

MINUTES

CITY COUNCIL MEETING

December 7, 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 5:00 p.m. with Councilmembers Marshall, Sumrow, Threadgill, Levine and Evans present. A quorum was present.

Staff present: City Administrator Dena Daniel, City Attorney Jim Shepherd, Assistant City Administrator Jeff Flanigan, City Secretary Carrie Smith, Police Chief Tony Fragoso and Police Sergeant Kenny Price.

EXECUTIVE SESSION 5:00 P.M. – 6:00 P.M.

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

Mayor Cordina recessed into closed session at 5:00 p.m.

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN TEXAS GOVERNMENT CODE SECTION 551.071 AND 551.072:

A. ACQUISITION OF REAL ESTATE EASEMENTS FOR WATER SYSTEM IMPROVEMENTS IN OR PARALLEL TO BOZEMAN ROAD, AND EXTENDING NORTH TO PARKER ROAD FROM BOZEMAN ROAD.

B. LEGAL ADVICE REGARDING MUNICIPAL BOUNDARY ADJUSTMENT AT CHAPARRAL ROAD AND THE PLANO/ ALLEN CITY LIMITS.

2. RECONVENE REGULAR MEETING.

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

3. (a) DELIBERATION AND APPROPRIATE ACTION ON ADOPTION OF RESOLUTION 2010-320, REGARDING THE NECESSITY OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE NEEDED EASEMENTS FOR THE CONSTRUCTION AND USE OF A WATERLINE DESIGNATED AS THE 2009 WATERLINE ADDITION, IN OR PARALLEL TO BOZEMAN ROAD, AND EXTENDING NORTH TO PARKER ROAD FROM BOZEMAN ROAD.

MOTION: Councilmember Marshall moved to approve Resolution 2010-320. Councilmember Levine seconded with Councilmembers Marshall, Sumrow, Threadgill, Evans and Levine voting for. Motion carried 5-0.

(b) ANY OTHER ACTION REQUIRED AS A RESULT OF THE EXECUTIVE SESSION.

No other action was taken as a result of the executive session.

PLEDGE OF ALLEGIANCE

American Pledge: Bill Bailey led the pledge to the American Flag.

Texas Pledge: Joe Sterk led the pledge to the Texas Flag.

THE CITY COUNCIL HELD ITS MEETING IN JOINT SESSION WITH THE PARKER PARKS AND RECREATION COMMISSION, COMMENCING AT 6:00 PM.

4. PRESENTATION TO THE PARKER CITY COUNCIL AND THE PARKER PARKS AND RECREATION COMMISSION BY AL JOHNSON, REGARDING THE DESIGN, FUNDING, GRANT REQUIREMENTS, AND SCHEDULING OF THE IMPROVEMENTS PROPOSED FOR THE PRESERVE, INCLUDING THE INSTALLATION OF A TRAIL, AND ANY APPROPRIATE ACTION BY THE CITY COUNCIL AS A RESULT OF THE PRESENTATION.

Chairperson Sterk called the meeting of the Parks and Recreation Commission to order at 6:05 p.m. Members present were Joe Sterk, Bill Bailey, Bart Blaydes, Renee Sims, Brooke Asiatico, and Phyllis Houx were present.

Al Johnson gave a brief presentation of the proposed design, funding, grant requirements and schedule for improvements in the Preserve.

PARKS AND RECREATION MOTION: Commissioner Bailey moved to approve the design, funding, grant requirements, and scheduling of the improvements proposed for the Preserve, including the installation of a trail. Commissioner Blaydes seconded with Commissioners Joe Sterk, Bill Bailey, Bart Blaydes, Renee Sims, Brooke Asiatico and Phyllis Houx. Motion carried 7-0.

CITY COUNCIL MOTION: Mayor Pro-tem Threadgill moved to approve the design, funding, grant requirements, and scheduling of the improvements proposed for the Preserve, including the installation of a trail; and authorized staff to proceed on with bids on approval of the City Attorney. Councilmember Evans seconded with Councilmembers Marshall, Sumrow, Threadgill, Evans and Levine voting for. Motion carried 5-0.

Parks and Recreation Commission Chairperson Sterk adjourned their special meeting at 6:50 p.m.

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.

Ed Standridge spoke regarding the appointments of committee members. (See Exhibit A)

Andy Piziali spoke regarding regulation for solar panels: continue with existing zoning ordinance, less high voltage lines overhead, look at electric codes currently approved, and the loss liberty.

INDIVIDUAL CONSIDERATION ITEMS

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR NOVEMBER 16, 2010.

MOTION: Mayor Pro-tem Threadgill moved to approve the minutes as written. Councilmember Sumrow seconded with Councilmember Marshall, Sumrow, Threadgill, Evans, and Levine voting for. Motion carried 5-0.

6. INTERVIEWS, CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2010-318 APPOINTING 2010-2011 COMMISSION MEMBERS TO THE PLANNING AND ZONING COMMISSION.

Council held interviews with each board applicant.

Council chose to make separate motions for each seat.

MOTION: Councilmember Sumrow moved to appoint Lee Pettle to Place 2. Councilmember Levine seconded with Councilmembers Marshall, Sumrow, Threadgill and Levine voting for. Councilmember Evans opposed. Motion carried 4-1.

MOTION: Councilmember Evans moved to appoint David Leamy to Place 3. Councilmember Sumrow seconded with Councilmembers Sumrow and Evans voting for. Mayor Pro-tem Threadgill, Councilmembers Marshall and Levine opposed. Motion failed 2-3.

MOTION: Councilmember Marshall moved to appoint Leonard Stanislav to Place 3. Mayor Pro-tem Threadgill seconded with Councilmembers Marshall, Sumrow, Threadgill, Evans, and Levine voting for. Motion carried 5-0.

MOTION: Councilmember Levine moved to appoint Joe Lozano to Alternate Place 1. Councilmember Sumrow seconded with Councilmembers Marshall, Sumrow, Threadgill, Evans, and Levine voting for. Motion carried 5-0.

MOTION: Councilmember Marshall moved to appoint David Leamy to Alternate Place 2. Mayor Pro-tem Threadgill seconded with Councilmembers Marshall, Sumrow, Threadgill, and Evans voting for. Councilmember Levine opposed. Motion carried 4-1.

MOTION: Councilmember Sumrow moved to appoint Steven Schroeder to Alternate Place 3. Councilmember Marshall seconded with Councilmembers Marshall, Sumrow, Threadgill, Evans and Levine voting for. Motion carried 5-0.

MOTION: Councilmember Marshall motioned to appoint Russell Wright to Chairperson, Ed Standridge to Vice Chairperson and Lee Pettle to Secretary. Mayor Pro-tem Threadgill seconded with Councilmembers Marshall, Sumrow, Threadgill, Evans, and Levine voting for. Motion carried 5-0.

THE CITY COUNCIL HELD ITS MEETING IN JOINT SESSION WITH THE PARKER PLANNING AND ZONING COMMISSION, COMMENCING AT THE CONCLUSION OF ITEMS 1-6 ABOVE.

P&Z Chairperson Wright called the meeting to order. Commissioners Russell Wright, Bill Bailey, Tom Stone, Ed Standridge, Lee Pettle, Leonard Stanislav and David Leamy were present.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PLANNING AND ZONING COMMISSIONS PROPOSED AMENDMENTS ON WIND TURBINE ORDINANCE.

Chairperson Wright gave the Council a review and update on the proposed Wind Energy Generator Ordinance. (See Exhibit 2)

After discussion with Council, the following items are to be address:

- 1) SUP requirements
- 2) Define purpose of use
- 3) Color Specifications
- 4) Exact placement allowed. Can it be placed in a pasture that is located in the front of the property?
- 5) House must be on the property

Public hearings must be advertised and held before action may be taken.

Chairperson Wright adjourned the P&Z meeting.

ROUTINE ITEMS

8. FUTURE AGENDA ITEM REQUESTS.

- a. Revise ZBA Appointments
- b. City Tree Program

9. UPDATES

- a. Reminder - Council approved cancelling the December 21 and January 4 regular meetings due to the holidays.
- b. "History of the City of Parker Data Collection."
 - i. Mayor Cordina asked Council to think about how to begin a historical society to preserve Parker's history.

10. ADJOURN

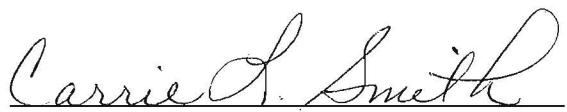
Mayor Cordina adjourned the meeting at 10:04 p.m.



APPROVED:


Joe Cordina
Mayor

ATTESTED:


Carrie L. Smith, TRMC, CMC
City Secretary

APPROVED on the 18th day of
January 2011.

Insert Exhibit A – Ed Standridge's written statement
Exhibit 2 – Proposed Wind Energy Generators

Mr. Mayor and Council Members,

I apologize that I was not in town for the last Council meeting. Regardless, I would like to express my concern on actions taken in the appointment and motion to appoint committee members.

In past Council meetings there has been discussion regarding how appointments would be made which resulted in, as I understood, a process whereby determination would be made for selection through an interview process; a process which was approved by the Council.

Since then, Committee members have been appointed without interviews, in open council interviews and decisions behind closed doors.

I understand the right of the City Council Members, as elected officials to make the final decision, but what I do not understand and have a concern, is why they would approve a process or guideline, then not follow it.

I am most concerned for the Planning and Zoning Committee and what happened in the last council meeting where two Council members recommended and were ready to appoint Joe Lozano as a Voting Member. I have nothing against Joe Lozano, he is a good individual and has been in our community for many years, but he has not been present in sessions, was not interviewed and was not even an Alternate.

The purpose of an Alternate is to gain an understanding/insight into changes in Zoning requirements, current Committee activities and first hand knowledge for the direction of our community. The three Alternates, each which are well qualified, Stanislav, Leamy and Pettle have been Alternates for an extended period and attend most meetings.

But out of the blue to have the Council recommend appointment for someone that is not an Alternate and does not even attend the meetings is out of line with the direction established by the Council. This action discourages Alternates in their learning and preparation for appointment.

There is also a question I have regarding the need for a formal process used for all appointments in each Committee . . .

Consistent with the process for interviews before appointments, and discussed in an earlier Council meeting, there should be a standard job description published for each committee Voting Member and Alternate? Also, why don't you solicit input from the appointed Committee Members? You expect fact based recommendations regarding Committee action items, but you do not feel we are capable, or we should not have an opinion for appointment of a member to our Committee?

I would appreciate a revisit on the Council's process for appointment of all committee members especially the Planning and Zoning Committee, and consideration for my questions and concerns.

Thank You.



The following is the recommendation from P&Z, with questions and comments inserted in red after discussions with the Chairman and Mr. Standridge.

Jim

151.21 WIND ENERGY GENERATORS.

The first issue is whether or not the council feels each tower proposed must go through the special use permit process the current ordinance requires. If so, the SUP process will add significant time and expense to the process for the homeowner, and require a close look by P&Z and council. You could decide this is a good procedure for the first year, just to be sure the fine points of the process and the practical side of the addition of a number of towers in the city is working out in an acceptable manner. IF you feel you do not need that process, then we can delete (A) below, and any related language to the SUP. Without the SUP, any tower that fits the specifications below may be built on payment of a building permit and inspection fee, and successful inspections.

(A) *Special use permit.* An applicant may prepare and file an application for a special use permit for the construction and installation of a wind energy generator. The application shall include the information required in (B), and shall be supplemented by additional information, if any, as requested or required by the Planning and Zoning Commission during its review of the special use permit, or the City Council, prior to or during its deliberations. Wind energy generators have a unique nature as a result of their movement, size, public safety, and noise. The City Council may deny the application for a wind energy generator which may meet the technical requirements set forth below if the wind energy generator is proposed to be located in an area of the city which will unreasonably encroach upon the rights of the homeowners and landowners in the area.

(B) *Application requirements.* An application for a wind energy generator shall include the following:

(1) Detailed construction plans, with elevation drawings to scale, showing the proposed location of the wind energy generator. Drawings shall show all structures existing and proposed on the tract of land, together with all structures on neighboring tracts within an area 2.5 times the total height (mast plus rotor) of the proposed tower;

(2) The applicant's engineer's statement of the engineering standards applied to the installation, construction and operation of the wind energy generator. The plans will be engineered and bear the professional engineer's seal. The plans will include copies of:

- (8) Be secured and protected to prohibit access or climbing by unauthorized persons;
- (9) Be in compliance with all state and federal law, including those regulations of the State Public Utility Commission, Federal Aviation Administration, and the Federal Communications Commission. It must also be in compliance with the Building and Electrical Codes, and local ordinances and construction codes, adopted by the City of Parker;
- (10) Be for the purpose of generation of electrical power for use on the tract on which the wind energy generator is constructed only. Transmission of electrical power across the property lines of the tract shall constitute commercial use, requiring additional permits or zoning changes; and
- (11) Comply with those additional requirements in the Special Use Permit as may be required by the City Council as necessary to preserve and protect the health, safety, and welfare of the citizens of the city.