



AGENDA
CITY COUNCIL MEETING
OCTOBER 8, 2018 @ 7:00 P.M.

Notice is hereby given the City Council for the City of Parker will meet in a Special Meeting on Monday, October 8, 2018 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.

ITEMS OF COMMUNITY INTEREST

- FIRE PREVENTION WEEK – OCTOBER 7-13, 2018
- TEXAS MUNICIPAL LEAGUE (TML) ANNUAL CONFERENCE IS OCT. 10-12, 2018 IN FOR WORTH, TEXAS. [PETTLE]
- 2ND TOWN HALL MEETING, TUESDAY, OCTOBER 16, 2018, 7 PM – TO DISCUSS HOME RULE AND GENERAL LAW CITIES
- REPUBLIC SERVICES HOUSEHOLD HAZARDOUS WASTE (HHW) DISPOSAL AND DRUG TAKE BACK EVENTS ARE SATURDAY, OCTOBER 27, 2018, 10:00 AM – 2:00 PM, WHICH ALSO COINCIDE WITH EARLY VOTING
- 2018 NOV. EARLY VOTING PERIOD AND ELECTION DAY (NOV. 6) INFORMATION

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Oct 21	Oct 22 Early Voting 8am–5pm	Oct 23 Early Voting 8am–5pm	Oct 24 Early Voting 8am–5pm	Oct 25 Early Voting 8am–5pm	Oct 26 Early Voting 8am–5pm	Oct 27 Early Voting 7am–7pm
Oct 28 Early Voting 1pm–6pm	Oct 29 Early Voting 7am–7pm	Oct 30 Early Voting 7am–7pm	Oct 31 Early Voting 7am–7pm	Nov 1 Early Voting 7am–7pm	Nov 2 Early Voting 7am–7pm	Nov 3
Nov 4	Nov 5	Nov 6 Election Day 7am – 7pm				

- MAYOR PETTLE OFFICIALLY CANCELED THE TUESDAY, NOVEMBER 6, 2018 CITY COUNCIL MEETING DUE TO ELECTION DAY

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 SETTING A SPECIAL CITY COUNCIL MEETING DATE FOR NOVEMBER 13, 2018 AND CANCELING THE NOVEMBER 20, 2018 REGULAR MEETING. [PETTLE]
2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON CANCELING THE DECEMBER 18, 2018 REGULAR MEETING DUE TO THE CHRISTMAS DAY HOLIDAY. [PETTLE]
3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON CANCELING THE JANUARY 1, 2019 REGULAR MEETING DUE TO THE NEW YEAR'S DAY HOLIDAY. [PETTLE]

INDIVIDUAL CONSIDERATION ITEMS

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2018-584, CONSENTING TO THE FIRST MODIFICATION OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF PLANO AND THE CITY OF PARKER, TEXAS FOR FIRE AND EMERGENCY MEDICAL DISPATCH SERVICES. [SHEFF]
5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2018-585, REINSTITUTING THE PARKER CONTRACTS REVIEW COMMITTEE AND/OR POLICY. [PETTLE/OLSON/SHELBY]
6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 766, REINSTITUTING THE PARKER PARKS AND RECREATION COMMISSION. (FORM) [PETTLE/OLSON/SHELBY]

ROUTINE ITEMS

7. FUTURE AGENDA ITEMS

UPDATE(S):

- NATIONAL NIGHT OUT UPDATE [BROOKS]
- POLICE DEPARTMENT RECORDS MANAGEMENT UPDATE [BROOKS]
- JAIL SERVICES AGREEMENT COST UPDATE [BROOKS]
- PLANO/ALLEN/PARKER RADIO SERVICES FOR POLICE DEPARTMENT DISPATCH SERVICES UPDATE - 120-DAY EXTENSION [BROOKS]
- DRAINAGE COMMITTEE [TAYLOR/MACHADO]
- 50th Anniversary [PETTLE]
- ACCEPTANCE OF CITY OF PARKER POLICE DEPARTMENT (\$100) AND PARKER FIRE DEPARTMENT (\$100) DONATIONS FOR THE RECORD (DENITTO)

8. 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 October 5, 2018 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.

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.



NOTICE

**TOWN HALL MEETING
TUESDAY, OCTOBER 16, 2018, 7 PM**

PARKER CITY HALL

5700 E. PARKER ROAD, PARKER, TEXAS 75002

A quorum of the City Council may be present for the TOWN HALL MEETING, TUESDAY, OCTOBER 16, 2018, 7 PM. No decisions will be made by the City Council during this event. Any subject raised at the event which requires deliberation of the Parker City Council will be placed on a Parker City Council agenda in the future, and with the appropriate notice of the item given in that meeting's agenda.

TOWN HALL MEETING – To Discuss Home Rule and General Law Cities

I certify that this Notice of Meeting was posted on or before October 12, 2018 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.

Date Notice Removed

Patti Scott Grey
City Secretary



Council Agenda Item

Item 1
C'Sec Use Only

Budget Account Code:	Meeting Date: October 8, 2018
Budgeted Amount:	Department/ Requestor: City Council
Fund Balance- before expenditure:	Prepared by: City Secretary Scott Grey
Estimated Cost:	Date Prepared: October 2, 2018
Exhibits:	None

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON SETTING A SPECIAL CITY COUNCIL MEETING DATE FOR NOVEMBER 13, 2018 AND CANCELING THE NOVEMBER 20, 2018 REGULAR MEETING. [PETTLE]

SUMMARY

Due to upcoming holidays, City Staff has requested City Council consider setting November 13, 2018, as a special City Council meeting, and consider canceling the regular November 20, 2018 City Council meeting.

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>Luke Olson</i>	Date:	10/05/2018



Council Agenda Item

Item 2
C'Sec Use Only

Budget Account Code:	Meeting Date: October 8, 2018
Budgeted Amount:	Department/ Requestor: City Council
Fund Balance- before expenditure:	Prepared by: City Secretary Scott Grey
Estimated Cost:	Date Prepared: October 2, 2018
Exhibits:	None

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON CANCELING THE DECEMBER 18, 2018 REGULAR MEETING DUE TO THE CHRISTMAS DAY HOLIDAY. [PETTLE]

SUMMARY

Due to upcoming holidays, City Staff has requested City Council consider canceling the regular December 18, 2018 City Council meeting.

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>Luke Olson</i>	Date:	10/05/2018



Council Agenda Item

Item 3
C'Sec Use Only

Budget Account Code:	Meeting Date: October 8, 2018
Budgeted Amount:	Department/ Requestor: City Council
Fund Balance- before expenditure:	Prepared by: City Secretary Scott Grey
Estimated Cost:	Date Prepared: October 2, 2018
Exhibits:	None

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON CANCELING THE JANUARY 1, 2019 REGULAR MEETING DUE TO THE NEW YEAR'S DAY HOLIDAY. [PETTLE]

SUMMARY

Due to upcoming holidays, City Staff has requested City Council consider canceling the regular January 1, 2019 City Council meeting.

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>Luke Olson</i>	Date:	10/05/2018



Council Agenda Item

Item 4
C'Sec Use Only

Budget Account Code: 1-40-6320	Meeting Date: October 8, 2018
Budgeted Amount:	Department/ Requestor: Fire Dept./Chief Sheff
Fund Balance-before expenditure:	Prepared by: Fire Chief Sheff
Estimated Cost:	Date Prepared: October 4, 2018
Exhibits:	<ul style="list-style-type: none">• Proposed Resolution• First Modification of Interlocal Agreement• Res. No. 2010-308 (Fire and Emergency Medical Dispatch Services)

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2018-584, CONSENTING TO THE FIRST MODIFICATION OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF PLANO AND THE CITY OF PARKER, TEXAS FOR FIRE AND EMERGENCY MEDICAL DISPATCH SERVICES. [SHEFF]

SUMMARY

Background:

On October 11, 2010 the City entered into a five-year interlocal agreement, with a provision for an additional three-year extension, with the City of Plano for dispatch services for the fire department.

Plano has presented the City an opportunity to modify the dispatch agreement by 1) providing for an extension of the current contract through September 30, 2019 with an option for an additional year through September 30, 2020, and 2) establishing a per capita fee of \$5.74 based on the most recent NCTCOG population estimates and 3) further providing for a two percent (2%) increase in such fee for the optional one year extension.

Plano provides exceptional dispatch service to the fire department at a reasonable and competitive cost. The dispatch fee associated with the first year of the contract in 2010 was at a per capita charge of \$5.00. Annual increases thereafter were no greater than two percent. The fee associated with the First Modification represents a two percent

increase over the per capita fee charged Parker for the fiscal year ending September 2018, fully in lock step with previous increases.

Recommendation:

The contract with Plano for dispatch service is economically favorable to the City, is inside the allocated budget for the 2018/19 fiscal year as previously approved by Council and conforms to prior annual increases in dispatch fees under the initial contract.

Extension of the contract for the current fiscal year 2018/19 with an option for an additional, one-year extension provides the Fire Department and the City ample time to consider other dispatch solutions aligned with the City's strategic planning process.

It is the fire department's strong recommendation to consent to the First Modification and continue dispatch service with Plano.

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>Luke Olson</i>	Date:	10/05/2018

RESOLUTION NO. 2018-584
(Fire and Emergency Medical Dispatch Services)

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS,
PROVIDING FOR THE EXECUTION OF MODIFICATION AND
EXTENSION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY
OF PARKER AND THE CITY OF PLANO FOR FIRED AND EMERGENCY
MEDICAL DISPATCH SERVICES.**

WHEREAS, the City of Parker is authorized by state law to execute an Interlocal Agreement for Fire and Emergency Medical Dispatch Services; and

WHEREAS, the City of Parker entered into an Interlocal Agreement (“ILA”) with the City of Plano for said services on October 11, 2010 for an initial five year term; and

WHEREAS, the City of Parker renewed said ILA for a three year extension in October 2015; and

WHEREAS, the City of Parker wishes to modify and extend the ILA for an additional one-year term as proposed in Exhibit “A” attached hereto and incorporated fully herein by reference

WHEREAS, The City of Parker has budgeted sufficient funds to make the required payments.

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

SECTION 1. The Parker City Council does authorize the Mayor to execute Exhibit “A” attached hereto modifying and extending the ILA with the City of Plano for the provision of fire and emergency medical dispatch services.

SECTION 2. This resolution shall be effective upon its execution by the Mayor.

APPROVED AND ADOPTED this 8th day of October, 2018.

Lee Pettie, Mayor

ATTEST:

Patti Scott Grey, City Secretary

APPROVED TO FORM:

Proposed

THE STATE OF TEXAS	§	<u>First Modification of Interlocal Agreement</u>
	§	By and Between City of Plano and City of
	§	Parker, Texas
	§	
	§	Fire and Emergency Medical Dispatch
COUNTY OF COLLIN	§	Services

THIS FIRST MODIFICATION OF Interlocal Agreement (hereinafter "First Modification") is by and between the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation (hereinafter "PLANO"), acting by and through its City Manager or his designee, and the **CITY OF PARKER, TEXAS**, a general-law municipality (hereinafter "PARKER"). CITY and PARKER are sometimes collectively referred to as "Parties."

WITNESSETH:

WHEREAS, the PLANO City Council approved the Interlocal Agreement with PARKER on October 11, 2010 (hereinafter "Agreement") for Fire and Emergency Medical Dispatch Services (hereinafter "Services"); and

WHEREAS, it is necessary to modify the term and fees sections of the Agreement as set forth herein in this First Modification.

NOW THEREFORE, the Agreement is incorporated herein as if written word for word. Except as provided below, all other terms and conditions of the Agreement shall remain unchanged and shall remain in full force and effect. In the event of any conflict or inconsistency between the provisions set forth in this First Modification and the Agreement, priority of interpretation shall be in the following order: First Modification, Agreement. In consideration of the foregoing, and for other good and valuable consideration, the parties hereto agree as follows:

I.

Beginning on the effective date of this Modification and continuing through the remaining term of the Agreement, section I. **TERM** is hereby modified to read in its entirety as follows:

**I.
TERM**

The term of this Agreement is for a period of five (5) years, beginning on the 1st day of October, 2010, and ending on the 30th day of September, 2015, with an optional three (3) year automatic renewal, unless terminated earlier by either party in accordance with the terms of this Agreement. Unless terminated by either PLANO or PARKER, as set forth hereafter, this Agreement shall automatically renew yearly without

further action until its automatic termination on the 30th day of September 2018.

An additional term of one (1) year commencing on October 1, 2018 and ending on September 30, 2019, with the option to renew one (1) additional year now added to this Agreement.

II.

Beginning on the effective date of this Modification and continuing through the remaining term of the Agreement, section **V. FEES** is hereby modified to add subsection 5.02 in its entirety as follows:

5.02 The fees to be paid in the additional term and the optional term for Fire and Emergency Medical Dispatch Services shall be assessed against PARKER. All fees due hereunder shall be paid from current revenues legally available to PARKER. PARKER agrees to pay PLANO according to the following schedule:

- a) The annual fee for dispatch services shall be based upon the estimated population for PARKER as identified by the annual Population Estimates published by the North Texas Central Council of Governments (hereinafter "NCTCOG").
- b) The fees for dispatching services shall be \$5.74 per PARKER resident for the first year of the additional term.
- c) The fees will increase two (2) percent per capita for the remaining optional one (1) year renewal for the additional term.
- d) Fees shall be calculated based upon the most recently available NCTCOG Population Estimates.

IN WITNESS WHEREOF, this Modification shall be effective from and after the date of execution by the last signatory hereto as evidenced below.

CITY OF PARKER, TEXAS

Date: _____

By: _____

Name: _____

Title: _____

APPROVED AS TO FORM:

Attorney for City of Parker, Texas

CITY OF PLANO, TEXAS

Date: _____

By: _____
Susan Carr
DIRECTOR OF PUBLIC SAFETY
COMMUNICATIONS

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2018 by _____, (*Authorized representative*) _____ (*Title*) of **CITY OF PARKER, TEXAS**, a general-law municipality, on behalf of said general-law municipality.

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 2018, by **SUSAN CARR**, Director of Public Safety Communications, of **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of said corporation.

Notary Public, State of Texas

RESOLUTION NO. 2010-308
(Fire and Emergency Medial Dispatch Services)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BETWEEN THE CITY OF PARKER AND THE CITY OF PLANO PROVIDING FOR FIRE AND EMERGENCY MEDICAL DISPATCH SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIING A SAVINGS CLAUSE, AND PROVIIDNG AN EFFECTIVE DATE.

WHEREAS, Chapter 791 of the Government code provides that local governments may contract in order to increase the efficiency and effectiveness of the delivery of services to the general public, and

WHEREAS, the Parker City Council has been presented with an interlocal cooperation agreement proposed by the City of Plano, entitled "Agreement Between the City of Plano and The City of Parker for Fire and Emergency Medical Dispatch Services," a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, the Parker City Council finds that the terms and conditions thereof are in the best interests of the City and should be approved;

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

SECTION 1. The terms and conditions of the Agreement are approved.

SECTION 2. The Mayor is hereby authorized to execute the Agreement and all other necessary documents in connection therewith on behalf of the City of Parker.

SECTION 3. It is the intent of the City Council that each paragraph, sentence, subdivision, clause, phrase or section of this Resolution and the Agreement attached hereto be deemed severable, unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to effect the validity of those provisions of this Resolution and its attachment left standing.

PASSED AND APPROVED BY THE CITY OF PARKER, TEXAS, COLLIN COUNTY, THIS 17TH DAY OF AUGUST, 2010

APPROVED:




Mayor Joe Cordina

ATTEST:



City Secretary Carrie L. Smith

APPROVED TO FORM:



City Attorney James E. Shepherd

AGREEMENT BETWEEN THE CITY OF PLANO AND THE CITY OF PARKER FOR FIRE AND EMERGENCY MEDICAL DISPATCH SERVICES

This Agreement is made between the CITY OF PLANO, TEXAS, a municipal corporation (hereinafter referred to as "Plano"), and the CITY OF PARKER, TEXAS, a general-law municipality (hereinafter referred to as "Parker"), as follows:

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as amended, authorizes governmental entities to contract with each other to perform government functions and services under the terms thereof; and

WHEREAS, Plano and Parker are political subdivisions within the State of Texas and are all engaged in the provision of governmental services for the benefit of their citizens; and

WHEREAS, the parties desire to enter into an agreement under which Plano will provide dispatch services as herein described to Parker at a fee; and

WHEREAS, Plano and Parker have current funds available to satisfy any fees and costs required pursuant to this Agreement.

NOW THEREFORE, Plano and Parker, for and in consideration of the recitals set forth above and terms and conditions below, agree as follows:

I. TERM

The term of this Agreement is for a period of three (3) years, beginning on the 1st day of October, 2010, and ending on the 30th day of September, 2015, with an optional three (3) year automatic renewal, unless terminated earlier by either party in accordance with the terms of this Agreement. Unless terminated by either Plano or Parker, as set forth hereafter, this agreement shall automatically renew yearly without further action until its automatic termination on the 30th day of September 2018.

II. OBLIGATIONS OF PLANO

- 2.01 Upon transfer of fire and Emergency Medical Services (EMS) calls from the Collin County Sheriff's Office, Plano shall:
- (a) dispatch Parker fire calls via radio and alpha-numeric pager, or in the event of radio malfunction, dispatch via any other method available; and
 - (b) provide pre-arrival EMS instructions when necessary and appropriate, and notify an EMS Provider designated by Parker when necessary and appropriate.

III. OBLIGATIONS OF PARKER

- 3.01 The primary Public Safety Answering Point (PSAP) for the City of Parker shall be the Collin County Sheriff's Office (CCSO). CCSO shall transfer all fire and EMS calls to the Plano Public Safety Communications (PSC) Center. Parker shall be responsible for maintaining a PSAP for all calls dispatched by Plano under this agreement and shall promptly notify Plano if the PSAP changes.

- 3.02 Parker shall identify the phone lines and all equipment necessary to accommodate the transfer of calls from its primary PSAP to Plano PSC.
- 3.03 Parker shall at all times provide Plano with current and accurate street maps of the entire City of Parker, including all areas that are served by fire, medical and other emergency personnel. This shall be in ESRI Shapefile format as specified by Plano.
- 3.04 Parker shall provide a current and accurate listing of all types of apparatus in its possession and shall provide current and accurate response information.
- 3.05 Parker shall designate and identify its EMS Provider, and shall provide all information necessary for Plano to contact the Parker EMS Provider. Such information shall always be kept current and accurate.
- 3.06 Parker shall provide all other information that is unique to Parker Fire Department operations, regardless of the type of information, and shall immediately notify Plano as to changes or modifications of all such information that is reasonably necessary for Plano to provide services under this Agreement.

IV. EMPLOYMENT RIGHTS NOT ABRIDGED

Employment rights of personnel assigned to either Plano or Parker under this Agreement are not abridged by the other agency. Participation in this Agreement by Plano and Parker shall not penalize personnel of either department nor shall it threaten their employment rights, promotional opportunities, training opportunities, or fringe benefits.

V. FEES

- 5.01 The fees to be paid for Fire and Emergency Medical Dispatch Services shall be assessed against Parker. All fees due hereunder shall be paid from current revenues legally available to Parker. Parker agrees to pay Plano according to the following schedule:
 - (a) The annual fee for dispatch services shall be based upon the estimated population for Parker as identified by the annual Population Estimates published by the North Texas Central Council of Governments (NCTGOC).
 - (b) The fees for dispatching services shall be \$5.00 per Parker resident for the first year.
 - (c) The fees will increase two percent (2%) per capita for each remaining year.
 - (d) Fees shall be calculated based upon the most recently available NCTCOG Population Estimates.

VI. PAYMENTS DUE

All payments for expenses incurred as a result of the performance of this Agreement shall be made only from current revenues legally available to each respective party. For the term of the Agreement ending September 30, 2018, Parker agrees to pay Plano the Annual Fees under Article IV within thirty (30) days of the receipt of the invoice.

VII. TERMINATION

7.01 This agreement may be terminated as specified below upon the occurrence of any of the following:

- (a) Either party may terminate this Agreement at any time by giving sixty (60) days advance written notice. Parker shall pay for all fees incurred through the effective date of termination.

VIII. RELEASE AND HOLD HARMLESS

Each party agrees to waive all claims against, to release, and to hold harmless the other party and its respective officials, agents, employees, in both their public and private capacities, from any and all liability, claims, suits, demands, losses, damages, attorney fees, including all expenses of litigation or settlement, or causes of action which may arise by reason or injury to or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement. In the event that a claim is filed, each party shall be responsible for its proportionate share of liability.

IX. IMMUNITY

In the execution of this Agreement, none of the parties waive, nor shall it be deemed hereby to have waived any immunity or any legal or equitable defense otherwise available against claims arising in the exercise of governmental powers or functions. By entering into this Agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement does not create any rights in parties who are not signatories to this Agreement.

X. ASSIGNMENT AND SUBLETTING

Parker agrees to retain control and to give full attention to the fulfillment of this Agreement, that this Agreement will not be assigned or sublet without the prior written consent of Plano and Parker, and that no part or feature of the work will be sublet to anyone objectionable to Plano. Parker further agrees that the performance of this Agreement shall not relieve Parker from its full obligations to Plano as provided by this Agreement.

XI. ENTIRE AGREEMENT

This Agreement represents the entire and integrated agreement between Plano and Parker and supersedes all prior negotiations, representations, and/or agreements, either written or oral. This Agreement may be amended only by written instrument signed by Plano and Parker.

XII. NOTICES

Unless notified otherwise in writing, all notices are required to be given to either party in writing and delivered in person or send via certified mail to the other party at the following respective addresses:

Plano Representative:
CITY OF PLANO
Director of Public Safety Communications
1520 K Avenue, Suite 010
Plano, TX 75074
972-941-7931

Parker Representative:
CITY OF PARKER
City Administrator
5700 East Parker Road
Parker, TX 75002
972-442-6811

XIII. AUTHORITY TO SIGN/CITY COUNCIL AUTHORIZATION

The undersigned officer and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto.

XIV. SEVERABILITY

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held to be contract to the law or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of the Agreement. However, upon occurrence of such event, either party may terminate this Agreement by giving the other party thirty (30) days written notice.

XV. VENUE

This agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. The parties agree that this Agreement shall be enforceable in Collin County, Texas, and if legal and necessary, exclusive venue shall lie in Collin County, Texas.

XVI. INTERPRETATION OF AGREEMENT

Although this Agreement is drafted by Plano, this is a negotiated document. Should any part of this Agreement be in dispute, the parties agree that the Agreement shall not be constructed more favorably for either party.

XVII. REMEDIES

No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy granted by law or equity; but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Agreement may be waived without the express written consent of the parties. It is further agreed that one (1) or more instance of forbearance by either party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.

XVIII. SUCCESSORS AND ASSIGNS

The parties each bind themselves, their respective successors, executors, administrators, and assigns to the other party to this contract. Neither party will assign, sublet, subcontract or transfer any interest in this Agreement without prior written consent of the other

party. No assignment, delegation of duties or subcontract under this Agreement will be effective without the written consent of all parties.

EXECUTED on the dates indicated below:

CITY OF PARKER, TEXAS

BY:

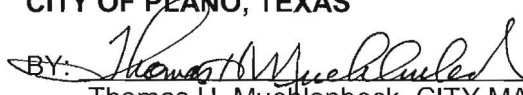

Joe Cordina, MAYOR

APPROVED AS TO FORM:



City Attorney

CITY OF PLANO, TEXAS

BY:


Thomas H. Muehlenbeck, CITY MANAGER

APPROVED AS TO FORM:


Diane C. Wetherbee, City Attorney

ACKNOWLEDGEMENTS

STATE OF TEXAS

§
§
§

COUNTY OF COLLIN

This instrument was acknowledged before me on the 7th day of December 2010, by **JOE CORDINA, MAYOR** for the **CITY OF PARKER, TEXAS**, a general law municipality, on behalf of such municipality.



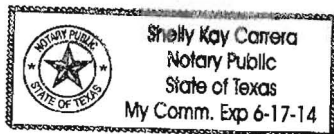
Carrie Lynn Smith
Notary Public, State of Texas

STATE OF TEXAS

§
§
§

COUNTY OF COLLIN

This instrument was acknowledged before me on the 22nd day of October 2010, by **THOMAS H. MUEHLENBECK, CITY MANAGER** for the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of such municipal corporation.



Shelly Kay Camera
Notary Public, State of Texas



Council Agenda Item

Item 5
C'Sec Use Only

Budget Account Code:	Meeting Date: October 8, 2018
Budgeted Amount:	Department/ Requestor: Mayor Pettie
Fund Balance- before expenditure:	Prepared by: City Staff
Estimated Cost:	Date Prepared: October 4, 2018
Exhibits:	<ul style="list-style-type: none">• Proposed Resolution• Res. No. 2016-530 (Abandoning Contracts Policy)• Res. No. 2014-440 (2014 Contracts Policy)

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2018-585, REINSTITUTING THE PARKER CONTRACTS REVIEW COMMITTEE AND/OR POLICY. [PETTIE/OLSON/SHELBY]

SUMMARY

Mayor Pettie requested an item reinstituting the Parker Contracts Review Committee be placed on the agenda for consideration.

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>Luke Olson</i>	Date:	10/05/2018

RESOLUTION NO. 2018-585

(Reinstituting Contracts Policy and Contract Review Committee)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, ADOPTING A CONTRACTS POLICY AND ESTABLISHING A CONTRACTS REVIEW COMMITTEE, PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Parker desires to adopt a policy and procedure for the review of City Contracts; and

WHEREAS, the City of Parker previously adopted a contracts policy through Resolution No. 2014-440 and abandoned said policy through Resolution 2016-530; and

WHEREAS, the City Council of the City of Parker seeks to re-adopt the previous policy attached hereto as Exhibit "A" and incorporated fully by reference; and

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

SECTION 1. The City Council of the City of Parker does hereby adopt the City of Parker Contract Recommendations and Suggestions as its 2018-2019 Contracts Policy.

SECTION 2. As provided by the policy, the Contracts Committee shall consist of the Mayor, Councilmember _____, Councilmember _____, and the City Administrator or his designee.

SECTION 3. All provisions of the Resolutions of the City of Parker, Texas in conflict with the provisions of this resolution, if any, be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this resolution shall remain in full force and effect.

SECTION 4. This resolution shall become effective immediately from and after its passage.

DULY RESOLVED by the City Council of the City of Parker, Texas on this the 8th day of October, 2018.

APPROVED:

Lee Pettle, Mayor

ATTEST:

Patti Scott Grey, City Secretary

APPROVED AS TO FORM:

Brandon Shelby, City Attorney

Proposed

RESOLUTION NO. 2016-530
(Abandoning Contracts Policy)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER
ABANDONING CITY OF PARKER CONTRACTS POLICY PREVIOUSLY
ADOPTED BY RESOLUTION NO. 2014-440; PROVIDING FOR A
REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council for the City of Parker adopted a policy and procedure on City Contracts on April 15, 2014 by Resolution No. 2014-440; and

WHEREAS, the City Council determined that the Contracts Policy had served its purpose, but was no longer needed; and

WHEREAS, the City Council, by motion and order on August 10, 2016, directed staff to revise the Contracts Policy to draft a Resolution abandoning said policy and procedure,

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

SECTION 1. The City of Parker Contracts Policy adopted on April 15, 2014 by Resolution No. 2014-440 is hereby abandoned and shall no longer govern the contracts policy for the City, from and after the effective date of this Resolution.

SECTION 2. That all provisions of any and all resolutions of the City of Parker found to be in conflict with the provisions of this Resolution be, and the same are hereby, repealed to the extent of the conflict, and all other provisions of the resolutions of the City of Parker not in conflict with the provisions of this Resolution shall remain in full force and effect.

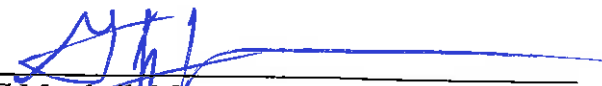
SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Resolution which shall remain in full force and effect.

SECTION 4. This Resolution shall become effective immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Parker, Collin County, Texas on this the 18th day of October, 2016.



CITY OF PARKER:



Z Marshall, Mayor

ATTEST:



Patti Scott Grey, City Secretary

APPROVED AS TO FORM:



Brandon Shelby, City Attorney

RESOLUTION NO. 2014-440
(2014 Contracts Policy)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, ADOPTING THE CITY OF PARKER CONTRACTS POLICY OF 2014, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Council desires to adopt a policy and procedure on City Contracts,

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

SECTION 1. The City of Parker 2014 Contracts Policy attached hereto as Exhibit "A" be and the same is hereby adopted and shall govern the contracts policies for the City, from and after the effective date of this resolution.

SECTION 2. All provisions of the resolutions of the City of Parker, Texas, in conflict with the provisions of this resolution, if any, be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this resolution shall remain in full force and effect.

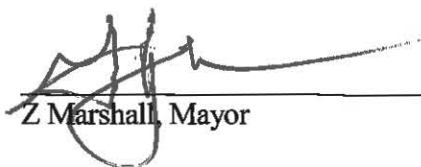
SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said resolution which shall remain in full force and effect.

SECTION 4. This resolution shall become effective immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Parker, Texas, on this the 15th day of April, 2014.



CITY OF PARKER, TEXAS



Z Marshall, Mayor

ATTEST:


Carrie L. Smith, City Secretary

APPROVED AS TO FORM:


James E. Shepherd, City Attorney

EXHIBIT "A"

City of Parker Contract Recommendations and Suggestions

- A. Determine what contracts, if any, are necessary.
 - 1. Services such as cleaning
 - 2. Professional services
- B. Determine Contract Approval
 - 1. Routine service contracts to be handled by Mayor and City Administrator or their designee(s)
 - 2. Professional service contracts to be handled by Mayor and Council
 - 3. All contracts, after final review by legal counsel, are to be signed by Mayor and City Administrator or their designee
- C. Standardize contracts
 - 1. Attorney to write or review before signing
 - 2. Qualifications stated and what is necessary for "proof" such as licenses, insurance, bonding, etc. Proof and requirements to be kept in file at City Hall
 - 3. Background checks/verifications such as qualifications, references and criminal history to be completed before any contract signed
 - 4. Services to be performed spelled out, performance measures defined
 - 5. Fees to be specified in detail
 - 6. Payment terms to be specified
 - 7. Term of Services specified
 - a. Renewal clause
 - b. Default/Penalty clause
 - 1. Path of resolving problems, contract conflicts
 - c. Termination clause
 - 1. For cause at any time
 - 2. Following annual review, if recommended by Contract Monitor and/or approved by Review Committee
 - 8. Contact Person with City and for service provider
 - a. Specify who has the authority for specific approvals and how other approvals are to be handled
 - b. Determined by Mayor and/or City Administrator
- D. Contract Monitoring and Review
 - 1. Contract Monitor
 - a. To monitor contract compliance/complaints during contract term
 - b. Determined by Mayor and/ City Administrator

2. Annual review by City
 - a. Benchmarks, if any, met
 - b. Performance of services
 - c. Compliance with contract and any applicable Ordinances
 - d. Determine if any changes/updates are necessary
 - e. Determine to continue or terminate
 - f. Fee Review
3. Review Committee for Contract Review
 - a. To consist of the Mayor, 2 Council Members and the City Administrator or his designee.
 - b. Contract review by the Review Committee must be done every 5 years to determine future actions
 - c. Request for Qualifications and/or Request for Proposals will be issued after Committee Review if deemed appropriate



Council Agenda Item

Item 6
C'Sec Use Only

Budget Account Code:	Meeting Date: October 8, 2018
Budgeted Amount:	Department/ Requestor: Mayor Pettie
Fund Balance- before expenditure:	Prepared by: City Staff
Estimated Cost:	Date Prepared: October 4, 2018
Exhibits:	<ul style="list-style-type: none">• Proposed Ordinance• Ordinance No. 722 (Open Space and Parks) – Sec.1 – Dissolved• Ordinance No. 688 (Amending Code Chapter 97 P&R Com.)• Ordinance No. 683 (Amending Ord. No. 658A, P&R Commission)• Ordinance No. 658A (Amending Ord. No. 608, P&R Commission)• Ordinance No. 608 (Establishing and Regulations, P&R Com.)• P&R Commission Application with Res. No. 2016-505 (B&C Membership Selection)

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 766, REINSTITUTING THE PARKER PARKS AND RECREATION COMMISSION. (FORM) [PETTIE/OLSON/SHELBY]

SUMMARY

Mayor Pettie requested an item reinstituting the Parker Parks and Recreation Commission be placed on the agenda for consideration.

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>Luke Olson</i>	Date:	10/05/2018

ORDINANCE NO. 2018-766
(Parks and Recreation Commission)

A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AMENDING CHAPTER 97 OF THE CITY OF PARKER CODE OF ORDINANCES TO REESTABLISH THE PARKS AND RECREATION COMMISSION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Parker, with Ordinance No. 608, established a Parks and Recreation Commission on February 27, 2007; and

WHEREAS, the City Council of the City of Parker, with Ordinance No. 722, dissolved the Parks and Recreation Commission on January 20, 2015; and

WHEREAS, the City Council of the City of Parker finds renewed interest from the citizens of Parker, Texas and finds it in the best interest of the City of Parker to reestablish the Parks and Recreation Commission; and

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

SECTION 1. The Parks and Recreation Commission of the City of Parker is hereby reestablished. The provisions of Ordinance 722 dissolving the Parks and Recreation Commission are hereby repealed.

SECTION 2. The provisions of Ordinance 608 establishing the Parks and Recreation Commission are hereby reinstated as amended by Ordinance No. 658, 683 and 688, and codified as Sections 97.01 through 97.08 of the Municipal Code of Ordinances as follows:

§ 97.01 COMPENSATION OF MEMBERS.

Members of the Commission shall serve without compensation.

§ 97.02 MEETINGS.

(A) Regular meetings. The Commission shall meet at least bi-monthly. Such bi-monthly meeting shall be on the last Wednesday of every other month at the suggested time of 7:00 p.m. in the City Hall unless another time, date and place be designated by the Chairman, and all members of the Commission notified at least 7 days in advance. Regular meetings shall be in the months of January, March, May, July, September and November. The regular meeting in November may be set each year by resolution of the Commission as the first, second, third or fourth Wednesday of November to avoid conflict with the Thanksgiving holidays.

(B) Special meetings. A special meeting may be called with the agreement of the chair, vice-chair, and Council Liaison.

§ 97.03 VOTING AND QUORUM.

All questions presented for a vote of the Parks and Recreation Commission shall be decided by a simple majority of those present. A meeting may not be held unless a majority of the members are in attendance.

§ 97.04 ATTENDANCE OF CITY ADMINISTRATOR AND/OR CITY COUNCIL LIAISON.

The City Administrator and/or City Council Liaison may be in attendance at Commission meetings as required by the City Council. The City Administrator may have other members of the staff in attendance at Commission meetings when required or requested by the Commission. The City Administrator may participate in meetings to provide staff assistance, reports and recommendations as requested by the Commission.

§ 97.05 PLACES; ALTERNATES; DUTIES OF OFFICERS.

(A) Places.

(1) The Parks and Recreation Commission for the city shall consist of 5 members appointed by a majority of the City Council. Each member shall serve in a place designated by the Council. Places 1, 3, and 5 shall have 2-year terms, expiring May 31 in odd years. Places 2 and 4 shall have 2-year terms, expiring May 31 in even years. All terms commence on June 1 of the even or odd year assigned that Place.

(2) There are no term limits for appointees. Upon the passage of Ordinance 683, the Council may designate, or re-designate, current members, and/or any members to be appointed, into each Place, with the appropriate provisions as to the fulfillment of any unexpired terms.

(3) Unless otherwise designated by the City Council, the Commission member serving in a designated Place upon the passage of Ordinance 683 continues in that Place through May 31 of the even or odd year term for that Place. All members of the Commission continue to serve until their successors are appointed and qualified; save and except when a member resigns, in writing. Such resignation shall be effective the date of its receipt by the City Secretary.

(B) Alternates. A majority of the City Council may appoint 1, 2, 3, or 4 alternates to the Parks and Recreation Commission. The terms of the alternates will be 1-year terms, unless specifically set at the time of the appointment of the alternate as a 2-year term. An alternate may be reappointed at the discretion of the Council. Regardless of the term assigned to the alternate, the City Council may remove an alternate with or without cause at any time. Terms of alternates commence June 1 of each year. All alternates continue to serve until their successors are appointed and qualified; save and except when an alternate resigns in writing. Alternate members shall be classified as members for all purposes other than regular voting.

(C) Duties. The duties of the officers of the Parks and Recreation Commission shall be as follows:

(1) Chairman. The Chairman shall preside at all meetings when he or she is present. The Chairman shall implement or cause to have implemented any practice or procedure in the calling of meetings, conduct of meetings, or reporting of activities that he or she considers in the best interest of the Commission and shall so inform the City Council or consult with the City Council when necessary or desirable. It shall be the responsibility of the Chairman to request from the City Administrator support activity needed from the city. It shall be the responsibility of the Chairman to submit reports to the City Council, when necessary or requested, relative to

such matters as Commission activity, participation by members, and any other matters deemed significant relative to the Commission's functions. The Chairman may represent the Parks and Recreation Commission at public functions.

(2) Vice-Chairman. The Vice-Chairman shall assist the Chairman in directing the total affairs of the Commission. In the absence of Chairman, the Vice-Chairman shall assume all duties of the Chairman.

(3) Secretary. The Secretary shall take minutes and maintain the books and records of the Commission.

(4) The Commission will provide a quarterly report to the City Council, detailing their actions for the previous quarter, and their goals for the upcoming quarter. The report on the expenditures requested and granted by the staff and City Council will be given, together with the requested expenditures for the upcoming quarter. The Commission does not have an independent budget. All expenditures are to be reviewed and approved by the City Administrator or Mayor, or their designee.

§ 97.06 POWERS AND DUTIES.

The Commission shall have the following powers and perform the following duties:

(A) Advisory capacity to Council. The primary role of the Commission shall be to advise the Council regarding the city land known as the Preserve, adjacent to City Hall. It shall act only in an advisory capacity to the City Council in all matters pertaining to nature areas, trails, open space, historical areas, public gardens, and public activity, collectively referred to as recreation, shall acquaint itself with and make a continuous study and inspection of the complete "open spaces plan" [or "nature plan"] of the city; and shall advise with the City Council from time to time as to the present and future maintenance, operation, planning, acquisition, development, enlargement and use policy of the city open space property.

(B) Recommend standards. It shall recommend the adoption of standards on areas, facilities, program and financial support.

(C) Review, maintenance of master planning guide: review of services and needs. There shall be created a master planning guide for city open spaces areas and the Commission shall review and maintain such master planning guide. Such master planning guide shall be considered, revised and maintained with technical assistance and recommendations of the city staff and the city Plan Commission. The master planning guide shall be reviewed at least bi-annually and periodically updated. The Commission shall periodically review all recreation services that exist or that may be needed and interpret the needs of the public to the City Council and to the City Administrator. In the conduct of the above activities, the Commission shall, at the request of the City Council, hold public hearings provided notice is published in the official city newspaper at least 10 days prior to such public hearings.

(D) Rules and regulations for conduct of business. It shall follow the rules and regulations prescribed by the City Council for the conduct of its business.

(E) Other recommendations to Council. It shall make any other recommendations to the City Council regarding recreation matters that it considers advisable, or which are requested by the City Council.

(F) Solicitations. It may solicit for the city gifts, revenues, bequests or endowments of money or property as donations or grants from persons, subject to the prior approval and acceptance by the City Council. All funds are the property of the city, to be accepted and/or expended by the City Council.

(G) Reports. It shall cause to have reports prepared as required on any aspect of the program or facilities. No such reports shall be made available to other than Commission members and City Council members without action by the Commission in a formal meeting.

§ 97.07 SUBCOMMITTEES.

(A) Appointment. The Parks and Recreation Commission, by a majority vote of the quorum present at any regular or special meeting, may appoint such members and citizens as reasonable and prudent to subcommittees to serve the purposes of the Parks and Recreation Commission.

(B) Termination. These committees may be dissolved in a like manner, or by the City Council.

§ 97.08 SHORT TITLE.

This chapter shall be commonly known and cited as the "Parks and Recreation Commission Ordinance."

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decide to be invalid illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 4. This resolution shall be effective upon its execution by the Mayor.

APPROVED AND ADOPTED this 8th day of October, 2018.

Lee Pettle, Mayor

ATTEST:

Patti Scott Grey, City Secretary

APPROVED TO FORM:

Brandon Shelby, City Attorney

ORDINANCE NO. 722
(Open Space and Parks)

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AMENDING AND RESTATING THE PROVISIONS OF ORDINANCE NO. 608 AS CODIFIED AS CHAPTER 97 OF THE PARKER MUNICIPAL CODE; DISSOLVING THE PARKS AND RECREATION COMMISSION OF THE CITY OF PARKER; REVISING REGULATIONS FOR PUBLICLY OWNED OPEN SPACE AND PARKS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$500 FOR EACH OFFENSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Parker, Collin County, Texas has determined that the City should, with no objection received from the Parks and Recreation Commission, dissolve the Parks and Recreation Commission; and

WHEREAS, the City Council has determined the revision of the regulations established for the public open spaces, including the City open space known as the "Preserve", adjacent to City Hall, should be revised; and

WHEREAS, the term "Park" as used in the Parker Municipal Code of Ordinances specifically includes any area of Parker specifically designated by the City Council as a "Park", and the regulations of the Municipal Code shall also apply to areas of open space, including the area of Parker known as the Preserve, which are not designated as a "Park", as that term is used in the Local Government Code.

WHEREAS, the City of Parker Municipal Code of Ordinances should be amended in conformity with the provisions of this Ordinance,

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

SECTION 1. COMMISSION DISSOLVED The Parks and Recreation Commission of the City of Parker is hereby dissolved. The provisions of Ordinance 608 establishing the Parks and Recreation Commission, codified as Sections 97.01 through 97.08 of the Municipal Code of Ordinances, are hereby repealed.

SECTION 2. PARK REGULATIONS REVISED The following sections of the Municipal Code are modified as follows:

Section 97.09 Definitions --the definition of "Recreation" is modified as follows:

"RECREATION-- lawful activities pertaining to nature areas, trails, open space, historical areas, and public gardens."

Section 97.10 ENFORCEMENT. (C) *Seizure of Property* is modified as follows:

“(C) *Seizure of Property*. The Police Department shall have the authority to seize and confiscate any unlawful items or other contraband for which seizure is authorized under the laws of the State of Texas.

Section 97.11 **Unlawful Acts** (A) (1) is modified as follows:

“(1) No motorized vehicles, except for wheel chairs for the disabled, are allowed in any park, trail, or sidewalk, except within designated parking areas.

Section 97.11 (A) shall have the following provisions added, commencing with subsection 14 as follows:

“14. To carry a firearm, except those persons who are peace officers or are duly licensed by the State of Texas to carry a concealed handgun in accordance with the provisions of the Texas Concealed Handgun License Laws, as amended.

“15. To discharge firearms, fireworks, BB guns, air guns, bow and arrow, sling shots, blow guns, rockets, or paint ball guns.

“16. To swim, bathe, wade in or pollute the water of any fountain, pond, lake or stream.

“17. To remain, stay or loiter in the area of the park between the hours of 11:00 pm and 5:00 am inclusive, every day of the week.

“18. To enter into/onto the wooden structure in the Preserve known as the “Barn”, including its loft, stairs, roof, and/or all other structures or areas as restricted by signage.

“19. To park or operate any truck-tractor, trailer, semitrailer, pole-trailer in a park facility parking lot at any time.

“20. For the owner or person with possession or custody of a domestic animal to allow the animal to defecate in the park without immediate removal and disposal of such feces in proper waste receptacles.

“21. To discard, abandon, litter, or break any glass container. No glass beverage containers are permitted in the park.

“22. To advertise, solicit, and/or conduct a business in the park in any manner that either creates a disturbance to other park guests, or displaces other park guests in the park, or involves more than two representatives of the business, or which occurs for more than one hour in any three day period.

“23. To use or operate any gas operated remote controlled airplanes; boat, car, drone or other motorized, model device, including radio-controlled devices such as helicopters; parasail,

hang glider or hot air balloons, in any manner that either creates a disturbance to other park guests, or displaces other park guests in the park.

"24. To use or operate mechanical or amplified music, sound or voice.

Section 97.11 (B) is modified as follows:

"One or more of the rules in this chapter 97 may be waived for good cause, in advance, by the City, upon written request by an applicant.

Section 97.12 shall be retitled as follows:

"Section 97.12 **USE OF COMMERCIAL VEHICLES.**"

Section 97.14 CITY SPONSORED EVENTS shall be modified as follows:

"City sponsored events or use of Park facilities may be exempt from all or a portion of the provisions of 97.11 as is reasonably necessary for operation of event."

SECTION 3. SEVERABILITY. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 4. PENALTY CLAUSE. Any person, firm or corporation violating any of the provisions of this Ordinance or of the Code of Ordinances, as amended hereby, shall be guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Parker, Texas, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense and each and every day said violation is continued shall constitute a separate offense.


SECTION 5. REPEALER CAUSE. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this Ordinance or the Code of Ordinances, as amended, as a whole.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and the publication of its caption, and it is so ordained.

DULY PASSED by the City Council of the City of Parker, Collin County, Texas, on the 20th day of January, 2015.




APPROVED:



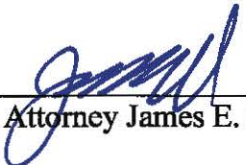
Mayor Z. Marshall

ATTEST:



City Secretary Carrie L. Smith

APPROVED AS TO FORM:



City Attorney James E. Shepherd

ORDINANCE NO. 688
*(Amending Municipal Code of Ordinances Chapter 97
Parks and Recreation Commission)*

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AMENDING THE CITY OF PARKER MUNICIPAL CODE OF ORDINANCES, CHAPTER 97: REGARDING THE PARKS AND RECREATION COMMISSION; AMENDING THE REQUIREMENT THE MEETINGS OF THE COMMISSION BE HELD AT 7:30PM; AMENDING THE NUMBER OF ALTERNATES TO THAT COMMISSION FROM 3, TO 4 ALTERNATES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Parks and Recreation Commission of the City of Parker, Collin County, Texas has reduced its full board membership from 7 members to 5; and

WHEREAS, the Parks and Recreation Commission has requested the City Council to expand the number of commission alternates from 3 alternates to 4;

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

SECTION 1. AMENDMENTS TO THE PARKER MUNICIPAL CODE OF ORDINANCES, CHAPTER 97: PARKS AND RECREATION COMMISSION:

AMENDMENT A. The required time of Commission meetings of 7:30PM is deleted, and § 97.02 MEETINGS (A) shall hereafter read as follows:

“(A) *Regular meetings.* The Commission shall meet at least bi-monthly. Such bi-monthly meeting shall be on the last Wednesday of every other month at the suggested time of 7:00 PM in the City Hall unless another time, date and place be designated by the Chairman, and all members of the Commission notified at least 7 days in advance. Regular meetings shall be in the months of January, March, May, July, September and November. The regular meeting in November may be set each year by resolution of the Commission as the first, second, third or fourth Wednesday of November to avoid conflict with the Thanksgiving holidays.

AMENDMENT B. The maximum number of alternates to the Parks and Recreation Commission is changed from 3 to 4, and § 97.05 PLACES; ALTERNATES; DUTIES OF OFFICERS. (B) *Alternates.* shall hereafter read as follows:

“(B) *Alternates.* A majority of the City Council may appoint 1, 2, or 3 or 4 alternates to the Parks and Recreation Commission. The terms of the alternates will be 1-year terms, unless specifically

set at the time of the appointment of the alternate as a 2-year term. An alternate may be reappointed at the discretion of the Council. Regardless of the term assigned to the alternate, the City Council may remove an alternate with or without cause at any time. Terms of alternates commence June 1 of each year. All alternates continue to serve until their successors are appointed and qualified; save and except when an alternate resigns in writing. Alternate members shall be classified as members for all purposes other than regular voting."

SECTION 2. SEVERABILITY CLAUSE. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 3. REPEALER CLAUSE. All provisions of the ordinances of the City of Parker in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Parker not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.


DULY PASSED by the City Council of the City of Parker, Collin County, Texas, on the 30th day of October, 2012.

ATTEST:


Carrie L. Smith, City Secretary



APPROVED:


Z Marshall, Mayor

APPROVED AS TO FORM:


James E. Shepherd, City Attorney

ORDINANCE NO. 683

(Amending Ordinance No. 658A, Parks and Recreation Commission)

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE NO. 658A, ESTABLISHMENT AND REGULATIONS FOR THE PARKS AND RECREATION COMMISSION, AMENDING THE TERMS OF THE PARKS AND RECREATION COMMISSION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Parker, Collin County, Texas wishes to make the appointed terms of its Boards and Commissions consistent;

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

SECTION 1. MEMBERS PLACES. Ordinance 658A, Section 5 is amended to read as follows:

“SECTION 5.

(a) Places. The Parks and Recreation Commission for the City of Parker shall consist of five members appointed by a majority of the City Council. Each member shall serve in a place designated by the Council. Places 1, 3, and 5 shall have two year terms, expiring May 31 in odd years. Places 2 and 4 shall have two year terms, expiring May 31 in even years. All terms commence on June 1 of the even or odd year assigned that Place.

Alternates are appointed for two year terms.

There are no term limits for appointees. Upon the passage of this Ordinance, the Council may designate, or re-designate, current members, and/or any members to be appointed, into each Place, with the appropriate provisions as to the fulfillment of any unexpired terms.

Unless otherwise designated by the City Council, the Commission member serving in a designated Place upon the passage of this Ordinance continues in that Place through May 31 of the even or odd year term for that Place. All members of the Commission continue to serve until their successors are appointed and qualified; save and except when a member resigns, in writing. Such resignation shall be effective the date of its receipt by the City Secretary.

SECTION 2. SEVERABILITY. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a

whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

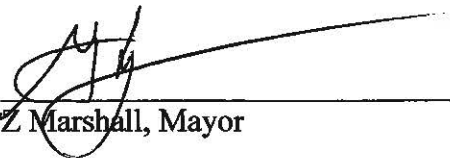
SECTION 3. REPEALER CLAUSE. All provisions of the ordinances of the City of Parker in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Parker not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

DULY PASSED by the City Council of the City of Parker, Collin County, Texas, on the 4th day of September, 2012.



APPROVED:


Z Marshall, Mayor

ATTEST:


Carrie L. Smith, City Secretary

APPROVED AS TO FORM:


James E. Shepherd, City Attorney

ORDINANCE NO. 658

(Amending Ordinance No. 608, Parks and Recreation Commission)

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE NO. 608, ESTABLISHMENT AND REGULATIONS FOR THE PARKS AND RECREATION COMMISSION, REDUCING THE PARKS AND RECREATION COMMISSION FROM SEVEN TO FIVE MEMBERS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE, AND ESTABLISHING A REPORTING REQUIREMENT.

WHEREAS, the City Council of the City of Parker, Collin County, Texas has reviewed the historical trends regarding the Parks and Recreation Commission; and

WHEREAS, a reduction from a seven-member to a five-member Parks and Recreation Commission would allow additional volunteers to be appointed to fill all board and commission vacancies; and

WHEREAS, this reduction will take place through attrition by voluntary resignation of Commission members at their own volition, expiration of their terms, and/or removal by the City Council; and

WHEREAS, the Parks and Recreation Commission will provide a quarterly report to the City Council, detailing their actions for the previous quarter, their goals for the upcoming quarter, and a budget report; and

WHEREAS, a special meeting of Parks and Recreation may be called only with the consent of the Chair, the Vice Chair, and the Council Liason.

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

SECTION 1. SPECIAL MEETINGS. Ordinance 608, at Section 2 (b) is amended to read as follows:

“SECTION 2.

(b) Special Meetings. A special meeting may be called with the agreement of the chair, vice-chair, and Council Liaison.”

SECTION 2. MEMBERS PLACES. Ordinance 608, Section 5 is amended to read as follows:

“SECTION 5.

- (a) Places. Prior to 2012, the Parks and Recreation Commission for the City of Parker shall consist of seven members appointed by a majority of the City Council. Each member shall serve in a place designated by the Council. Places 1, 2, 3 and 4 shall have two year terms expiring May 31 in odd years. Places 5, 6 and 7 shall be for two years, expiring on May 31 in even years. Alternates are appointed for one year terms, commencing June 1 of each year. There are no term limits for appointees. Upon the passage of this Ordinance, the Council may designate, or re-designate, current members, and/or any members to be appointed, into each Place, with the appropriate provisions as to the fulfillment of any unexpired terms. Unless otherwise designated by the City Council, the Commission member serving in a designated Place upon the passage of this Ordinance continues in that Place through May of the even, or odd, year for that Place. All members of the Commission continue to serve until their successors are appointed and qualified; save and except when a member resigns, in writing. Such resignation shall be effective the date of its receipt by the City Secretary.

The City Council has determined that the Board will be reduced from seven members to five members on or before the expiration of the terms in 2012. The City Council may exercise any combination of resignations, term expirations, or terminations in order to meet that goal.”

SECTION 3. POWERS AND DUTIES. Ordinance 608, Section 6, is amended to add Section (g) as follows:

“SECTION 6.

- (g) The commission will provide a quarterly report to the City Council, detailing their actions for the previous quarter, and their goals for the upcoming quarter. The report on the expenditures requested and granted by the staff and City

Council will be given, together with the requested expenditures for the upcoming quarter. The commission does not have an independent budget. All expenditures are to be reviewed and approved by the City Administrator or Mayor, or their designee."

SECTION 4. SEVERABILITY. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 5. REPEALER CLAUSE. That all provisions of the ordinances of the City of Parker in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Parker not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication, and it is so ordained.

5th **DULY PASSED** by the City Council of the City of Parker, Collin County, Texas, on the day of October, 2010.

APPROVED:

Joe Cordina, Mayor

ATTEST:

Carrie L. Smith
Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney

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.

No comments.

INDIVIDUAL CONSIDERATION ITEMS

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR SEPTEMBER 21, 2010.

Mayor Pro-tem Threadgill moved to approve the minutes as written. Councilmember Marshall seconded with Councilmembers Marshall, Sumrow, Threadgill and Evans voting for. Motion carried 4-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AMENDMENTS TO ORDINANCE 608, THE PARKS AND RECREATION COMMISSION.

Councilmember Evans, liaison for the Parks and Recreation Commission, said the members felt very strongly about keeping 7 members on the board.

Mayor Cordina read a written statement by Chairperson Sterk:

Dear City Council,

I am sorry I cannot be at the meeting tonight. I have talked with Phyllis and she will not be able to make it but hopefully Bill Bailey will be there. At are last P&R meeting (last week) we discussed the possibility of the P&R board being reduced from 7 to 5 members (3 alternates either way). In my opinion, the board felt this is not the best action to be taken for P&R. Eleanor was at the meeting and she may be able to express some of our concerns. Here are some points I would like to make to you to consider:

- We are not the same as P&Z and ZBA and it would be a mistake to make us be like them
- We are an action committee and we do many sub-events together. We need to extra resources and the board likes having a say in what is done.
- While anyone can be on a sub-committee (ie Joe Lozano helps with Scouts) the board wants a appointed member as the head of a sub-committee.
- Getting 4 out of 7 is easier than getting 3 out of 5 for a meeting. (Julie Ellison was out for a couple of meetings because of her new born but we had no issues keeping our meetings going when she was gone.
- Being able to work with 2 other board members is nice and not having that as a quorum was helpful.
- I am not aware of any vote in P&R that was a split decision. Are votes are easy we just want to be kept the same.
- It has been brought up that we didn't always meet when schedule. Well there are many reasons for this. But mostly we did not meet when there was no reason to have a meeting. Now with the grant, we have a lot more to do and are meeting more often. I do not want to hold a meeting for sake of a meeting. Remember, I don't think P&Z met very often before Joe was Mayor, because they had nothing on their agenda.

There are other thoughts but please keep P&R the same as it is now. We like it that way. If you need more volunteers, I can get you names ASAP. I just need to know that you want me to get more volunteers for P&R. This is my specialty.

Thanks for taking time to read my email and I am sorry I could not make it tonight but will try to be there for the next meeting if needed or if tabled until then.

Joe Sterk

Councilmember Evans felt the board should have been meeting in the winter months to be planning for upcoming projects.

Mayor Pro-tem Threadgill said it is easier to get 3 members than 4 for a quorum. He has issues with conversations being held outside of the open public meeting. He feels 3 members can influence the action of the other members.

Councilmember Sumrow agreed with Mayor Pro-tem Threadgill. She sees a need to go to a 5 member board and recommends attrition, as people leave that position will not be filled. She said the Council is asking for more accountability from the board by requiring quarterly reports.

Mayor Pro-tem Threadgill said he had heard rumors about Parks and Recreation wanting to form a 501 (c). This is an issue as the Preserve is City property. City Attorney Shepherd agreed this would be a problem. Council would still control how funds raised by an individual group may be used in the Preserve. The Preserve is City owned property that is governed by the City Council and not individual fund raisers.

Parks and Recreation Commission member Bill Bailey was allowed to speak. He asked, if it was illegal for 3 people (which is not a quorum) to get together outside a public meeting? City Attorney Shepherd stated, "no, however Council doesn't want City business conducted in this manner".

Mr. Bailey said the P&R never considered a 501(c). That idea was Joe Sterk's to collect money as an individual and make a donation for larger projects.

Mr. Bailey said if there is a problem with 7 members reduce the board to 5 now. If there is illegal or unethical behavior Council should stop it immediately. He said he would like to see Councilmembers attend the P&R meetings and not rely on hear say.

Discussion ensued.

MOTION: Councilmember Sumrow moved to adopt Ordinance 658 subject to: modify Section 5a) reducing members from 7 to 5 in the next 2-years; 6g) require quarterly reports; 2b) to call a special meeting requires a consensus of the Chair, Vice-Chair and Council liaison. Mayor Pro-tem Threadgill seconded with Councilmembers Marshall, Sumrow, Threadgill and Evans voting for. Motion carried 4-0.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2010-315, REGARDING POLICY FOR APPOINTMENTS TO CITY BOARDS AND COMMISSIONS.

ORDINANCE NO. 608

AN ORDINANCE OF THE CITY OF PARKER, TEXAS, REGARDING ESTABLISHMENT AND REGULATIONS FOR THE PARKS AND RECREATION COMMISSION OF THE CITY OF PARKER; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE, AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the City of Parker City Council has determined the City should establish a Parks and Recreation Commission as an advisory commission to the City Council, and provide regulations for same; and

WHEREAS, the primary function of the Parks and Recreation Commission will be the advice and assistance to the City in the open space area known as the "Preserve," adjacent to City Hall; and

WHEREAS, the City of Parker has determined that codification of its ordinances will help eliminate repetitive or conflicting provisions of the City's ordinances; and

WHEREAS, some portions of the City's ordinances with regard to the Parks and Recreation Commission (the "Commission" and/or the "Conservancy") as the prior board are either in conflict, or in need of modification;

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

SECTION 1. Compensation of Members. Members of the Commission shall serve without compensation.

SECTION 2. Meetings.

(a) Regular Meetings. The Commission shall meet at least bi-monthly. Such bi-monthly meeting shall be on the last Wednesday of every other month at 7:30 p.m. in the City Hall unless another time, date and place be designated by the chairman, and all members of the Commission notified at least seven days in advance. Regular meetings shall be in the months of January, March, May, July, September and November. The regular meeting in November may be set each year by resolution of the Commission as the first, second, third or fourth Wednesday of November to avoid conflict with the Thanksgiving holidays.

(b) Special Meetings. Special meetings may be called by the chairman or by written request sent to the chairman or vice chairman by three members of the Commission.

SECTION 3. Voting and Quorum. All questions presented for a vote of the Parks and Recreation Commission shall be decided by a simple majority of those present. A meeting may not be held unless a majority of the members are in attendance.

SECTION 4. Attendance of City Administrator and/or City Council Liaison. The City Administrator and/or City Council Liaison may be in attendance at Commission meetings as required by the City Council. The City Administrator may have other members of the staff in attendance at Commission meetings when required or requested by the Commission. The City Administrator may participate in meetings to provide staff assistance, reports and recommendations as requested by the Commission.

SECTION 5.

(a) Places. The Parks and Recreation Commission for the City of Parker shall consist of seven members appointed by a majority of the City Council. Each member shall serve in a place designated by the Council. Places 1, 2, 3 and 4 shall have two year terms commencing June 1, 2007, and ending May 31, 2009. Places 5, 6 and 7 shall have one year terms starting June 1, 2007, and ending May 31, 2008. Thereafter, places 5, 6 and 7 shall be for two years, with the first being June 1, 2008, through May 31, 2010. Alternates are appointed for two year terms, commencing June 1 of each year. There are no term limits for appointees. Upon the passage of this Ordinance, the Council may designate, or redesignate, current members, and/or any members to be appointed, into each Place, with the appropriate provisions as to the fulfillment of any unexpired terms. Unless otherwise designated by the City Council, the Commission member serving in a designated Place upon the passage of this Ordinance continues in that Place through May of the even, or odd, year for that Place. All members of the Commission continue to serve until their successors are appointed and qualified; save and except when a member resigns, in writing. Such resignation shall be effective the date of its receipt by the City Secretary.

(b) Alternates. A majority of the City Council may appoint one, two, or three alternates to the Parks and Recreation Commission. The terms of the alternates will be one year terms, unless specifically set at the time of the appointment of the alternate as a two year term. An alternate may be reappointed at the discretion of the Council. Regardless of the term assigned to the alternate, the City Council may remove an alternate with or without cause at any time. Terms of alternates commence June 1 of each year. All alternates continue to serve until their successors are appointed and qualified; save and except when an alternate resigns in writing. Alternate members shall be classified as members for all purposes other than regular voting.

(c) Duties. The duties of the officers of the Parks and Recreation Commission shall be as follows:

(1) Chairman. The chairman shall preside at all meetings when he is present. The chairman shall implement or cause to have implemented any practice

or procedure in the calling of meetings, conduct of meetings, or reporting of activities that he considers in the best interest of the Commission and shall so inform the City Council or consult with the City Council when necessary or desirable. It shall be the responsibility of the chairman to request from the City Administrator support activity needed from the City. It shall be the responsibility of the chairman to submit reports to the City Council, when necessary or requested, relative to such matters as Commission activity, participation by members, and any other matters deemed significant relative to the Commission's functions. The chairman may represent the Parks and Recreation Commission at public functions.

(2) Vice-Chairman. The vice-chairman shall assist the chairman in directing the total affairs of the Commission. In the absence of chairman, the vice-chairman shall assume all duties of the chairman.

(3) Secretary. The secretary shall take minutes and maintain the books and records of the Commission.

SECTION 6. Powers and Duties. The Commission shall have the following powers and perform the following duties:

(a) Advisory capacity to council. The primary role of the Commission shall be to advise the Council regarding the City land known as the Preserve, adjacent to City Hall. It shall act only in an advisory capacity to the City Council in all matters pertaining to nature areas, trails, open space, historical areas, public gardens, and public activity, collectively referred to as recreation, shall acquaint itself with and make a continuous study and inspection of the complete "open spaces plan" [or "nature plan"] of the City; and shall advise with the City Council from time to time as to the present and future maintenance, operation, planning, acquisition, development, enlargement and use policy of the City open space property.

(b) Recommend Standards. It shall recommend the adoption of standards on areas, facilities, program and financial support.

(c) Review, Maintenance of Master Planning Guide; Review of Services and Needs. There shall be created a master planning guide for City open spaces areas and the Commission shall review and maintain such master planning guide. Such master planning guide shall be considered, revised and maintained with technical assistance and recommendations of the City staff and the City plan commission. The master planning guide shall be reviewed at least bi-annually and periodically updated. The Commission shall periodically review all recreation services that exist or that may be needed and interpret the needs of the public to the City Council and to the City Administrator. In the conduct of the above activities, the Commission shall, at the request of the City Council, hold public hearings provided notice is published in the official City newspaper at least ten days prior to such public hearings.

(d) Rules and Regulations for Conduct of Business. It shall follow the rules and regulations prescribed by the City Council for the conduct of its business.

(e) Other Recommendations to Council. It shall make any other recommendations to the City Council regarding recreation matters that it considers advisable, or which are requested by the City Council.

(f) Solicitations. It may solicit for the City gifts, revenues, bequests or endowments of money or property as donations or grants from persons, subject to the prior approval and acceptance by the City Council. All funds are the property of the City, to be accepted and/or expended by the City Council.

(g) Reports. It shall cause to have reports prepared as required on any aspect of the program or facilities. No such reports shall be made available to other than Commission members and City Council members without action by the Commission in a formal meeting.

SECTION 7. Subcommittees.

(a) Appointment. The Parks and Recreation Commission, by a majority vote of the quorum present at any regular or special meeting, may appoint such members and citizens as reasonable and prudent to subcommittees to serve the purposes of the Parks and Recreation Commission.

(b) Termination. These committees may be dissolved in a like manner, or by the City Council.

SECTION 8. Short Title. This article shall be commonly known and cited as the "Parks and Recreation Commission Ordinance."

SECTION 9. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park means an open space, a park, or any other area in the City owned or used by the City, and devoted to active or passive recreation, including all planted expressways, parkways, and right-of-ways maintained by the City.

Recreation means those matters defined in 6(a) above.

Vehicle means any conveyance employing wheels, track-laying devices, runners, fans, or propellers, whether motor-powered, animal-drawn, or self-propelled. The term shall include trailers of any size, kind or description. Exceptions are made for baby carriages and vehicles in the service of the City.

SECTION 10. Enforcement.

(a) Officials. The City Administrator, park attendants designated by the City Administrator, and police department shall, in connection with their duties imposed by law, diligently enforce the provisions of this article.

(b) Ejectment. The City Administrator, park attendants designated by the City Administrator, and any member of police department shall have the authority to eject from the park any person acting in violation of this article.

(c) Seizure of Property. The City Administrator, park attendants designated by the City Administrator, or any member of police department shall have the authority to seize and confiscate any property, thing or device in the park used in violation of this article.

SECTION 11. Unlawful Acts. Within the limits of any City park, or designated City open space, it shall be unlawful for any person to do any of the acts hereinafter specified, except as may be otherwise provided:

(a) To ride, drive, or go on any drive or street in any park at a speed greater than the posted speed limits, upon any bicycle, motorcycle, automobile, or any other vehicle whatsoever, or to ride or drive any such motorcycle, automobile, or other motorized vehicle upon any sidewalk, hike, or jogging trail or walk, except in designated areas.

(b) To damage, move, alter, cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, equipment, or other structure, apparatus or property, or to pluck, pull up, cut, take, or remove any shrub, bush, plant or flower, or to mark or write upon, paint, or deface in any manner, any building, monument, fence, bench, equipment or other structure.

(c) To cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer.

(d) To make or kindle a fire except in picnic stoves, braziers, fire pits, or designated areas provided for that purpose.

(e) To place, abandon, or leave garbage, cans, bottles, papers, or other refuse in any park except in proper waste receptacles.

(f) To participate or engage in any activity in any park area when such activity will create a danger to the public or may be considered a public nuisance.

(g) To camp overnight, without written permission of the City Administrator or Mayor.

(h) To possess or consume any alcoholic beverage.

(i) To disturb in any manner any picnic, meeting, service, concert, exercise, or exhibition.

(j) To distribute, post, place, or erect any advertising, handbill, circular, bill, notice, paper, or other advertising device.

(k) To sell or offer for sale any food, drinks, confections, merchandise, or services.

(l) To place or dump any trash, refuse, solid waste, grass clippings, leaves, or other objectionable or unsightly matter in any park.

(m) To conduct or participate in any tournament, camp, or organized sporting activity which has not been specifically authorized by the City Administrator or Mayor or which conflicts with a scheduled activity or event authorized by the City Administrator or Mayor.

One or more of the rules above may be waived, in advance, in writing, by the Mayor or City Administrator.

SECTION 12. Use of Commercial Vehicles, Etc. All vehicles used for the purpose of transporting freight and merchandise, or brick, stone or gravel, and all those commonly known as floats, moving wagons, express or delivery wagons are prohibited from entering upon or being driven through any of the public parks of the City, except by special permission of the Mayor or city administrator subject to appropriate conditions and safeguards.

SECTION 13. Parking Vehicles. No vehicle shall be driven over or across the curbs, sidewalks, grass or lawn within any park area unless signs permit. Parking is to be done in areas set aside for this purpose only. In areas having no parking set aside, all parking will take place outside of the boundary or curblane, where existing. Where parking stalls have been designated, all vehicles shall be parked on such lots within and between the lines designating a single vehicle parking space and not otherwise. Where parking lots or areas within public parks of the City have been designated for head-in parking to front on a visible parking line without delineated single vehicle spaces, the front of the vehicle shall be placed on the parking line and as near as practicable to the side of the last parked vehicle in line. No vehicle shall be parked or left behind any other vehicle in the parking line or back of such parking line in any manner so as to obstruct, block or hinder ingress or egress from the line. Officers of the police department of the City shall issue to violators of this section traffic tickets or notices to answer to charges in the manner prescribed by the applicable ordinances and the case shall proceed in accordance with such applicable sections. Where a vehicle is parked or left in violation of this section in such a manner as to obstruct or block traffic, and the owner or operator of the vehicle cannot be found, police officers of the City may move the vehicle so that traffic will not be impeded. No variation to the requirements of this section shall be allowed except by special permit issued by the City Administrator.

SECTION 14. City Sponsored Events. City sponsored events or use of park and park facilities may be exempted from the requirements contained in sections 13, 14 and 15 upon written approval by the City Administrator or Mayor.

SECTION 15. Park Facilities.

(a) Use of park facilities for group sponsored events and games must be prescheduled with and approved by the City Administrator or Mayor.

(b) The City Administrator or Mayor shall have the authority to issue special permits, grant exceptions, or waivers to any of the terms of section 13 for authorized events and activities.

(c) No person shall advertise an event, meeting or activity or the time, permitted hours, or usage of an event, meeting, or activity to be held or conducted in a park facility unless such event, meeting or activity and advertisement of such event, meeting, or activity and the time, permitted hours, or usage have been approved by the City Administrator or Mayor.

SECTION 16. Damages and Cost of Services. The person, group, organization or entity reserving the use of a park facility shall be responsible for all damages to City property and for the cost of any park maintenance services, emergency or public safety services including police and fire, provided to, at or dispatched to the park facility as a result of such person's, group's or the organization's misuse, improper or unlawful use of the park facility.

SECTION 17. Severability Clause. If any word, phrase, paragraph, section or portion of this ordinance is held to be illegal, invalid or unenforceable, the legality, validity and enforceability of the remaining portions of the ordinance shall not be affected thereby, and each such illegal, invalid or unenforceable word, phrase, paragraph, section or portion shall not affect the ordinance as a whole.

SECTION 18. Penalty Clause. Any person, firm or corporation violating any of the provisions of this Ordinance or of the Code of Ordinances, as amended hereby, shall be guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Parker, Texas, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense and each and every day said violation is continued shall constitute a separate offense.

SECTION 19. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication, and it is so ordained.

DULY PASSED by the City Council of the City of Parker, Texas, on the 27th day of February, 2007.



APPROVED:



Joe Cordina, Mayor Pro-Tem

ATTEST:


Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney



BOARD OR COMMISSION APPLICATION

All applications are date stamped at the time submitted. Applications will be kept on file with the City Secretary for a period of 12 months.

Please read Resolution No. 2016-505 beginning on page 3 carefully regarding the appointment process.

All questions are to be directed to City Secretary Patti Scott Grey at 972-442-6811 or by email at pgrey@parkertexas.us.

Please complete thoroughly and print legibly in ink or type.

Please write a "1" and "2" for your order of preference below:

_____ **Parks and Recreation Commission**

Please answer the following questions:

Name: _____ Phone: _____

Home Address: _____ Spouse's Name (Optional): _____

Email Address: _____ Best Method to Contact You: _____

Resident of Parker for _____ Years Are you a registered voter?: _____

Residency requirements: 12 months residing in the City of Parker.

Are you related to any City employee and/or City Councilmember? O YES O NO

If yes please provide name and position: _____

Occupation: _____

Education: _____

Work Experience Applicable to the City Boards or Commissions to which you are applying:

Special Knowledge or Experience Applicable to the City Boards/Commissions to which you are applying:

Previous Volunteer Experience (Religious, Civic, Youth, etc.):

Have you attended any meetings of the board/commission for which you have applied? _____

Please tell us briefly why you wish to serve as a volunteer and how your past business and/or work experience qualifies you:

A resume may be attached if you wish to provide more information.

In the event that I am placed as a volunteer with the City of Parker, I understand that I will be required to comply with all the City's rules, policies and regulations. I fully understand that if my services are no longer needed, or my performance is not acceptable, for any reason, the City of Parker has the right to terminate my appointment at any time, with or without notice.

Signature: _____ Date: _____

Please return to City of Parker, City Secretary, 5700 E. Parker Road, Parker, Texas 75002, Fax 972-442-2894 or Email pgrey@parkertexas.us

NOTE: Information on this application is subject to the Texas Public Information Act.

Individuals appointed to serve on a board/commission/committee will be required to complete two hours of training relative to the Texas Open Meetings Act and Public Information Act.

RESOLUTION No. 2016-505
(Boards and Commissions Membership Selection)
(Repealing Res. 2013-433)

**A RESOLUTION DEFINING A SELECTION PROCESS FOR
APPOINTEES TO BOARDS AND COMMISSIONS OF THE CITY OF
PARKER, COLLIN COUNTY, TEXAS.**

WHEREAS, the City Council of the City of Parker, Collin County, Texas desires to expand the involvement of residents of the City of Parker on the boards and commissions appointed by the City Council.

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

SECTION 1. Candidate Pool. The Parker City Council will seek to appoint the best qualified candidate to each of the boards and commissions of the City. Candidates may be considered from:

- Existing Board and Commission Alternates who are interested in becoming voting board or commission members on which they serve as an alternate,
- Members of other boards or commissions who are interested in transferring to the open board or commission
- Recent board or commission applicants
- Citizens of Parker who are not yet on a board or commission,

SECTION 2. Simultaneous Membership Prohibition. In order to promote diverse membership among the boards and commissions, no individual resident shall serve on more than one board or commission simultaneously, unless no other qualified candidates are available. If no qualified candidates are immediately available, the City will seek new applicants, through website notifications, announcements at Council meetings, discussions with Board and Commission chairpersons, and through requests of citizens. If, after 30 days of searching, no qualified candidates are available, then an individual who is already serving on one Board or Commission may be appointed to another Board or Commission, with the preferred appointment as an alternate member. However, no one individual shall serve simultaneously as a member on both Planning and Zoning Commission and Zoning Board of Adjustments.

SECTION 3. Qualification Process.


- 1) City Staff will check candidates for basic qualifications such as; residency, other Board membership in Parker, etc.
- 2) Staff will present qualified candidates to each Board if requested, and to Council.
- 3) The Council will review the recommendations and may select Applicants for interviews. Interviews for the Zoning Board of Adjustments may be held either in open or executive session. All other interviews will be in open session.

SECTION 4. Officer Appointment Process. Council will appoint Board Officers after seeking input from existing Boards or Commission members, if possible.

SECTION 5. This resolution is effective upon its passage. Resolution 2013-433 is repealed and restated by this resolution.

APPROVED AND ADOPTED this 29th day of February, 2016.




Z. Marshall Mayor

ATTESTED:


Patti Scott Grey, City Secretary

APPROVED AS TO FORM:


James E. Shepherd, City Attorney

MEETING DATE	ITEM DESCRIPTION	CONTACT	Notes
2018			
TBD	Staff Contract Policy	Shelby/Staff	10/08/16 CC Mtg
TBD	Municipal Complex Update	Raney	General Update from time to time
TBD	Plaques	Pettle	10/16/2018 Town Hall Meeting, if possible
TBD	Transportation Update	Standridge	
TBD	Drainage Committee Update	Taylor	
TBD	Home Rule	Raney	
TBD	CO-GO Workshop	Pettle	11/13/2018, 6:00 p.m.
TBD	Commission for Community Events, P&R, Tree Program, Trails, etc.	Pettle	
TBD	Unregistered/False Alarms	Olson	Ord. 358/Fee Schedule
TBD	Bulk Trash reflecting city split	Staff	0317 Ord725 2015 Bulk and Brush
TBD	International Building Codes	Machado	2018 0920 PWD GM working toward update
Jan., Apr., July., Oct.	Republic Waste Report	Bernas	REQUIRED PER ORDINANCE AND AGREEMENT.
Jan., Apr., July, Oct.	Fire Dept. Report	Sheff/Miller/Flo wers	
Jan., Apr., July, Oct.	Investment Report	Savage	10/24/14; 01/17/18;
Nov. 13, 2018	Single Non Profit Trust Agreement and Resolution (002)	Savage	See 2018 1004 Email Request
Nov. 13, 2018	P&Z and ZBA Appts. by 11/30	C'Sec	List 2017 Resolutions here.
Nov. 13, 2018	Investment Quarterly Report	Savage	
Nov. 13, 2018	Finance Statement		

MEETING DATE	ITEM DESCRIPTION	CONTACT	Notes
Nov. 13, 2018	Surplus		
Nov. 13, 2018	CABS OMA & PIA Training & Social Events Notices	Shelby/Olson	May 18, 2018
Nov. 13, 2018	REPUBLIC SERVICES RECYCLE INCREASE	C'Sec	After 10/27; maybe Planning Session
December	Note GCEC Franchise Agrmt end'g 20190101		Ord. 718
December/January	Legislative Issues	Pettle/Olson	20181003 M/CA Discussion



COLLIN COUNTY

Administrative Services
2300 Bloomdale Road
Suite 4192
McKinney, Texas 75071
972-548-4675
www.collincountytx.gov

To: Commissioners Court

From: Bill Bilyeu, County Administrator

Date: June 20, 2018

Re: Inmate Housing Costs

Attached is documentation supporting the proposed FY19 fee of \$94.47 per day for inmate housing fees. This is the fee assessed to outside law enforcement agencies for housing their inmates in the Collin County Detention Facility.

Previous housing fees were based upon infrequent outside consultant reviews of budgeted costs (not actual costs) and were not annually adjusted.

The new fee schedule is computed using actual detention costs as included in the most recently adopted Comprehensive Annual Financial Report divided by the total capacity of the detention facility. To compute housing fees For FY19- the FY17 CAFR numbers were used, FY20- the FY18 CAFR will be used, and so on.

Thanks to the work of the Budget Office, Sheriff and our outside consultant, the County now has a repeatable fee schedule model that will be updated annually by County staff.



City of Plano
1520 K Avenue
Plano, TX 75074

P.O. Box 880358
Plano, TX 75088-0358
Tel: 972.941.7000
plano.gov

September 24, 2018

Patti Geary

Acting City Administrator ~~Johnna Boyd~~
City of Parker
5700 East Parker Road
Parker, Texas 75002

Chief of Police Brian E. Harvey
City of Allen
205 W. McDermott
Allen, Texas 75013

RE: Extension of Interlocal Agreement between the Cities of Allen and Plano and the City of Parker for the Use of the Allen and Plano Radio Communications System

Geary

Acting City Administrator ~~Boyd~~ and City of Allen Police Chief Harvey:

The above referenced Interlocal agreement, attached hereto as Exhibit "A", is set to expire on September 30, 2018. By signing below, the City of Plano, the City of Allen and the City of Parker agree to extend the Interlocal agreement, attached hereto as Exhibit "A", through September 30, 2019, or until a new agreement is executed, whichever comes first. The parties agree to continue to be bound by the terms and conditions, as set out in Exhibit "A", during the term of the herein extension.

The City looks forward to a continued successful relationship. Please sign and email the signed letter to khorne@plano.gov. If you have any further questions, please contact me at the number listed below.

Sincerely,

Chris Chiancone
Chief Information Officer
Technology Services Department
(972) 941-5391

City of Parker, Texas

Patti Geary
City Administrator

9/25/2018
Date

City of Allen, Texas

City of Allen Police Chief

Date



City of Plano
1520 K Avenue
Plano, TX 75074

P.O. Box 880358
Plano, TX 75086-0358
Tel: 972.941.7000
plano.gov

September 24, 2018

Acting City Administrator Johnna Boyd
City of Parker
5700 East Parker Road
Parker, Texas 75002

Chief of Police Brian E. Harvey
City of Allen
205 W. McDermott
Allen, Texas 75013

RE: Extension of Interlocal Agreement between the Cities of Allen and Plano and the City of Parker for the Use of the Allen and Plano Radio Communications System

Acting City Administrator Boyd and City of Allen Police Chief Harvey:

The above referenced Interlocal agreement, attached hereto as Exhibit "A", is set to expire on September 30, 2018. By signing below, the City of Plano, the City of Allen and the City of Parker agree to extend the Interlocal agreement, attached hereto as **Exhibit "A"**, through September 30, 2019, or until a new agreement is executed, whichever comes first. The parties agree to continue to be bound by the terms and conditions, as set out in Exhibit "A", during the term of the herein extension.

The City looks forward to a continued successful relationship. Please sign and email the signed letter to khorne@plano.gov. If you have any further questions, please contact me at the number listed below.

Sincerely,

Chris Chiancone
Chief Information Officer
Technology Services Department
(972) 941-5391

City of Parker, Texas

City Administrator Date

City of Allen, Texas

City of Allen Police Chief Date

AGREEMENT BETWEEN THE CITIES OF ALLEN AND PLANO AND THE CITY OF PARKER FOR THE USE OF THE ALLEN AND PLANO RADIO COMMUNICATIONS SYSTEM

The CITIES OF PLANO, TEXAS AND ALLEN, TEXAS, both municipal corporations, (hereinafter referred to as "Cities") and the CITY OF PARKER, TEXAS, a general-law municipality (hereinafter referred to as "Parker"), agree as follows:

WHEREAS, the Cities and Parker are political subdivisions within the State of Texas, each of which engages in the provision of governmental services for the benefit of their citizens; and

WHEREAS, the Interlocal Cooperation Act under Chapter 791 of the Texas Government Code (the "Act") provides authority for local governments of the State of Texas to enter into Interlocal agreements with each other regarding governmental functions and services as set forth in the Act; and

WHEREAS, the cities of Allen and Plano jointly own, operate, and maintain the radio communications system exclusive of the radios owned individually by each city (hereinafter referred to as "System") for the purpose of providing radio communications in support of its governmental operations; and

WHEREAS, Parker wishes to use certain portions of the System for its governmental operations; and

WHEREAS, the use of the System in the provision of governmental services benefits the public health and welfare, promotes efficiency and effectiveness of local governments, and is of mutual concern to the contracting parties; and

WHEREAS, Parker and the Cities have current funds available to satisfy any fees and costs required pursuant to this Agreement.

NOW, THEREFORE, the Cities and Parker, for and in consideration of the recitals set forth above and terms and conditions below, agree as follows:

I. TERM

The term of this Agreement is for a period of five (5) years, beginning on the 1st day of October 2010, and ending on the 30th day of September 2015, with an optional three (3) year automatic renewal, unless terminated earlier by either party in accordance with the terms of this Agreement. Unless terminated by the Cities or Parker, as set forth hereafter, this agreement shall automatically renew yearly without further action until its automatic termination on the 30th day of September, 2018.

II. OBLIGATIONS OF PARKER

2.01 Parker shall use the System in accordance with this Agreement to provide integration of communications by Parker between its users on the System for governmental operations.

2.02 When using the System, Parker shall abide by all applicable federal and state laws and regulations, including any regulations of the Allen and Plano Radio System. When Parker uses the System for interoperability with Talkgroups other than those provided by this Agreement, Parker will also abide by the user rules of those Talkgroups.

2.03 Parker must provide a written request to the Plano System Manager to activate radios on the System. Such request must include the model and serial number of the radio, the name of the user, and identifying Talkgroups required in the radio.

2.04 Parker is responsible for furnishing all its radios, which are compatible with the P-25 Digital system, and for the maintenance of the same.

III. OBLIGATIONS OF CITIES

3.01 The Cities will lease to Parker two (2) Talkgroups, which are a primary level of communication for users on the System (hereinafter referred to as "Talkgroup"), comparable to a channel on a conventional radio system, for the exclusive use of Parker. Talkgroups will be established for Parker by Plano.

3.02 The Plano System Manager will not activate radios on Parker Talkgroups nor make changes to Parker radios without first receiving authorization from the designated representative of Parker, unless in the opinion of Plano, such action is necessary to eliminate harmful interference.

3.03 Plano is also responsible for:

- (1) Coordinating Talkgroups among system users;
- (2) Grouping of Talkgroups to allow transmitting and receiving on all associated Talkgroups as required by Parker;
- (3) The operation, maintenance, and control of the System.

IV. FEES

The fees assessed against Parker and due annually for services and use of the System are as follows:

(1)	Lease radio airtime (per radio, per month)	\$ 8.56
(2)	Lease Talkgroup (per Talkgroup, per month)	\$62.97
(3)	Administrative and Technical fee (per month)	\$96.30

None of the charges listed above include the cost of maintenance of mobiles, portables, or control stations/points.

The Cities may increase these fees at the beginning of each fiscal year by an amount not to exceed seven percent (7%) of the previous year's fees. The Cities will provide 120 days notice to Parker before increasing the fees.

Total Fees for Annual Service

Based on the fees set out above, the Cities will calculate the annual fee due based upon the total number of radios and Talkgroups and submit an invoice to Parker on or before October 1st of each year. This amount is subject to change when Parker adds or deletes the number of radios and/or Talkgroups in service. Parker must notify the Plano System Manager in writing of any addition or deletion of radios and/or Talkgroups. The amount owed for annual fees for additions of radio/Talkgroups will be prorated for the year added, invoiced immediately, and amounts will be due within 30 days of receipt of the invoice for the addition(s). The amount owed for annual fees will be adjusted for deletions the next contract year. No refunds will be given for payments made for radios/Talkgroups deleted after annual payment until the next contract year.

V. PAYMENT DUE

Parker agrees to pay the Cities the annual fees specified under Article IV within thirty (30) days of the receipt of the invoice. Should Parker add radios or Talkgroups to the service within a term, Parker agrees to pay the additional fee(s) due within thirty (30) days of invoice. All payments for expenses incurred as a result of the performance of this Agreement shall be made only from current revenues legally available to each respective party.

VI. TERMINATION

6.01 Termination of this Agreement may occur by any of the following:

- (1) Either party may terminate this Agreement at any time by giving sixty (60) days advance written notice. Parker shall pay for all fees incurred through the effective date of termination.
- (2) If the Cities permanently discontinue the operation of its System, this Agreement shall terminate on the date of discontinuance without further notice, and no fees will be reimbursed by the Cities to Parker.

VII. RELEASE AND HOLD HARMLESS

Each party does hereby agree to waive all claims against, release, and hold harmless the other party and its respective officials, officers, agents, employees, in both their public and private capacities, from any and all liability, claims, suits, demands, losses, damages, attorneys fees, including all expenses of litigation or settlement, or causes of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement. In the event that a claim is filed, each party is responsible for its proportionate share of liability.

VIII. IMMUNITY

In the execution of this Agreement, none of the parties waive, nor shall be deemed hereby to have waived, its sovereign immunity or any legal or equitable defense to any form of liability. The parties by entering into this Agreement do not create any

obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

IX. ASSIGNMENT

Parker agrees to retain control and to give full attention to the fulfillment of this Agreement; Parker cannot assign or sublet this Agreement without the prior written consent of the Cities. Further, Parker cannot sublet any part or feature of the work to anyone objectionable to the Cities. Parker also agrees that the subletting of any portion or feature of the work, or materials required in the performance of this Agreement, does not relieve Parker from its full obligations to the Cities as provided by this Agreement.

X. ENTIRE AGREEMENT

This Agreement represents the entire and integrated agreement between the Cities and Parker, and supersedes all prior negotiations, representations and/or agreements, either written or oral. The parties may amend this Agreement only by written instrument signed by Parker and the Cities, except that execution of an amendment for assignment or subletting only requires the signature of the Cities.

XI. NOTICES

Unless notified otherwise in writing, all notices are required to be given to either party in writing and delivered in person or send via certified mail to the other party at the following respective addresses:

Parker Representative:

City Administrator
City of Parker
5700 East Parker Road
Parker, Texas 75002
972-442-6811

Plano Representative:

Director, Public Safety Communications
City of Plano
1520 K Avenue
Plano, Texas 75074
972-941-7931

Allen Representative:

Police Chief
City of Allen
205 W. McDermott
Allen, Texas 75013
214-509-4200

XII. AUTHORITY TO SIGN/CITY COUNCIL AUTHORIZATION

The undersigned officer and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto. Cities have executed this Agreement pursuant to duly authorized action of the City Council of Plano on _____, 2010, and the City of Allen on _____, 2010. Parker has executed this Agreement pursuant to duly authorized City Council Resolution No. _____, dated _____, 2010.

XIII. SEVERABILITY

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held to be contrary to the law or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of the Agreement. However, upon the occurrence of such event, either party may terminate this Agreement by giving the other party thirty (30) days written notice.

XIV. VENUE

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. The parties agree that this Agreement shall be enforceable in Collin County, Texas, and, if legal action is necessary, exclusive venue shall lie in Collin County, Texas.

XV. INTERPRETATION OF AGREEMENT

Although this Agreement is drafted by the Cities, this is a negotiated document. Should any part of this Agreement be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.

XVI. REMEDIES

No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy granted by law or equity; but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Agreement may be waived without the express written consent of the parties. It is further agreed that one (1) or more instances of forbearance by either party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.

XVII. SUCCESSORS AND ASSIGNS

The parties each bind themselves, their respective successors, executors, administrators and assigns to the other party to this contract. Neither party will assign, sublet, subcontract or transfer any interest in this Agreement without the prior written consent of the other party. No assignment, delegation of duties or subcontract under this Agreement will be effective without the written consent of all parties.

EXECUTED on the dates indicated below:

CITY OF PARKER, TEXAS

BY:

City Administrator

APPROVED AS TO FORM:

City Attorney

CITY OF PLANO, TEXAS

BY:

Thomas H. Muehlenbeck
City Manager

APPROVED AS TO FORM:

Diane C. Wetherbee, City Attorney

CITY OF ALLEN, TEXAS

BY:

Peter H. Vargas, City Manager

APPROVED AS TO FORM:

Peter G. Smith, City Attorney

ACKNOWLEDGEMENTS

STATE OF TEXAS

§

COUNTY OF COLLIN

§

§

This instrument was acknowledged before me on the ____ day of _____, 2010, by _____, City Administrator of the **CITY OF PARKER, TEXAS**, a general-law municipality, on behalf of such municipality.

Notary Public, State of Texas

STATE OF TEXAS

§

COUNTY OF COLLIN

§

§

This instrument was acknowledged before me on the ____ day of _____, 2010, by **THOMAS H. MUEHLENBECK**, City Manager of the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of such municipal corporation.

Notary Public, State of Texas

STATE OF TEXAS

§

COUNTY OF COLLIN

§

§

This instrument was acknowledged before me on the ____ day of _____, 2010, by **PETER H. VARGAS**, City Manager of the **CITY OF ALLEN, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public, State of Texas

JOANN DENITTO

1665

88-755/1113

10-8-88 20

PAY
TO THE
ORDER OF

Park Police Dept

\$ 100⁰⁰

One hundred dollar & 00/100

DOLLARS



Security features
are indicated
inside the back

FOR

Donation

JOANN DENITTO

1664

88-755/1113

10-3-88 20

PAY
TO THE
ORDER OF

Park Fire Dept

\$ 100⁰⁰

One hundred dollar & 00/100

DOLLARS



Security features
are indicated
inside the back

FOR

Donation