

MINUTES
CITY COUNCIL MEETING
NOVEMBER 19, 2019

RECEPTION CEREMONY A brief reception ceremony.

Mayor Lee Pettle called the meeting to order at 6:02 p.m.

50th Anniversary

Mayor Lee Pettle presented the 50th Anniversary Tree Plaque to the City, stating the tree has already been planted across from City Hall in honor of the City's 50th Anniversary and the plaque would soon be placed in concrete in front of that tree.

Retirement

Mayor Pettle presented Administrative Assistant Vicky Granger with a plaque in appreciation for twelve (12) years of dedicated service to the City of Parker, commenting Ms. Granger would be retiring at the end of November and would be greatly missed.

The Mayor presented Police Officer Greg Wells with a plaque in appreciation for nineteen (19) years of dedicated service to the City of Parker, noting Mr. Wells would also be retiring at the end of November. On behalf of the Police Department, Chief Brooks presented Officer Wells with a street sign, Greg Wells Way. Mayor Pettle said he also would be greatly missed.

Tom Stone Dedication

Former Mayor Z Marshall presented a Proclamation, recognizing former Councilmember Tom Stone who passed away September 1, 2016, to his widow Annette Stone. Mr. Marshall also read a Living Legend Tree Plaque to be placed in front of the tree planted in memory of Mr. Stone. Finally, Mr. Marshall stated Developer Steve Sallman wanted to pay tribute to Mr. Stone's memory by naming a street in Kings Crossing development after the former councilmember. Mr. Sallman suggested Tom Stone Court in Phase 1 or Tom Stone Parkway in Phase 5. Ms. Stone chose the name Tom Stone Court to honor her late husband and thanked everyone.

Mayor Pettle recessed the meeting at 6:17 p.m. for a brief reception for Vicky Granger, Greg Wells, and the Stone family and friends.

CALL TO ORDER – Roll Call and Determination of a Quorum

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

Mayor Lee Pettle reconvened the meeting to order at 6:56 p.m. Councilmembers Diana M. Abraham, Cindy Meyer, Edwin Smith (arrived at 6:08 p.m.), Ed Standridge and Patrick Taylor (arrived at 7:53 p.m.) were present. Councilmember Cindy Meyer was absent.

Staff Present: City Administrator Luke Olson, Asst. City Administrator/City Secretary Patti Scott Grey, Finance/H.R. Manager Grant Savage, City Attorney Brandon Shelby (arrived at 6:20 p.m.), Public Works Director Gary Machado, Fire Chief Mike Sheff (arrived at 6:20 p.m.), and Police Chief Richard Brooks

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: David Gilmore led the pledge.

TEXAS PLEDGE: Ed Lynch led the pledge.

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

Rick Simerka, 3908 Sycamore Lane, reported a speeding problem on Sycamore Lane. Mr. Simerka said the problem was getting worse and suggested the City install speed bumps to slow traffic before more accidents happen. He noted many area residents walk and ride bicycles and horses along Sycamore Lane.

Ed Lynch, 5809 Middleton Drive, spoke in opposition of Item # 5, Ordinance No. 785, establishing a Stormwater Ordinance. (See Exhibit 1 – Ed Lynch's handout, dated November 19, 2019.)

Sheryl Burk, 6806 Estados Drive, said the bar ditches in front of her home still need attention and the City has not been in contact with her. Ms. Burk requested the City's assistance with her bar ditches.

John Griego, 6601 Poco Drive, voiced his concern about the patch job completed on Poco Drive. Mr. Griego said he was unhappy with the job. It was sloppy and poorly done. He asked the City to take another look at the job and repair it again. Secondly, Mr. Griego noted he cleaned all the bar ditches in his neighborhood, because he knew cleaning the bar ditches was the homeowners' responsibility. He encouraged the City to do their part to help with the drainage problems by enforcing its own codes on high weeds. Mr. Griego said he asked the City to act for years with no response.

Mayor Pettie read Andy Redmond's email into the record. Mr. Redmond, 7275 Moss Ridge Road, expressed his appreciation for the City recognizing former City Councilmember Tom Stone; his congratulations and appreciation for the City recognizing the retiring city employees; and his concerns, regarding of Item # 5, Ordinance No. 785, establishing a Stormwater Ordinance. Mr. Redmond urged Council to vote "no" on the item. (See Exhibit 2 – Andy Redmond's email, dated November 19, 2019.)

ITEMS OF COMMUNITY INTEREST

- PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, NOVEMBER 20 AND WEDNESDAY, DECEMBER 11, 2019, 6 PM
- HOME RULE CHARTER COMMISSION (HRCC) –TUESDAY, DECEMBER 10, 2019, 7:00 PM

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. APPROVAL OF MEETING MINUTES FOR OCTOBER 15, 2019. [SCOTT GREY]
2. INVESTMENT QUARTERLY REPORT. [SAVAGE]
3. DEPARTMENT REPORTS- ANIMAL CONTROL (SEPT), COURT (OCT), FIRE (3RD QTR), POLICE (OCT) AND WEBSITE (OCT)

Council asked that item #4, canceling the December 3 or December 17, 2019 regular City Council meeting be removed from the consent agenda and placed under individual consideration items for further discussion.

MOTION: Councilmember Ed Standridge moved to approve the revised consent agenda items 1 through 3 as presented. Councilmember Abraham seconded with Councilmembers Abraham, Smith, and Standridge voting for the motion. Motion carried 3-0.

INDIVIDUAL CONSIDERATION ITEMS

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON CANCELING THE DECEMBER 3 OR DECEMBER 17, 2019 REGULAR CITY COUNCIL MEETING. [PETTLE]

MOTION: Councilmember Smith moved to cancel the December 3, 2019 City Council meeting; confirmed the December 17, 2019 City Council meeting was necessary; and noted with proper notification a City Council meeting could be called at any time if necessary. Councilmember Abraham seconded with Councilmembers Abraham, Smith, and Standridge voting for the motion. Motion carried 3-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO 785, ESTABLISHING A STORMWATER ORDINANCE. [MACHADO/SHELBY]

Public Works Director Gary Machado noted passage of a stormwater ordinance was government mandated. City Staff did not draft the ordinance. The ordinance was drafted by MSSSCompliance 4 (MS4) Program Auditing Vice President Diana McDonald. The ordinance should have been passed by Council by October 1, 2019 and sent to Texas Commission on Environmental Quality (TCEQ) and U.S. Environmental Protection Agency (EPA).

Ed Lynch, 5809 Middleton Drive, spoke regarding concerns over other EPA mandates (EPA water regulations) currently being challenged by the U.S. Supreme Court.

MOTION: Councilmember Smith moved to table Ordinance No. 785, establishing a Stormwater Ordinance for further discussion and requested MS4 Program Auditing Vice President Diana McDonald be present for the next Council meeting, December 17, 2019. Councilmember Abraham seconded with Councilmembers Abraham, Smith, and Standridge voting for the motion. Motion carried 3-0.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 786, UPDATING ORDINANCE NO. 571 (NUISANCE – AMENDING ORD. NO. 553), REGARDING TREE HEIGHT. [MACHADO/SHELBY]

Public Works Director Gary Machado said he would like City Council to consider increasing tree height from 12 feet to 15 feet above public street pavement, gravel or other street surfaces to accommodate the new fire department ladder truck. Mr. Machado provided Ordinance No. 571, Section 2.T., along with the City of Parker, Texas, Code of Ordinances, Section § 94.02, as follows:

§ 94.02 NUISANCES ENUMERATED.

(T) The possessor and/or owner of property adjacent to a public roadway in the city shall keep the owner or possessor's property, and the property within the public right-of-way, or public easement, abutting the pavement and/or traveled portions of the public roadway, free and clear of high grass and weeds, and other objectionable,

unsightly or unsanitary manner of whatever nature. Unsightly or unsanitary matter of whatever nature shall include, without limitation, grass, weeds, brush or other living material in excess of 12 inches in height. Property owners and possessors adjacent to public roadways shall also be responsible for removal of brush and other objectionable unsightly or unsanitary matter and shall be responsible for mowing of the grass in such Bar Ditches and the Parkway. It shall be unlawful for any owner or any occupant of any property within the city to suffer or permit limbs, brush and other vegetation, existing above a public street to hang lower than ~~42~~ 15 feet above the public street pavement, gravel, or other street surface. This provision shall not apply to city owned open space, parks, nature or trail areas, nor shall it apply to those portions of property under active cultivation of crops, nor the center median of divided roadways.

Mayor Pettle relayed a concern Councilmember Meyer had with Ordinance No. 571 (Nuisances – Amending Ordinance No. 553), passed and approved June 28, 2005, in Section 2. exempting the City:

“This provision shall not apply to City owned open space, parks, nature or trail areas, nor shall it apply to those portions of property under active cultivation of crops, nor the center median of divided roadways. ”

MOTION: Councilmember Standridge moved to approve Ordinance No. 786, updating Ordinance No. 571 (Nuisance – Amending Ord. No. 553), regarding tree height from 12 to 15 feet and amending Ordinance No. 571 further by removing “~~nor the center median of divided roadways.~~”. (See Exhibit 3 – Amended Ordinance, dated November 19, 2019.) Councilmember Smith seconded with Councilmembers Abraham, Smith, and Standridge voting for the motion. Motion carried 3-0.

City Council asked City Attorney to prepare a corrected copy, amending this section.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 787, AFFECTING PARTICIPATION OF CITY EMPLOYEES IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM GRANTING THE ADDITIONAL RIGHTS AUTHORIZED BY SECTION 854.202(g) OF TITLE 8, TEXAS GOVERNMENT CODE, AS AMENDED, AND PRESCRIBING THE EFFECTIVE DATE FOR THE ORDINANCE. [SAVAGE/SHELBY]

Finance/H.R. Manager Grant Savage reviewed the change from 25 years to 20 years as described by the proposed ordinance and Texas Municipal Retirement System (TMRS) letter, dated August 30, 2019, with Plan Change Study, in the City Council packet. Mr. Savage also noted this was discussed during the budget planning meetings and made a part of the 2019-2020 Budget, Ordinance No. 781, passed and approved September 3, 2019. He also noted Ordinance No. 787 would become effective as of January 1, 2020.

Mayor Lee Pettle opened the floor to receive comments regarding Ordinance No. 787, affecting participation of City Employees in the Texas Municipal Retirement System granting the additional rights authorized by Section 854.202(G) of Title 8, Texas Government Code, as amended, and prescribing the effective date for the Ordinance.

Terry Lynch, 5809 Middleton Drive, asked if the change from 25 years to 20 years came with any age requirement. Mr. Savage said as stated in the letter, it is “20-year any age” service retirement.

MOTION: Councilmember Smith moved to approve Ordinance No. 787, affecting participation of city employees in the Texas Municipal Retirement System granting the additional rights authorized by Section 854.202(G) of Title 8, Texas Government Code, as amended, and prescribing the effective date for the Ordinance. Councilmember Abraham seconded with Councilmembers Abraham, Smith, and Standridge voting for the motion. Motion carried 3-0.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2019-621, MAKING APPOINTMENTS TO THE PLANNING AND ZONING (P&Z) COMMISSION. [PETTLE]

It was noted that staff spoke with the P&Z Commissioners and all members expressed a desire to continue their service for the following terms and positions:

Member	Position
Russell Wright	Place 1; Chairperson
Wei Wei Jeang	Place 3; Secretary
Jasmat Sutaria	Place 5
Marilyn Kittrell	Alternate 1
Larkin Crutcher	Alternate 2
JR Douglas	Alternate 3

MOTION: Councilmember Smith moved to approve Resolution No. 2019-621, making appointments to the Planning and Zoning (P&Z) Commission.

Member	Position	Term Expiration
Russell Wright	Place 1; Chairperson	Nov. 30, 2021
Wei Wei Jeang	Place 3; Secretary	Nov. 30, 2021
Jasmat Sutaria	Place 5	Nov. 30, 2021
Marilyn Kittrell	Alternate 1	Nov. 30, 2021
Larkin Crutcher	Alternate 2	Nov. 30, 2021
JR Douglas	Alternate 3	Nov. 30, 2021

Councilmember Standridge seconded with Councilmembers Abraham, Smith, and Standridge voting for the motion. Motion carried 3-0.

The City Secretary said she would make sure the P&Z Commissioners are notified of their re-appointments.

9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2019-622, MAKING APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENT (ZBA). [PETTLE]

It was noted that staff spoke with the ZBA members with the following members expressed a desire to continue their service for the following terms and positions:

Member	Position	Term Expiration
Jack Albritton	Place 1	Nov. 30, 2021
Andrew Ellison	Place 3, Chair	Nov. 30, 2021
Brian Deaver	Place 5	Nov. 30, 2021

The following member expressed a desire to step down, submitting his resignation:

Member	Position	Term Expiration
Mark Farmer	Alternate 1	Nov. 30, 2020

Currently, the City has one (1) vacancy and received applications from Jason Shepard, Rick Debus, and Terry Lynch. After review of the applications, City Council made the following motion:

MOTION: Councilmember Standridge moved to accept Alternate 1 Mark Farmer's resignation; appoint Applicant Jason Shepard to the now vacant Alternate 1 position; re-appoint Jack Albritton to the Place 1 position; re-appoint Andrew Ellison to the Place 3, Chair position; and re-appoint Brian Deaver to the Place 5 position. Councilmember Smith seconded with Councilmembers Abraham, Smith, and Standridge voting for the motion. Motion carried 3-0.

It was discussed and noted the Place and Alternate position numbers for various boards and commissions refer to place only and not any order for future appointment or seniority.

The City Secretary said she would make sure the ZBA members are notified of their appointments and reappointments.

10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2019-623, MAKING APPOINTMENTS TO THE TO THE PARKS AND RECREATION (P&R) COMMISSION (P&R). [PETTLE]

On August 20, 2019, City Council re-established the Parks and Recreation Commission (Ord. No. 766) and appointed the following members (Res. No. 2019-613):

Member	Position	Term Expiration
Billy Barron	Place 2 –Chair	Nov. 30, 2020
Mark Farmer	Place 4 - Resigned	Nov. 30, 2020

Member	Position	Term Expiration
Kimberly Hinshaw	Place 1 –Vice Chair	Nov. 30, 2021
LeAnn Turrentine	Place 3	Nov. 30, 2021
Cherie Ware	Place 5 –Secretary	Nov. 30, 2021

Member	Position	Term Expiration
Michael Slaughter	Alternate 1	Nov. 30, 2020
Vacant	Alternate 2	Nov. 30, 2020
Vacant	Alternate 3	Nov. 30, 2020
Vacant	Alternate 4	Nov. 30, 2020

P&R Commission Chair Barron noted Place 4 Mark Farmer recently resigned. Mr. Barron suggested Alternate 1 Michael Slaughter be moved to the now vacant Place 4 position, leaving four (4) Alternate vacancies.

Councilmember Taylor arrived at 7:54 p.m.

The City received applications from Jason Shepard, who was appointed as a ZBA Alternate earlier in tonight's meeting and now is ineligible for another board, commission and/or committee position [except Home Rule Charter Commission (HRCC) - See Res. No. 2019-598]; Donna DaCosta, Frank DaCosta, Rick Debus; Patti Cordina; and Terry M. Lynch.

City Council agreed to waive the 12 month residency requirement for Parks and Recreation (P&R) only and allow the P&R Chair to choose the order of who moves up from alternate to vacant position.

MOTION: Councilmember Standridge moved to accept Mark Farmer's resignation; appoint Alternate 1 Michael Slaughter to the now vacant Place 4 position; appoint Patti Cordina to the now vacant Alternate 1 position; appoint Rick Debus to the Alternate 2 position; appoint Donna DaCosta to the Alternate 3 position; and Frank DaCosta to the Alternate 4 position. Councilmember Smith seconded with Councilmembers Abraham, Smith, Standridge, and Taylor voting for the motion. Motion carried 4-0.

The City Secretary said she would make sure the P&R members are notified of their reappointments.

ROUTINE ITEMS

11. FUTURE AGENDA ITEMS

UPDATE(S):

- Mayor Pettle asked Finance/H.R. Manager Savage to update everyone on the General Obligation Refunding Bonds, Series 2019, discussed at the October 15, 2019 by Bond Counsel Erick Macha. Mr. Savage said originally Bond Counsel indicated the rate would be 1.99% with a savings of \$109,000, but, in fact, it was 1.86% for a savings of \$121,000, which was obviously better for the City. He also noted the City's Standard and Poors (S&P) Global Credit Rating remained the same at AA+.
- HOME RULE CHARTER COMMISSION (HRCC) [SHELBY]
Due to the fact City Attorney Shelby did not make it to the November 12, 2019 HRCC meeting, Mayor Pettle made the update on HRCC. The Mayor said HRCC is still discussing forms of government. The Commission has been reaching out to similar/various Home Rule cities to see how they handled the Home Rule process, what challenges/obstacles they may have encountered during the process, and how they may have overcome those challenges/obstacles. Mayor Pettle noted the next HRCC meeting will be held December 10, 2019 at 7:00 p.m. and those meetings are open to the public.
- TRANSPORTATION/FACILITY [STANDRIDGE]
Transportation - Mayor Pro Tem Standridge updated everyone on Parker Road, stating the work was continuing and the project has been somewhat delayed due to weather. Further construction will require moving a water line and now that summer has passed City Administrator Olson believes work can move forward with no disruption in service. Mayor Pro Tem Standridge also updated everyone on the Texas Department of Transportation (TxDOT) discussions, regarding traffic lights and other safety issues along Dillehay Drive (2551). These discussions would be ongoing. City Administrator Olson said the traffic lights will also require traffic studies before TxDOT will take any action. Everyone was reminded Dillehay Drive is a state road; hence, the City of Parker has little or no control over the work being done.
Facility – Mayor Pro Tem Standridge said work is being completed on the new Municipal Complex, in hopes to present the plans to Parker residents, possibly in a Town Hall setting in early January 2020. Mr. Standridge said if all goes well the plan is to get City Council funding approval on the May 2020 ballot.
- SPEEDING [BROOKS]

Police Chief Brooks said speeding is an ongoing issue. The radar speed signs are assisting the department with gathering information like time of day violations occur. The Police Department uses this information to determine when the best time to target violators and develop an approach to hopefully reduce speeding. Chief Brooks said he does not believe speed bumps are very effective. The Chief mentioned how road surface changes and that sound difference gets drivers' attention temporarily. As the City grows and the entire area gets more congested, this issue will get worse. The City needs to plan appropriately to keep the problem under control.

Councilmember Smith noted as the City grows, the area gets more congested, and the number of tickets goes up, City Council and Staff need to evaluate the situation to have adequate staff, so the problem can be managed. The City should be prepared.

Mayor Pettle asked if there were any items to be added to the future agenda. Hearing none, she encouraged everyone to email her any requests. She noted once again the December 3, 2019 City Council meeting is canceled. The next regularly scheduled meeting would be Tuesday, December 17, 2019.

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.

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

- a. Government Code Section 551.074 Personnel—To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.
- b. Government Code Section 551.071(1)—Consultation with City Attorney concerning Pending or Contemplated Litigation
- c. Government Code Section 551.071(2) – Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Clearly conflicts with this chapter (Open Meetings Act)

Mayor Lee Pettle recessed the regular meeting to Executive Session at 8:29 p.m.

13. RECONVENE REGULAR MEETING.

Mayor Lee Pettle reconvened the meeting at 9:43 p.m.

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

No action was taken.

15. ADJOURN

Mayor Lee Pettle adjourned the meeting at 9:44 p.m.



APPROVED:

Lee Pettie
Mayor Lee Pettie

ATTESTED:

Patti Scott Grey
Patti Scott Grey, City Secretary

Approved on the 17th day
of December, 2019.

Ed Lynch 5809 Middleton Drive in Kings Crossing Comments on Ordinance #785 Stormwater Ordinance

- 1) This ordinance as drafted is extremely vague and overly broad. I noted 13 places where vague or broad language needed changing.
- 2) As drafted this violates residents property rights by requiring on page 18 at VI. (a) "Right of entry" to city inspectors...this is a violation of my constitutional rights
- 3) As drafted this does not allow a resident protections from violating this ordinance if their leaves or grass clippings or other yard waste get into the City drainage. That is absurd over-reach by this City Council if you adopt this ordinance...leaves blow around and grass clippings float off with the rain—in case you have not noticed
- 4) You should have to publish all the references this ordinance makes to the Code of Federal Register...starting on page 4, I counted 6 of them pertinent to a reasonable understanding by a resident
- 5) "Best Management Practices" on page 2 should be made clear it does not apply to residential property, only businesses.
- 6) City Administration should not be allowed to delegate their responsibility to a third party as outlined under (6) (b) on page 2. If the City can't do it, it should not be done.
- 7) There are many undefined terms in this document such as at #38 on page 5 "riparian corridor" which should be defined if it is used in this document.
- 8) Page 9 The general prohibition is way too vague and has three undefined terms (City drainage, human health and environment) which could be used to apply this to anything. Tighten it up or do not adopt this ordinance.
- 9) Page 11 does not allow any resident to allow any rubbish or yard waste to enter the city's drainage system...and leaves and grass clippings are included in the definitions of these terms...you must be kidding or you did not read this....how can you keep leaves from entering the city drainage system when we have such an open drainage design in this city?
- 10) Lastly, this is poorly written and my best example is on page 29 there is reference to XII and XIII and the document has no section XII or XIII as currently drafted.

PLEASE REVISE THIS DOCUMENT BEFORE YOU ADOPT IT. IT IS FATALLY FLAWED AS CURRENTLY DRAFTED

From: andy redmond
Sent: Tuesday, November 19, 2019 2:10 PM
To: Patti Grey
Subject: 11/19/19_Council Meeting_please admit for reading for Citizen input

Good Evening Mayor Pettle, Council and Ms. Grey:

Kindly read my comments in the public forum comment input time, as I'm unable to attend the meeting this eve.

My name is Andy Redmond of 7275 Moss Ridge Rd.

1. My thanks to the City for recognizing former Parker volunteer and council member (not to mention a personal friend and neighbor), Mr. Tom Stone. His years of service and advocacy for our City is well- known by many and his contributions will be enjoyed by future residents of our City.
2. Congrats and thanks to Ms. Granger and Mr. Wells for their service to our city.
3. I would urge a **no vote on the proposed storm water ordinance, listed on the proposed agenda:**

The reasons are many—but a few important ones are:

- Duplicity in regulations already administered by the Collin County and the State of Texas. Likewise, these proposed regulations appear to be in potential conflict with certain County/State regulations.
- As written-- if two neighbors (think Hatfield and McCoy disputes) are at odds, one could be an anonymous "whistle blower" by a neighbor when no violation occurred—this creates significant legal risk for the City and perhaps frivolous libel suits of which the City may be attached.
- Examples of un-intended violators:

The City of Parker (lack of controlled storm drainage in aging neighborhoods) is likely the to become the greatest offender.

Adjacent un-incorporated land owners (ag, ranching etc.)—animal waste/agricultural fertilization, storm run-off, etc.

Average Parker resident: it rains and their paddock/pasture is flooded allowing animal waste to potentially enter storm water; or their pool overflows due to heavy rains after being chemically treated etc.

- Substantial additional cost to City to administer/enforce ordinance, etc.
- The City has not demonstrated a need for such an ordinance and/or that adoption of the ordinance would make the City safer—in that that pollution/blight would be reduced.

Thank you for your time and consideration, it is so appreciated.

Regards,
 Andy Redmond

ORDINANCE NO. 786
{Amending Ord. 571, Nuisance}

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS, AMENDING ORDINANCE NO. 571 (MODIFYING ORDINANCE 553) REGARDING TREE HEIGHT; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Ordinance No. 553 established regulations regarding nuisances within the City of Parker, Texas; and,

WHEREAS, Ordinance No. 571 amended and modified Ordinance No. 553 by further defining and enumerating nuisances, including tree height regulations; and,

WHEREAS, the City Council of the City of Parker, Texas wishes to made certain amendments to Ordinance No. 571 to change the minimum permissible tree branch height to better accommodate the needs of the Parker Fire Department; and,

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

SECTION 1. AMENDMENT: Subsection T, under the Section entitled “Enumeration” shall be amended to state:

“It shall be unlawful for any owner or occupant of any property within the City to suffer or permit limbs, brush, and other vegetation, existing above a public street to hang lower than ~~12~~ 15 feet above the public pavement, gravel, or other street surface.

“This provision shall not apply to City owned open space, parks, nature or trail areas, nor shall it apply to those portions of property under active cultivation of crops, ~~nor the center median of divided roadways.~~”

SECTION 4. REPEALER CLAUSE: That all provisions of the Ordinances of the City of Parker in conflict with the provision 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 5. SEVERABILITY CLAUSE: It is the intent of the City Council that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity

or unconstitutionality shall not be construed to affect the validity of those provision of the Ordinance left standing.

SECTION 6. EFFECTIVE DATE: This Ordinance shall take effect immediately from its passage and publication of the caption as the law in such cases provides.

SECTION 7. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

ADOPTED on this the 19th day of November, 2019.

CITY OF PARKER, TEXAS



BY: 
LEE PETTLE, MAYOR

ATTEST:

BY: 
RATTI SCOTT GREY, CITY SECRETARY

**APPROVED AS TO FORM
AND CONTENT:**

BY: 
**BRANDON S. SHELBY,
CITY ATTORNEY**