer and Pettie voting against the motion. Motion carried 3-2.

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

City Administrator Flanigan reviewed the item, stating originally City Council approved the Parker Ranch Estates Phase 2 and 3 preliminary plat, subject to City Engineer's final approval June 16, 2015. They returned April 17, 2017 and City Council extended approval until September 30, 2017. They have not completed the work and have asked for another extension.

Mayor Marshall noted a letter from the applicant, dated today. (See Exhibit 2 – Gallery Custom Homes letter, dated November 8, 2017.)

Gallery Custom Homes Representative Steve Stolte, 9402 Spring Hollow Drive, Dallas, Texas, spoke about the various punch lists that have been completed and the remaining items such as established vegetation, temporary school access road and drainage issues. Mr. Stolte said he did not know what the solution was for the school access road.

Mayor Marshall recessed the regular meeting at 8:25 p.m.

Mayor Marshall reconvened the regular meeting at 8:33 p.m.

Mayor Pro Tem Levine voiced concern that Parker Ranch Estates Phase 2 and 3 requested a 2nd extension, stating at the April 17, 2017 City Council meeting, Mr. Stolte agreed September 30, 2017 would give him sufficient time and no additional extensions would be necessary. Mr. Stolte explained the problems with the

secondary school access road and the reason why the project was at somewhat of a stale mate.

MOTION: Mayor Pro Tem Levine moved to approve a 2nd extension request for Parker Ranch Estates Phase 2 and 3 Preliminary Plat until February 20, 2018. Further, City Council requested Parker Ranch Estates representatives meet with City Attorney Shelby and City Administrator Flanigan to discuss and resolve issues, satisfactory to the City, regarding a required second access road to the school and drainage, and return to the December 5, 2017 City Council meeting with proposals or solutions to those issues. Councilmember Raney seconded with Councilmembers Levine, Meyer, Pettie, Raney, and Standridge voting for the motion. Motion carried 5-0.

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

City Administrator Flanigan reviewed the item, stating on August 15, 2017, the City Council approved the 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 had three (3) remaining items. Developer Diyar LP reached out to the City to see if they could escrow the money for those remaining items. The City Engineer has reviewed the escrowed amount and confirmed that it is a reasonable amount for the remaining items.

Mayor Marshall asked the status of the remaining items. Developer Sammy Hussein, 6807 Audubon Drive, Parker, Texas, came forward and stated his name and address for the record. Mr. Hussein said Item 1, retaining wall top slabs, is now finished. City Administrator Flanigan agreed. Mr. Hussein said they were finishing up item 2 and a notarized slope maintenance agreement, stating Diyar LP and The Reserve at Southridge Homeowner's Association (HOA) shall maintain the side slope area highlighted on Exhibit A, was included in the City Council packet and item 3 Mr. Hussein said he was requesting the City accept the cashier's checks in the amount of \$3,890 and \$1,000 for the remaining work as shown in the attached exhibits. (See Exhibit 3 – City Engineer John W. Birkhoff, P. E.'s letter, dated October 27, 2017 and Diyar LP Managing Director Osama Hussein letter and exhibits, dated November 3, 2017, including Slope Maintenance Agreement with Exhibit A and Survey [Topo Exhibit].)

MOTION: Mayor Pro Tem Levine moved to approve the final plat for Reserve at Southridge, subject to the completion of items 2 and 3, in City Engineer John W. Birkhoff, P. E.'s letter, dated October 27, 2017; as follows:

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 BS and B5- I 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; and

the escrow of funds to secure completion of the two (2) items; and further authorizes the Mayor to sign the Reserve at Southridge final plat. Councilmember Raney seconded with Councilmembers Levine, Meyer, Pettie, Raney, and Standridge voting for the motion. Motion carried 5-0.

ROUTINE ITEMS

11. FUTURE AGENDA ITEMS

Mayor Marshall asked if there were any items to be added to the future agenda. He noted Codification Discussion; Zoning Board of Adjustment (ZBA) tabled until December 5, 2017 City Council meeting; Parker Ranch Estates proposal/solutions, regarding a required second access road to the school and drainage; possible reinstatement of Parker's Parks and Recreation Commission; and the Municipal Sales Tax 1% increase for May, 2018 ballot. Councilmember Meyer requested a 2017 Fiscal Year Report, categorizing unused funds. Councilmember Pettie asked for an update from the TxDot FM 2551 (Dillehay Road) Road Design/Traffic Safety Subcommittee (07202016), consisting of Councilmember Standridge, as Chair; Mayor Pro Tem Levine; City Administrator Flanigan; and City Engineer Birkhoff and an item for the bank depository agreement bid. Mayor Marshall then noted the next regularly scheduled meeting would be Tuesday, December 5, 2017.

12. ADJOURN

Mayor Marshall adjourned the meeting at 8:50 p.m.



APPROVED:

Mayor Pro Tem Scott Levine

ATTESTED:

Patti Scott Grey, City Secretary

Approved on the 17th day
of January, 2018.

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

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS,
APPOINTING 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 the office of Mayor Pro-tem 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 vote only as a means to break a tie vote among the voting members on any particular issue 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.

Mayor of the City of Parker;
Diana Abraham;
Billy Barron;
Roxanne Bogdan;
Joe Cordina;
Terry Lynch;
Andy Redmond; and
Edwin Smith

SECTION 3. Staff Support:

The City Administrator shall provide staff support for the Home-Rule Charter Commission as directed.

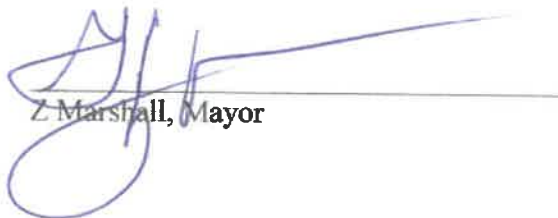
SECTION 4. Effective Date

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 S. Shelby, City Attorney



Gallery Custom **HOMES**

November 8, 2017

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

Re: Parker Ranch Estates, Phase 2 & 3.

Dear Council Members:

We hereby request an extension (to complete all the construction items in phases 2 & 3) till May 15, 2018. We have completed all the construction items and punch list from the City Engineer and Staff except for a couple of minor items that will be completed before the end of next week. Besides the construction items, we understand that there is a vegetation coverage requirement that must be met. However, with this time of year, the temperature and weather is not the best for getting vegetation to grow. We have used a temporary irrigation system and water truck to try and get some vegetation up before winter arrives and are seeing some signs of growth, however the soils and rock are not ideal conditions to establish vegetation. In the meantime, we have installed silt fence and rock check dams to keep erosion from occurring. Please also keep in mind that our home building team will be installing sod in all the bar ditches in front of homes and we will be installing an irrigation system and grass along the parkways of Chaparral road after City acceptance.

The other outstanding issue that we request being completed over the next few months will be the removal of the school access road. As we have discussed previously, we would request that the lots that back up to this road not be allowed to be permitted till the road is removed and construction improvements approved by the City. This will affect 5 lots that can't be built on, so this is considerable escrow to account for our completion of the road removal.

Once we have completed all the applicable city engineer and staff punch list items besides establishing vegetation and removal of the temporary school road, we would like the City to file the final plat for both phases and provide city acceptance of the project. This will allow the

roads to be deeded to the City and therefore allowing the school to access the road and have a second point of access to the school and we can begin removal of the school road. We also plan on constructing 2 Model Homes and 15 homes that have been purchased that we are ready to start construction on.

During the construction process it is difficult for drainage and erosion to be perfect so we are requesting some relief on this issue and suggest that can work with the City to make sure the erosion control is being maintained to their standards.

We appreciate the City working with us and we look forward to building a Community you can be proud of.

Sincerely,

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

Keith Hardesty
Division President

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

EXHIBIT 3

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

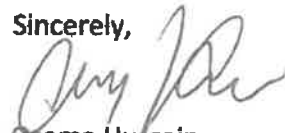
Re: Reserve at Southridge

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. 8th, 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 6th, 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.

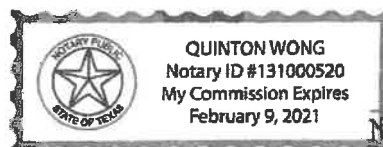
IN WITNESS THEREOF, this Agreement is executed effective as of the date written above.

LANDOWNER:

By: [Signature]
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.



[Signature]
Notary Public in and for the State of Texas

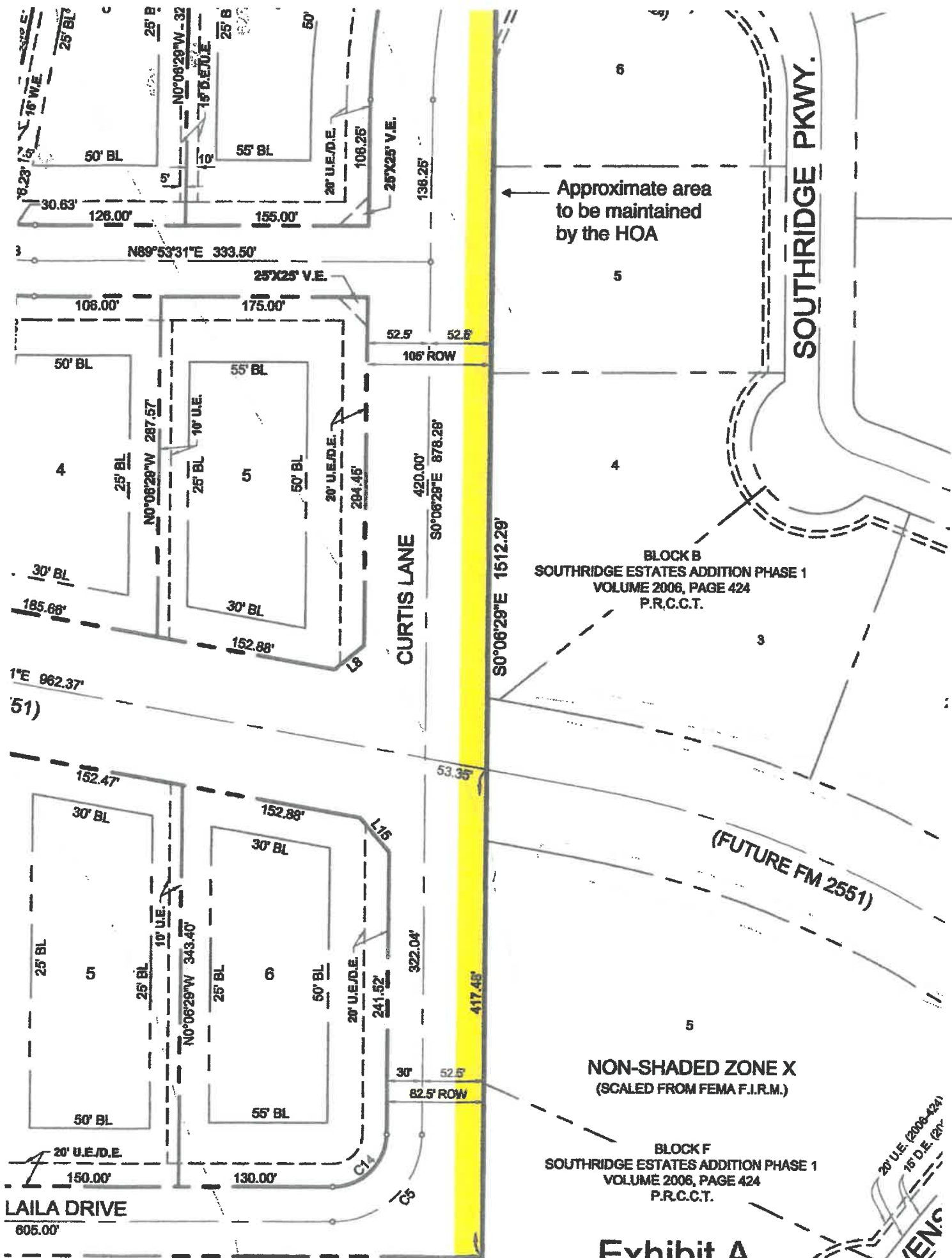


Exhibit A

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

Invoice #: 1605-7

To Owner: Dwyer Real Estate, LLC
2804 Glacier Street, Irving, TX 7
Irving, TX 75062

Project: 1605. Reserve at Southridge

Application No.: 7

Distribution to:
Owner ☐
Architect ☐
Contractor ☐

Period To: 9/30/2017

From Contractor: RPM xConstruction, LLC Via Architect
5208 Tennyson Parkway, Ste 130
Plano, TX 75024

Project Nos:

Contract For:

Contract Date:

CONTRACTOR'S APPLICATION FOR PAYMENT

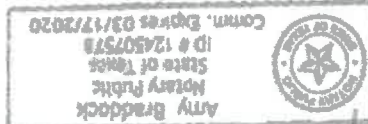
Application is made for payment as shown below in connection with the Contract Continuation Sheet is attached

1 Original Contract Sum	\$584,500.85
2 Net Change by Change Order	-\$47,970.00
3 Contract Sum To Date	\$536,530.85
4 Total Completed and Stored To Date	\$536,530.85
5 Retainage	
a 30% of Completed Work	\$0.00
b 30% of Stored Material	\$0.00
Total Retainage	\$0.00
6 Total Earned Less Retainage	\$536,530.85
7 Less Previous Certificates For Payments	
8 Current Payment Due	\$505,950.85
9 Balance To Finish Plus Retainage	\$10,580.00
	\$0.00

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: [Signature] Date: 9/27/17
State of California
Subscribed and sworn to before me this 25 day of Sept 2017
Notary Public: [Signature]
My Commission expires 3-17-20



AMOUNTS CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the undersigned certifies to the Owner that to the best of their 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 applied Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.

By: [Signature] 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

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

CONTINUATION SHEET

Page 2 of 2

Contract: 1505, Reserve at Southridge
 Dwyer Real Estate, LLC
 2504 Glacier Street
 Irving, TX 75062

Application No.: 7
 Application Date: 9/25/2017
 To: 9/30/2017

Item	Description of Work	Qty	Unit Price	Contract Amount	Prev Qty	Qty This Est	Qty To Date	Cost To Date	Previous Cost	Cost This Estimate	%
10	CLEARING	48.30	820.00	39,606.00	48.30	0.00	48.30	39,606.00	39,606.00	0.00	100.00%
20	EXCAV - ON SITE & 20,000 CY IMPORTED BY OTHERS	89,382.00	2.15	190,171.30	89,382.00	0.00	89,382.00	190,171.30	190,171.30	0.00	100.00%
30	POND EXCAVATION (CLAY)	25,246.00	2.15	54,278.90	25,246.00	0.00	25,246.00	54,278.90	54,278.90	0.00	100.00%
40	POND EXCAVATION (TAN LIMESTONE)	23,611.00	3.65	86,180.15	23,611.00	0.00	23,611.00	86,180.15	86,180.15	0.00	100.00%
50	POND EXCAVATION (GRAY LIMESTONE)	13,713.00	4.65	63,785.45	13,713.00	0.00	13,713.00	63,785.45	63,785.45	0.00	100.00%
60	DOUBLE HANDLE MAT FOR 1" - 2" OF DIRT ON PADS & LOTS	1.00	15,000.00	15,000.00	0.00	0.00	1.00	15,000.00	15,000.00	0.00	100.00%
70	INITIAL LOT GRADING	31.00	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	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 ON SITE CLAYS	9,395.00	4.44	41,713.80	9,395.00	0.00	9,395.00	41,713.80	41,713.80	0.00	100.00%
95	5 MIL POLY ON ZONE 1 & 11 PADS	15.00	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 FALLS (ZONE III) FOR FILLS IN P	17,255.00	0.85	14,666.75	17,255.00	0.00	17,255.00	14,666.75	14,666.75	0.00	100.00%
98	5 MIL POLY ON PADS - 5' OFFSET EACH WAY BETWEEN 8"	10.00	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	0.00	0.00	1.00	0.00	1.00	0.00	0.00	0.00	0.00%
CO-1	Additional 10,000 CY Excavation	6,000.00	2.15	12,900.00	6,000.00	0.00	6,000.00	12,900.00	12,900.00	0.00	100.00%
CO-2	Deletion of 10,000 CY of Gray Limestone	-10,000.00	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 off common area and along road to make fill	1.00	6,890.00	6,890.00	1.00	0.00	1.00	6,890.00	6,890.00	0.00	100.00%
CO-7	Additional Common Fill	1.00	3,500.00	3,500.00	1.00	0.00	1.00	3,500.00	3,500.00	0.00	100.00%
Grand Totals				516,530.85				516,530.85	505,950.85	10,580.00	100.00%

Billed This Estimate
 Less Retainage
 Net This Estimate

10,580.00
 0.00
 10,580.00

