

MINUTES

CITY COUNCIL MEETING

August 17, 2010

CALL TO ORDER – Roll Call and Determination of a Quorum

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

Mayor Cordina called the meeting to order at 7:01 p.m. with Councilmembers, Sumrow, Threadgill, Evans and Levine present. Councilmember Marshall was absent. A quorum was present.

Staff present: City Administrator Dena Daniel, City Attorney Jim Shepherd, Assistant City Administrator Jeff Flanigan, City Secretary Carrie Smith, Finance Manager Johnna Boyd, Police Chief Tony Fragoso, Police Sergeant Kenneth Price and Fire Chief Mike Sheff.

PLEDGE OF ALLEGIANCE

New Parker resident Kai Fujisaka was introduced by Mayor Pro-tem Threadgill.

Kai Fujisaka led the Pledge of Allegiance.

PRESENTATION

1. PRESENTATION TO THE PARKER POLICE DEPARTMENT FROM JOHN STEWART AND ED STANDRIDGE.

Residents John Stewart and Ed Standridge recognized the Police Department for their outstanding service to Parker. They presented Chief Fragoso and Sergeant Price with a metal sign reading "Police Reserved Parking, Reserved for those who serve".

PUBLIC COMMENTS The City Council invites any person with business before the Council not scheduled on the agenda to speak to the Council. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

- Andy Piziali, 6616 Estados Drive – spoke in opposition to any city funding for the Parker Preserve.
- Debbie Piziali, 6616 Estados Drive – spoke in opposition to any city funding for the Parker Preserve.
- Tom Evans, 3507 Hogge Road – spoke in favor of the Parker Preserve and told Council he had received information from Halff and Associates for the purchase of 2200 square feet of his property for right-a-way along Hogge Road. He spoke in favor of 4-lanes and opposition to 6-lanes.

INDIVIDUAL CONSIDERATION ITEMS

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR AUGUST 3, 2010.

Corrections were noted:

- Page 1, item 1, remove "Scott" replace with Councilmember Levine.
- Page 2, first paragraph, change "lower" to "higher".
- Page 3, item 5, rewording of paragraph 3.

MOTION: Councilmember Evans moved to approve the August 3 meeting minutes subject to noted corrections. Councilmember Sumrow seconded with Councilmembers Sumrow, Threadgill, Evans and Levine voting for. Motion carried 4-0.

3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2010-297 PROVIDING FOR THE EXECUTION OF AN INTERLOCAL POLICE DISPATCH SERVICES AGREEMENT.

The annual cost had slightly increased requiring an adjustment to the proposed FY 2010-2011 budget.

Section 6, Civil Liability, was amended to have all agreements with Collin County consistent.

Staff was directed to obtain a Certificate of General Liability Coverage from TML once the agreements are executed.

MOTION: Councilmember Levine moved to approve Resolution 2010-297 subject to changing the approved date to August 17, 2010. Councilmember Threadgill seconded with Councilmembers Sumrow, Threadgill, Evans and Levine voting for. Motion carried 4-0.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2010-298 PROVIDING FOR THE EXECUTION OF CONTRACT AMENDMENT NO. 6 JAIL SERVICES AGREEMENT BETWEEN THE CITY OF PARKER AND COLLIN COUNTY.

There has been a 3% cost increase over 5 years due to additional activity. Councilmember Sumrow requested an increase cap be placed on all agreements and contracts for consistency. City Attorney Shepherd was directed to negotiate the contract with Collin County setting a 10% increase cap.

MOTION: Councilmember Levine moved to adopt Resolution 2010-298 and authorized City Attorney Shepherd to negotiate the contract with Collin County setting a 10% increase cap. Councilmember Evans seconded with Councilmembers Sumrow, Threadgill, Evans and Levine voting for. Motion carried 4-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2010-303 TO APPROVE AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY FOR ROAD IMPROVEMENTS.

Assistant City Administrator Flanigan told the Council this agreement was a renewal of the original agreement adopted in 2002.

City Attorney Shepherd noted the changes he found in the two agreements:

- Regarding the indemnification clause:
 - May 15, 2002 Article III. To the fullest extent allowed by law, each party hereto agrees to defend and indemnify...
 - 2010 Article III. Each party hereto agrees to defend and indemnify ..., to the extent allowable by law.
- Regarding the term of the agreement:
 - May 15, 2002 Article IV. "Shall remain in effect for an initial term of one (1) year, but shall automatically renew for successive one year terms unless terminated...
 - 2010 Article IV. "Shall remain in effect for a period of four (4) years unless terminated...

It was noted that Collin County presented the City with the new agreement.

MOTION: Councilmember Levine moved to approve Resolution 2010-303 as presented. Mayor Pro-tem Threadgill seconded with Councilmembers Sumrow, Threadgill, Evans and Levine voting for. Motion carried 4-0.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2010-307 APPROVING AN AGREEMENT BETWEEN THE CITIES OF ALLEN AND PLANO AND THE CITY OF PARKER FOR THE USE OF THE ALLEN AND PLANO RADIO COMMUNICATIONS SYSTEM FOR THE FIRE DEPARTMENT.

Chief Sheff reviewed the agreement with Council and asked for their consideration and approval of a five (5) year radio system use contract with the Cities of Plano and Allen. This contract represents an extension of the current contract that expires on September 30, 2010.

Chief Sheff's Summary:

- The current radio system use contract with the Cities of Plano and Allen [co-owners of the radio system] began on October 1, 2007 for a term of 3 years. The current annual cost is based upon the sum of i) \$8.56 per radio per month; ii) \$62.97 per talk group per month [we lease two talk groups]; and iii) an administrative fee of \$96.30 per month. There is a 7% annual escalation clause that has not been exercised by Plano. The contract is cancellable by either party with 90 days notice.
- The new radio system use contract with the Cities of Plano and Allen shall begin on October 1, 2010 for an initial term of five (5) years with an optional three (year) automatic renewal. The automatic termination of the contract is September 30, 2018. The annual cost is unchanged from the current contract at

the sum of i) \$8.56 per radio per month; ii) \$62.97 per talk group per month [we lease two talk groups]; and iii) an administrative fee of \$96.30 per month. There is a 7% annual escalation clause similar to the current contract. The obligations of Plano, Allen and Parker under the contract are similar to the current contract as are the other terms and conditions.

MOTION: Mayor Pro-tem Threadgill moved to approve Resolution 2010-307 subject to striking Frisco from the resolution. Councilmember Evans seconded with Councilmembers Sumrow, Threadgill, Evans and Levine voting for. Motion carried 4-0.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2010-308 APPROVING AN AGREEMENT BETWEEN THE CITY OF PLANO AND THE CITY OF PARKER FOR FIRE AND EMERGENCY MEDICAL DISPATCH SERVICES.

Chief Sheff reviewed the agreement with Council and asked for their consideration and approval of a five (5) year dispatch contract with the City of Plano. This contract represents an extension of the current contract that expires on September 30, 2010.

Chief Sheff's comments:

- The current dispatch contract with the City of Plano began on October 1, 2007 with a term of three 3 years. The contract provided for an annual \$5 fee per resident based upon the most recently available NCTCOG Population Estimates. The contract provided for, among other things, the provision of pre-arrival [of the fire department] emergency medical instructions by the dispatch center. The contract was cancellable by either party upon 90 days notice.
- The new dispatch contract with the City of Plano shall begin on October 1, 2010 for a term of five (5) years with an optional three (3) year automatic renewal. The automatic termination of the contract is September 30, 2018. The annual per resident fee remains unchanged at \$5 for the first year and will increase two (2) percent annually thereafter for each remaining year. The contract is cancellable by either party on 60 days notice. The contract continues to provide for pre-arrival EMS instructions. The obligations of Plano and of Parker and the terms and conditions of the contract are substantially unchanged from the current agreement.

MOTION: Councilmember Evans moved to approved Resolution 2010-308 as written. Councilmember Sumrow seconded with Councilmembers Sumrow, Threadgill, Evans and Levine voting for. Motion carried 4-0.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2010- 304 APPROVING THE CERTIFIED TAX ROLLS.

Finance Manager Boyd reviewed the tax roll numbers:

Collin County Appraisal District provided a preliminary tax roll figure of \$467,000,000 on 4/30/10 reflecting a 5.3% decrease over the previous year's

certified tax roll. The 2010 certified tax roll of \$494,081,210 was published on 7/23/10 reflecting a .2% increase over the previous year's certified tax roll.

MOTION: Councilmember Levine moved to approve Resolution 2010-304 as written. Councilmember Sumrow seconded with Councilmembers Sumrow, Threadgill, Evans and Levine voting for. Motion carried 4-0.

9. CONSIDERATION AND/OR ACTION ON RESOLUTION 2010-305 APPROVING A PUBLIC HEARING AND VOTE ON THE PROPOSED FY 2010-2011 BUDGET ON SEPTEMBER 7, 2010, BEGINNING AT 7:00 P.M. AT CITY HALL.

Resolution 2010-305 would approve holding a public hearing and vote on the proposed FY 2010-2011 Budget on September 7, 2010, beginning at 7:00 p.m. at City Hall, in accordance with

LGC § 102.006.

Council requested the Resolution be changed: move Section 1 before Section 2 and add a Section 4 allowing for an alternate date of September 14.

MOTION: Councilmember Sumrow moved to approve Resolution 2010-305 subject to amendments. Mayor Pro-tem Threadgill seconded with Councilmembers Sumrow, Threadgill, Evans and Levine voting for. Motion carried 4-0.

10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2010-306 AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE AND AUTHORIZING THE PAYMENT OF TWO CENTS PER CAPITA TO ACSC TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.

MOTION: Mayor Pro-tem Threadgill moved to approve Resolution 2010-306 as written. Councilmember Evans seconded with Councilmembers Sumrow, Threadgill and Evans voting for. Levine opposed Motion carried 3-1.

11. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 655 AMENDING THE CODE OF ORDINANCES BY AMENDING TITLE XIII BY ADDING CHAPTER 131, ILLEGAL SMOKING PRODUCTS, TO PROHIBIT THE USE, PURCHASE, POSSESSION, AND SALE OF THE SYNTHETIC CANNABINOID KNOWN OR SOLD UNDER SUCH NAMES AS "SPICE," "GENIE," "DaSCENTS," "ZOHAI," "SAGE," "K-2," AND "KO KNOCK-OUT 2" FOR PUBLIC HEALTH PURPOSES.

Mayor Cordina stated he would like for the City to be pro-active in banning the sale and possession of the substance known as K2 drug. Chief Fragoso confirmed K2 had been seen in Parker and without an Ordinance the Police Department could not enforce the ban in Parker. The drug is not illegal and is readily available in local

stores and on the internet. There has been one reported death in Dallas; however, the toxicology report has not been completed.

At 8:34 p.m., Mayor Cordina recessed the regular meeting and went into Executive Session in accordance to Chapter 551:071 – Consultation with Attorney, Texas Government Code, Vernon's Texas Codes Annotated.

Mayor Cordina reconvened the regular meeting at 8:50 p.m.

Action as a result of the Executive Session:

MOTION: Councilmember Levine moved to table this item to give City Attorney Shepherd time to do further research. Councilmember Sumrow seconded with Councilmembers Sumrow, Threadgill, Evans, and Levine voting for. Motion carried 4-0.

12. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A LETTER TO STATE AND COUNTY OFFICIALS REGARDING CONSTRUCTION ON FM 2551, HOGGE ROAD.

Councilmember Evans recused herself.

Councilmember Levine noted he did not feel the letter prepared by Mayor Cordina (exhibit 12) should be sent to Collin County. The County Engineers letter stated "As far as we are concerned the die is cast." Councilmember Levine does not want to confuse the county, give the citizens false hope and if they do only 4 lanes now, the other two-lanes will cost all citizens of Parker later. If citizens want to take a stand they should take their concerns to the Commissioners Court. The City has not completed a study and has no supported documentation to present to the Commissioners Court. His understanding was if the additional two-lanes were to be constructed at a later date the City would be required to provide the funding.

Mayor Cordina noted he had spoken with Mr. Delgado since the last meeting and he was assured the money for the additional two-lanes would come from TXDoT, but it could take 20-years to receive the funding.

Councilmembers Sumrow and Threadgill agreed with Councilmember Levine. Councilmember Sumrow noted the County Engineers letter stated this is a TXDoT project and they should be contacted, not Collin County.

Councilmember Evans returned to the meeting.

Council's general opinion was it would not be beneficial to protest to TXDoT; however, encouraged citizens to write and let their opinion be known.

No action was taken by Council.

ROUTINE ITEMS

13. FUTURE AGENDA ITEM REQUESTS.

14. UPDATES

- a. Monthly Reports – Finance, Police, Fire, Building, Animal Control
 - i. Chief Sheff gave a quick review of the Fire Department report. (exhibit 14a)
 - ii. Permits for new housing starts were up from last year.
 - iii. Police mileage was down for the past month on the pickup truck, due to Sgt. Price covering several of Chief Fragoso's shifts.
 - iv. Staff was asked to research why animal control did not pick up a family of raccoons.

15. ADJOURN

Mayor Cordina adjourned the meeting at 9:35 p.m.

APPROVED:




Joe Cordina
Mayor

ATTESTED:


Carrie L. Smith, TRMC, CMC
City Secretary

APPROVED on the 7th day of
September, 2010.