

MINUTES
CITY COUNCIL MEETING

October 5, 2010

CALL TO ORDER – Roll Call and Determination of a Quorum

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

Mayor Cordina called the meeting to order at 6:00 p.m. with Councilmembers Marshall, Sumrow, Threadgill and Evans present. Levine was absent. A quorum was present.

Staff present: City Administrator Dena Daniel, City Attorney Jim Shepherd, Assistant City Administrator Jeff Flanigan, City Secretary Carrie Smith, Finance/HR Manager Johnna Boyd, and Police Chief Tony Fragoso.

EXECUTIVE SESSION

Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated the City Council may hold a closed meeting.

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:

Mayor Cordina recessed the regular meeting at 6:00 p.m.

A. Govt. Code 551.074— Personnel—to deliberate the appointment, employment, evaluation, reassignment, or duties, of a public officer or employee---City Administrator, Assistant City Administrator, City Secretary, Finance/HR Manager, Police Chief, Police Officers, Court Clerk, Building Official, Water Department Employees, Administrative Assistant, Utility Billing Clerk, Mayor and Councilmembers.

2. RECONVENE REGULAR MEETING.

Mayor Cordina reconvened the regular meeting at 7:15 p.m.

3. ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.

No action was taken.

PLEDGE OF ALLEGIANCE

Lee Pettle led the pledge to the American Flag.
City Administrator Daniel led the pledge to the Texas Flag.

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 the 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 an 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 scheduled. 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.

MOTION: Mayor Pro-tem Threadgill moved to approve Resolution 2010-315 subject to amending Section 1, bullet 1 to include wording that the alternate is to be considered for the vacancy on the board they are currently serving. Councilmember Marshall seconded with Councilmembers Marshall, Sumrow, Threadgill and Evans voting for. Motion carried 4-0.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2010- 314 RENEWING MEMBERSHIP WITH TEXAS CO-OPERATIVE PURCHASING.

MOTION: Councilmember Marshall motioned to approve Resolution 2010-314 as written. Councilmember Evans seconded with Councilmembers Marshall, Sumrow, Threadgill and Evans voting for. Motion carried 4-0.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 661 APPROVING THE 2010 CODIFICATION SUPPLEMENT NUMBER 5.

MOTION: Mayor Pro-tem Threadgill moved to adopt Ordinance 661 subject to correcting the spelling from "perked" to "parked". Councilmember Marshall seconded with Councilmembers Marshall, Sumrow, Threadgill and Evans voting for. Motion carried 4-0.

9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE NOVEMBER 2, 2010 REGULARLY SCHEDULED MEETING.

MOTION: Councilmember Sumrow moved to cancel the City Council November 2, 2010 regular meeting due to it being Election Day and voting will be held at City Hall. Councilmember Evans seconded with Councilmembers Marshall, Sumrow, Threadgill and Evans voting for. Motion carried 4-0.

10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A PROPOSAL TO AMEND LOCAL GOVERNMENT CODE 52.004 REGARDING CITY LEGAL NOTICES PUBLISHED EITHER IN THE OFFICIAL NEWSPAPER OR OFFICIAL WEBSITE.

Mayor Cordina would like Council's consideration on a proposed Legislative bill to amend Local Government Code 52.004, to allow the use of city websites as the principal publication location for ordinances, notices or other matters required by law or ordinance to be published.

Proposed changes:

“§ 52.004. OFFICIAL NEWSPAPER and OFFICIAL WEBSITE

(a) As soon as practicable after the beginning of each municipal year, the governing body of the municipality shall:

(1) contract, as determined by ordinance or resolution, with a public newspaper of the municipality to be the municipality's official newspaper until another newspaper is selected, and/or

(2) select, by ordinance or resolution, the official website of the municipality to be used for publication of the matters described in (b)

(b) The governing body shall publish in the municipality's official newspaper, or the official website of the municipality, or both, each ordinance, notice, or other matter required by law or ordinance to be published."

Mayor Cordina said we will not be alone in asking the legislature for relief from this code and altering it to permit us to use our website as the primary publication site. He fully expects other cities to follow suit, and has already gotten indications that this will happen.

MOTION: Councilmember Marshall moved to have City Attorney Shepherd prepare a resolution (see Exhibits 10A and 10B) for the Mayor to present to TML at the annual conference in October. Councilmember Sumrow seconded with Councilmembers Marshall, Sumrow, Threadgill and Evans voting for. Motion carried 4-0.

11. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ACCEPTING THE GIFT OF A SIGN TO THE CITY OF PARKER FOR THE POLICE DEPARTMENT FROM ED STANDRIDGE AND JOHN STEWART.

MOTION: Councilmember Evans moved to accept the gift presented by Ed Standridge and John Stewart to the Police Department. Councilmember Sumrow seconded with Councilmembers Marshall, Sumrow, Threadgill and Evans voting for. Motion carried 4-0.

12. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ACCEPTING A GIFT TO THE CITY OF PARKER OF \$175.21 FROM PATTI AND JOE CORDINA FOR SIGNS FOR COUNCIL AND PUBLIC PARKING.

Mayor Pro-tem Threadgill presided over this item as Mayor Cordina was a party to the gift. Patti and Joe Cordina presented the City with a gift of \$175.21 to pay for two council and two citizen parking signs. Mayor Cordina had directed Staff to order the signs prior to Councils approval, so he donated the cost of the signs to the City.

MOTION: Councilmember Sumrow moved to accept the donation of \$175.21 and the base sign material subject to not putting the signs up at City Hall. Councilmember Marshall seconded with Councilmembers Marshall, Sumrow, and Evans voting for. Threadgill opposed. Motion carried 3-1

13. CONSIDERATION AND/OR ANY APPROPRIATE ACTION RATIFYING GIFTS TO THE CITY FROM THE ANNUAL FUNDRAISER FOR THE VOLUNTEER FIRE DEPARTMENT, AND ACCEPTANCE OF GIFTS FOR THE FIRE DEPARTMENT FROM THE SEPTEMBER 25, 2010 FUNDRAISING BANQUET.

Councilmember Evans moved to accept the annual VFD fundraising monetary gift to the City. Councilmember Marshall seconded with Councilmembers Marshall, Sumrow, Threadgill and Evans voting for. Motion carried 4-0.

ROUTINE ITEMS

14. FUTURE AGENDA ITEM REQUESTS.

- Economic Development presentation changed to November 16 meeting.
- Reduce Parker Road speed limit removed until update is provided by TXDoT.
- Interviews with new applicants are to be held October 19.
- Police Department Grant presentation reduced to 15 minutes.
- November 2 City Council meeting cancelled.
- April 2012 – review of Ordinances 608 and 658, creation and amendment of Parks and Recreation Commission.

15. UPDATES

- a. Reports: Water Billing Re-Reads for past 12 months
- b. Staff Action List

16. ADJOURN

Mayor Cordina adjourned the meeting at 9:15 p.m.

ATTESTED:


Carrie L. Smith, TRMC, CMC
City Secretary



APPROVED:


Joe Cordina
Mayor

APPROVED on the 19th day of
October, 2010.

CITY OF PARKER
RESOLUTION NO. 2010-319

*(Selection and Use of Official Newspaper and/or Official Website;
Amendment of Texas Local Government Code, Section 52.004)*

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS,
IN FAVOR OF A LEGISLATIVE CHANGE TO LOCAL GOVERNMENT
CODE, SECTION 52.004, REGARDING SELECTION AND USE OF AN
OFFICIAL NEWSPAPER, TO PROVIDE FOR AN ALTERNATIVE
CHOICE FOR MUNICIPALITIES FOR USE OF THEIR OFFICIAL
WEBSITE.**

WHEREAS, Local Government Code, Section 52.004, requires the selection each year of an official newspaper for the municipality; and

WHEREAS, the law requires municipalities to publish in the official newspaper, at significant expense, many required published notices, for certain meetings, hearings, ordinances, tax disclosures, public bids, and other required messages; and

WHEREAS, many municipalities have invested substantial sums in developing the municipality's own official website; and

WHEREAS, posting all of the same required notices for the official newspaper on the official website would provide a more efficient, less expensive, and well-organized means of publication of all required notices; and

WHEREAS, posting on the municipality's official website allows the notices to be organized, and archived, for both current and historical information with electronic ease;

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

SECTION 1. The City of Parker, by and through its duly elected city council, respectfully requests the Texas Municipal League to support legislative change to Local Government Code, Section 52.004, allowing municipalities the option of selecting either an official newspaper, or an official website, or to use both, for the municipality's publication of official notices required by law.

SECTION 2. The City of Parker respectfully submits to the Texas Municipal League that adoption of changes to the statute, such as those in the attached Exhibit A, will provide a savings to the tax payers of significant newspaper publication fees, increased speed of publication, a single centralized source for all of the municipality's required notices, and less expensive and swifter access to such notices by not only the residents of the municipality, but anyone with internet access. The result is a far greater availability of the official notice of the municipality than a newspaper can provide.

SECTION 3. This resolution shall be effective upon its passage.

PASSED AND APPROVED this 5th day of October, 2010.

APPROVED:

Joe Cordina, Mayor

ATTEST:

Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

James E. Shepherd, Municipal Attorney

Attachment: Exhibit A

EXHIBIT A

§ 52.004. OFFICIAL NEWSPAPER and OFFICIAL WEBSITE

(a) As soon as practicable after the beginning of each municipal year, the governing body of the municipality shall:

- (1) contract, as determined by ordinance or resolution, with a public newspaper of the municipality to be the municipality's official newspaper until another newspaper is selected, and/or**
- (2) select, by ordinance or resolution, the official website of the municipality to be used for publication of the matters described in (b)**

(b) The governing body shall publish in the municipality's official newspaper, or the official website of the municipality, or both, each ordinance, notice, or other matter required by law or ordinance to be published.

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