



## AGENDA

### CITY COUNCIL MEETING

**JUNE 2, 2020 @ 7:00 P.M.**

Notice is hereby given the City Council for the City of Parker will meet in a Regular Meeting on Tuesday, June 2, 2020 at 7:00 P.M. at the Parker City Hall, 5700 E. Parker Road, Parker, Texas, 75002.

The Council meeting will be open to the public. The City of Parker will provide disposable face masks and hand sanitizer. If you feel uncomfortable attending the meeting in person, please send public comments to the City Secretary at [PGrey@parkertexas.us](mailto:PGrey@parkertexas.us). Your comments will be read into the minutes.

#### **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.

#### **INDIVIDUAL CONSIDERATION ITEMS**

1. APPROVAL OF MEETING MINUTES FOR MAY 19, 2020. [SCOTT GREY]
2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2020-630, PROVIDING FOR THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PARKER AND ELLIS COUNTY FOR COOPERATIVE PURCHASING. [OLSON/SHELBY/MACHADO]
3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ACCEPTING DONATION(S) FROM THE PARKER WOMEN'S CLUB (PWC), AS FOLLOWS: [PWC]
  - SIX (6) OFFICE DESK CHAIRS TOTALING \$1,449.93 FOR PARKER POLICE DEPARTMENT
4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ACCEPTING DONATION(S) FROM THE PARKER WOMEN'S CLUB (PWC) AS FOLLOWS: [PWC]
  - \$10,000 TO PARKER VOLUNTEER FIRE DEPARTMENT (PVFD)
5. DISCUSSION, CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 785, ESTABLISHING A STORMWATER ORDINANCE. [MACHADO/SHELBY] **[TABLED – 11192019 and 12172019]**
6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ADOPTING AND APPROVING MEDIAN XERISCAPE (LANDSCAPING) FOR ALL NEW DIVIDED HIGHWAY MEDIANS WITHIN THE CITY LIMITS FROM PARKER'S CURRENT

TRADITIONAL MEDIAN TREATMENT OF GRASS/TREE LANDSCAPED MEDIANs.  
[MEYER]

## ROUTINE ITEMS

### 7. FUTURE AGENDA ITEMS

#### UPDATE(S):

- LAND SWAP (WATER TOWER)
- THE RESERVE AT SOUTHRIDGE (ORD 747 – 2017 0509) AND AESTHETICA PRELIMINARY PLAN (APPROVED 2019 0115)
- DRAINAGE COMMITTEE [MEYER]
- ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF DUE (Each valued at between \$0 - \$500). [PETTLE]
  - DFW Muslim Community through Bushra Hameed, Parker, Texas, 12 lunches, water and dessert
  - Leslie Proch, Parker, Texas, fresh baked cookies

**EXECUTIVE SESSION START TO FINISH** Pursuant to the provisions of Chapter 551, Texas Government Code the City Council may hold a closed meeting.

### 8. 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).

### 9. RECONVENE REGULAR MEETING.

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

### 11. 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 May 29, 2020 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](http://www.parkertexas.us).

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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.



## Council Agenda Item

Item 1  
C'Sec Use Only

Budget Account Code:	Meeting Date: June 2, 2020
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: City Secretary Scott Grey
Estimated Cost:	Date Prepared: May 21, 2020
Exhibits:	<a href="#"><u>Proposed Minutes</u></a>

### AGENDA SUBJECT

APPROVAL OF MEETING MINUTES FOR MAY 19, 2020. [SCOTT GREY]

### SUMMARY

Please review the attached minutes. If you have any questions, comments, and/or corrections, please contact the City Secretary at [PGrey@parkertexas.us](mailto:PGrey@parkertexas.us) prior to the City Council meeting.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
<b>Approved by:</b>			
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	05/28/2020
City Attorney:		Date:	
Acting City Administrator:	<i>Luke B. Olson</i>	Date:	05/29/2020

**MINUTES**  
**CITY COUNCIL MEETING**

**MAY 19, 2020**

*Considering the Governor's executive order and the recommendations by the Federal Government and Center for Disease Control regarding social distancing, this meeting may be conducted telephonically. The call-in number for this meeting is (toll free) **1 877 568 4106** access code **[216-729-477]**.*

City Council Meeting May 19, 2020

Tue, May 19, 2020 7:00 PM - 10:00 PM (CDT)

**Please join my meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/216729477>

**You can also dial in using your phone.**

**United States (Toll Free): **1 877 568 4106****

**United States: [+1 \(571\) 317-3129](tel:+15713173129)**

**Access Code: 216-729-477**

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<https://global.gotomeeting.com/install/216729477>

**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 called the meeting to order at 7:06 p.m. Councilmembers Diana M. Abraham, Cindy Meyer, Edwin Smith, Ed Standridge and Patrick Taylor were present.

Staff Present: City Administrator Luke Olson, Asst. City Administrator/City Secretary Patti Scott Grey, Finance/H.R. Manager Grant Savage, City Attorney Brandon Shelby, Public Works Director Gary Machado, City Engineer John Birkhoff, P.E., Fire Chief Mike Sheff, and Police Chief Richard Brooks

**PLEDGE OF ALLEGIANCE**

**AMERICAN PLEDGE**: Councilmember Cindy Meyer led the pledge.

**TEXAS PLEDGE**: Councilmember Edwin Smith 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.

Terry Lynch, 5809 Middleton Drive, had questions, regarding the Thoroughfare Plan, and noted the maps/plans are difficult to read, especially easements, etc. Ms. Lynch inquired whether this is the best time for changes and discussion of the maps and stated many residents, especially Springhill residents, have concerns.

Mayor Pettle read Andy Redmond's email into the record. Mr. Redmond, 7275 Moss Ridge Road, expressed his concerns, regarding Item # 4, Resolution No. 2020-630, approving a term contract for road and highway materials to Oldcastle Materials Texas, Inc. and regarding Item # 5, Ordinance No. 791, adopting and approving a series of maps. (See Exhibit 1 – Andy Redmond's email, dated May 19, 2020.)

Mayor Pettle read Billy Barron's email into the record. Mr. Barron, 6707 Overbrook Drive, expressed concern, regarding Item # 5, Ordinance No. 791, adopting and approving a series of maps. Mr. Barron asked that the Thoroughfare Plan be rejected as presented. (See Exhibit 2 – Billy Barron's email, dated May 19, 2020.)

## ITEMS OF COMMUNITY INTEREST

Mayor Pettle read the list of meetings, noting according to the rules in effect today, the City can return to "in person" meetings in our Council Chambers as long as we exercise social distancing and do not exceed capacity limits, which at this point seems to be changing daily, due to Coronavirus Disease (COVID -19) global pandemic. The City plans to return to meetings as usual with the required social distancing and monitoring capacity limits. The Mayor encouraged everyone to check the City's website often for updates.

- PLANNING AND ZONING COMMISSION (P&Z) – THURSDAY, MAY 28, 2020, 7 pm
- HOME RULE CHARTER COMMISSION (HRCC) –TUESDAY, JUNE 9, 2020, 7 PM
- PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, JUNE 10, 2020, 6 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 APRIL 21, 2020. [SCOTT GREY]
2. APPROVAL OF MEETING MINUTES FOR MAY 5, 2020. [SCOTT GREY]
3. DEPARTMENT REPORTS - BUILDING/CODE, COURT, ~~FINANCE~~ (monthly financials), AND POLICE

Mayor Pettle asked that the "Finance (monthly financials)" be removed from the consent agenda, Item #3, Departmental Reports, and placed under individual consideration items for further discussion. Council agreed.

MOTION: Mayor Pro Tem Standridge moved to approve the revised consent agenda, items 1 through 3, except the "Finance (monthly financials)", as presented. Councilmember Meyer seconded with Councilmembers Abraham, Meyer, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

## INDIVIDUAL CONSIDERATION ITEMS

3. DEPARTMENT REPORT(S) - FINANCE (monthly financials)

Mayor Pettle asked Finance/H.R. Manager Grant Savage to review the Monthly Financials, the April 30, 2020 Monthly Financial Report.

Mr. Savage said the Monthly Financial Report provides the Year-to-Date Budget Report for all funds and a Revenue Report for the major sources of income in the General Fund. These reports cover the month-end April 30, 2020.

The Year-to-Date Budget Report compares the budgeted expenditures and revenues to actual expenditures and revenues. In reviewing the Year-to-Date Budget Report through April 30, 2020, the City Council should note the report lists

revenues and expenditures for the fiscal year. Therefore, it is generally desirable for year-to-date revenue totals to have achieved 58% of the budgeted amount and expenditures should generally not exceed 58% of the budgeted amounts. However, because property taxes are primarily received during the first trimester of the budget year and other revenues such as franchise fees are cyclical, revenues will not always equate to the projected percentage. Likewise, total expenditures may not always equate to the projected percentage, because payments for contracted services, insurance, and debt services are paid in lump sum amounts. The City's fiscal year ended on September 30, 2019.

### **Revenue Reports**

The Revenue Reports provide an analysis of the major revenue sources for the General Fund. They contain the current year and 4 years of historical information. Reports have been provided for the below revenue sources.

- ***Property Taxes***

Property Taxes account for 71.6% (or \$3,283,608) of the total General Fund Budgeted Revenue. The City has received \$3,246,230 (or 98.9%) Y-T-D. Most property taxes are received in the months of December through February.

- ***Sales Taxes***

Sales Taxes account for 5.0% (or \$230,000) of the total General Fund Budgeted Revenue. The City has received \$164,336 (or 71.5%) Y-T-D. Generally, sales tax collections represent two (2) months ago actual sales reported by vendors to the State of Texas.

- ***Franchise Fees***

Franchise Fees account for 5.6% (or \$258,000) of the total General Fund Budgeted Revenue. The City has received \$157,182 (or 60.9%) Y-T-D. These fees are typically received on a quarterly basis.

- ***Licenses & Permits***

Licenses & Permits account for 10.3% (or \$470,800) of the total General Fund Budgeted Revenue. The City has received \$285,844 (or 60.7%) Y-T-D.

- ***Court Fines***

Court Fines account for 4.7% (or \$215,000) of the total General Fund Budgeted Revenue. The City has received \$132,749 (or 61.7%) Y-T-D.

The City's new software allows staff to capture financial information, helping staff provide better transparency. Mr. Savage said he planned to start including this information to Council, Staff, and residents monthly with the departmental reports.

MOTION: Councilmember Smith moved to accept the "Finance (monthly financials)" removed from the consent agenda, Item #3, Departmental Reports, as presented. Councilmember Taylor seconded with Councilmembers Abraham, Meyer, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

Mayor Pettle thanked Finance/H.R. Manager Grant Savage, City Administrator Luke Olson, and City Staff for their excellent use of the new software and continued efforts toward transparency. Council agreed.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2020-630, APPROVING A TERM CONTRACT FOR ROAD AND HIGHWAY MATERIALS TO OLDCASTLE MATERIALS TEXAS, INC. [OLSON/SHELBY/MACHADO]

Mayor Pettle asked that Item #4, Resolution No. 2020-630, approving a Term Contract for Road and Highway Materials, be tabled. City Staff received additional information just prior to tonight's meeting. Councilmember Meyer asked that staff review and respond to questions tonight to alleviate a need for discussion at the next meeting.

City Administrator Olson and Public Works Director Machado reviewed the item, stating the Cooperative Purchasing Programs authorize cities to enter cooperatives with the state or other local governments for the purpose of procuring goods and services. Dallas County awarded a Term Contract for Road and Highway Materials, Asphaltic and Non-Asphaltic Materials and the City of Parker wants to utilize the unit pricing for Highway and Road Materials through the contract to get a better price on materials for a big cost savings for the City. The contract will lock in prices for approximately five (5) years. The Resolution also authorizes execution of all necessary documents.

City Attorney Shelby said the resolution will need to be revised with the additional, updated information.

MOTION: Councilmember Taylor moved to table Resolution No. 2020-630, approving a Term Contract for Road and Highway Materials. Councilmember Abraham seconded with Councilmembers Abraham, Meyer, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 791, ADOPTING AND APPROVING A SERIES OF MAPS; INCLUDING BUT NOT LIMITED TO PROVISIONS FOR LAND USE, TRANSPORTATION, AND PUBLIC UTILITIES; RATIFYING THE ANNEXATION PLAN; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE. [OLSON/SHELBY/ MACHADO]

City Administrator Olson, City Engineer John W. Birkhoff, P.E. with Birkhoff, Hendricks & Carter L.L.P., and Public Works Director Machado reviewed the Parker Annexation 2019 Map, Parker Zoning Map 2019, and Parker Thoroughfare Plan 2019. Council decided to correct/revise Ordinance No. 791 to approve the Parker Annexation 2019 Map only, due to concerns/issues with the other "series of maps".

MOTION: Councilmember Meyer moved to approve a "corrected/revised" Ordinance No. 791, adopting the Parker Annexation 2019 Map only. Council asked that the Parker Zoning Map 2019 be revised, and the Parker Thoroughfare Plan 2019 be redone. Councilmember Smith seconded with Councilmembers Abraham, Meyer, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

Mayor Pettle noted the maps are on the City's website at [www.parkertexas.us](http://www.parkertexas.us), but copied and scanned versions do not fit properly on paper or your computer screen, making them difficult to read.

## ROUTINE ITEMS

6. FUTURE AGENDA ITEMS

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 the next regularly scheduled meeting would be Tuesday, June 2, 2020.

UPDATE(S):

- **INCODE/TYLER TECHNOLOGIES UPDATE**  
City Administrator Olson said the financial/utility billing software transition went exceptionally well without any major problems. A few minor issues happened with accounts. Staff is currently working on building permits and again a few minor issues happened with transiting from version 2 to version 3. Mr. Olson said he has pulled several reports from the system himself. The software is user-friendly, and City Staff seems to be pleased.
- **ACCEPTANCE OF FOOD DONATION(S) FOR POLICE, FIRE, AND CITY STAFF DUE TO COVID-19 FOR THE RECORD** (Each valued at between \$0 - \$500). [PETTLE]

Mayor Pettle recognized the following people for their generous donations to the City employees, including Fire, Police, and all essential City Staff, during the Coronavirus Disease (COVID -19) global pandemic. The Mayor, Council, and City Staff thanked the donors for their generosity and continued support.

- Samir Dhurandhar, Corporate Executive Chef/Partner of Nick and Sam's Steakhouse – Meals
- Moe Chigani - Dickey's Barbecue Pit – Barbecue
- John and Debbie Chisolm – Napoli's Pizza
- Amanda Matheny of Hickey Elementary, Plano, Texas, Box Meals
- Moe Chigani – Chick-fil-A – Sandwiches, fries, etc.

**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.

**7. 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 8:07 p.m.

**8. RECONVENE REGULAR MEETING.**

Mayor Lee Pettle reconvened the meeting at 9:31 p.m.

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

No action was taken.

**10. ADJOURN**

Mayor Lee Pettle adjourned the meeting at 9:31 p.m.

APPROVED:

\_\_\_\_\_  
Mayor Lee Pettle

ATTESTED:  
\_\_\_\_\_  
Approved on the 2nd day  
of June, 2020.

\_\_\_\_\_  
Patti Scott Grey, City Secretary

\*A City Council Meeting 5/19 Attendees Summary has been attached as Exhibit 3 to verify the virtual quorum, e.g. Mayor, Council, Staff and audience members present and/or present in other areas. (See Exhibit 3 – City Council Meeting 5/19 Attendees Summary, dated May 19, 2020.)

PROPOSED

**From:** [Andy Redmond](#)  
**To:** [Patti Grey](#)  
**Subject:** 5/19/20 Council Meeting  
**Date:** Tuesday, May 19, 2020 4:31:04 PM

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Hello Ms. Patti:

Trust you are healthy and well.

Submitting the following to be read for Council meeting tonite:

Thanks,

Andy

//////////

Mayor Pettle and Council:

I'm Andy Redmond of 7275 Moss Ridge Rd.

Hoping that each of you and your families are well.

I have several comments concerning council's agenda:

1. Cooperative purchases—( p.62). I applaud the idea of cooperative purchases if a cost savings for quality products. However, I don't see a lot of detail? I suggest this be tabled until both council and residents can see support that would reflect this is truly a win-win for Parker's budget.
2. Maps/Zoning (p. 83). I've attended several council meetings and made comments as to lack of a current or even a proposed updated comprehensive plan. The online maps/addenda and other public data are difficult to cross reference and fully understand.

I would again urge council to NOT consider this item until a new comprehensive plan is in place.

Thanks,

Andy

**From:** [Billy Barron](#)  
**To:** [Patti Grey](#)  
**Subject:** For City Council Meeting May 19, 2020  
**Date:** Tuesday, May 19, 2020 4:37:03 PM

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Dear Mayor and City Council,

Please read this at the meeting.

Please reject the new Throughfare Plan as presented. There are roads that have been added since the previous plan that go right through existing houses in Brooks Farm and McCreary Creek Estates. Also, it may be cutting houses in Parker Ranch, Whitestone and Moss Ridge. Also, an extension of Lewis Lane south is unnecessary for the foreseeable future as McCreary and Hogge both have plenty of excess capacity.

Thanks for your consideration,

Billy Barron  
6707 Overbrook Drive

PS Patti, sorry I sent this so late.

# Exhibit 3

## City Council Meeting May 19, 2020 Attendees

### Summary

Meeting Date May 19, 2020 7:00 PM CDT

Meeting Duration 151 minutes

Number of Attendees 22

Meeting ID 216-729-477

### Details

Name	Email Address	Join Time	Leave Time	Time in Session (minutes)
+12146163412		7:06 PM	8:06 PM	59
+14693959412		7:04 PM	8:09 PM	65
+14698538678		7:10 PM	7:29 PM	19
+14698538678		7:31 PM	8:59 PM	87
+19038152160		7:00 PM	8:08 PM	67
+19726798980		7:10 PM	7:45 PM	35
+19729784318		7:53 PM	9:06 PM	73
Billy Barron		7:01 PM	8:05 PM	64
Brandon Shelby		7:01 PM	8:07 PM	66
Cindy Meyer		7:01 PM	8:08 PM	67
Diana Abraham		7:00 PM	9:31 PM	150
Ed Standridge		7:00 PM	9:31 PM	151
Edwin Smith	gsavage@parkertexas.us	7:00 PM	9:31 PM	151
Grant Savage		7:00 PM	8:07 PM	67
John Birkhoff		7:00 PM	7:03 PM	2
John W. Birkhoff		7:00 PM	8:01 PM	60
Lee Pettie		7:00 PM	9:31 PM	151
Luke Olson		7:00 PM	9:31 PM	151
Michael Slaughter		7:00 PM	8:08 PM	67
Patrick Taylor		7:00 PM	9:31 PM	151
Richard Brooks	rbrooks@parkertexas.us	7:00 PM	8:49 PM	108
Terry Lynch	terry.m.lynch@gmail.com	7:01 PM	8:05 PM	63
Trudy		7:38 PM	8:08 PM	30

ACA/CS Patti Scott Grey was also present in the open meeting portion, but not logged into the meeting.



## Council Agenda Item

Item 2  
C'Sec Use Only

Budget Account Code:	Meeting Date: June 2, 2020
Budgeted Amount:	Department/ Requestor: Public Works Director Machado
Fund Balance-before expenditure:	Prepared by: City Secretary Scott Grey
Estimated Cost:	Date Prepared: May 27, 2020
Exhibits:	<ul style="list-style-type: none"><li><a href="#"><u>Proposed Resolution (with Ellis County ILA)</u></a></li></ul>

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2020-630, PROVIDING FOR THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PARKER AND ELLIS COUNTY FOR COOPERATIVE PURCHASING. [OLSON/SHELBY/MACHADO]

### SUMMARY

Please review the Ellis County Interlocal Agreement (ILA) attached.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	05/28/2020
City Attorney:		Date:	
Acting City Administrator:	<i>Luke B. Olson</i>	Date:	05/29/2020

**RESOLUTION NO. 2020-630**  
*(Cooperative Purchasing ILA)*

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS,  
PROVIDING FOR THE EXECUTION OF AN INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF PARKER AND ELLIS COUNTY FOR  
COOPERATIVE PURCHASING.**

**WHEREAS**, the City of Parker is authorized by state law to execute an Interlocal Agreement for Cooperative Purchasing; and

**WHEREAS**, the City of Parker wishes to enter into the ILA for Cooperative Purchasing with Ellis County, attached hereto as Exhibit "A";

**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 the ILA with Ellis County, attached hereto as Exhibit "A".

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

**APPROVED AND ADOPTED** this 2nd day of June, 2020.

ATTEST:

Patti Scott Grey, City Secretary

\_\_\_\_\_  
Lee Pettle, Mayor

APPROVED TO FORM:

\_\_\_\_\_  
Brandon Shelby, City Attorney

**STATE OF TEXAS**  
**COUNTY OF DALLAS**

**§**  
**§ INTERLOCAL COOPERATION AGREEMENT**  
**§**

This Interlocal Cooperation Agreement (“Agreement”) is by and between Ellis County, Texas (“Ellis County”), and the City of Parker, Texas (“Parker”), acting by and through their authorized officers.

**RECITALS:**

**WHEREAS**, this Agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code; and

**WHEREAS**, Section 271.102 of the TEX. LOC. GOV’T CODE authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization; and

**WHEREAS**, a local government that purchases goods and services pursuant to a Cooperative Purchasing Program with another local government satisfies the requirement of the local government to seek competitive bids for the purchase of the goods and materials; and

**WHEREAS**, each party has and will on an annual basis obtain competitive bids for the purchase of goods and services; and

**WHEREAS**, the parties desire to enter into a cooperative purchasing program which will allow each party to purchase under goods and services under each other’s competitively bid contracts pursuant to Subchapter F, Chapter 271 of the TEX. LOC. GOV’T CODE;

**NOW THEREFORE**, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

**ARTICLE I**  
**PURPOSE**

The purpose of this Agreement is to establish a cooperative purchasing program between the parties, which will allow each party to purchase goods and services under each other’s competitively bid contracts pursuant to Subchapter F, Chapter 271 of the TEX. LOC. GOV’T CODE.

**ARTICLE II**  
**TERM**

The term of this Agreement shall be for a period of one (1) year commencing on the last date of execution hereof (“Effective Date”). Thereafter this Agreement shall automatically

renew for successive periods of one (1) year each under the terms and conditions stated herein, unless sooner terminated as provided herein.

### **ARTICLE III TERMINATION**

Either party may terminate this Agreement by providing thirty (30) days prior written notice to the other party.

### **ARTICLE IV PURCHASING**

The Mayor or City Administrator as designated or other designee for each party is authorized to act on behalf of the respective party in all matters relating to this cooperative purchasing program. Each party shall make payments to the other party or directly to the vendor under the contract made pursuant to Subchapter F, Chapter 271 of the TEX. LOC. GOV'T CODE. Each party shall be responsible for the respective vendor's compliance with provisions relating to the quality of items and terms of delivery.

### **ARTICLE V MISCELLANEOUS**

5.1 **Relationship of Parties:** This Agreement is not intended to create, nor should it be construed as creating, a partnership, association, joint venture or trust.

5.2 **Notice:** Any notice required or permitted to be delivered hereunder shall be deemed received when sent in the United States Mail, Postage Prepaid, Certified Mail, Return Receipt Requested, or by hand-delivery or facsimile transmission addressed to the respective party at the address set forth below the signature of the party.

5.3 **Amendment:** This Agreement may be amended by the mutual written agreement of both parties hereto.

5.4 **Severability:** In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect the other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

5.5 **Governing Law:** The validity of this Agreement and any of its terms and provisions as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall be in the State District Court of Dallas County, Texas.

5.6 **Entire Agreement:** This Agreement represents the entire agreement among the parties with respect to the subject matter covered by this Agreement. There is no other collateral, oral or

written agreement between the parties that in any manner relates to the subject matter of this Agreement.

5.7 **Recitals:** The recitals to this Agreement are incorporated herein.

5.8 **Counterparts:** This Agreement may be executed in any number of counterparts, each of whom shall be deemed an original and constitute one and the same instrument.

**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**ELLIS COUNTY, TEXAS**

By: \_\_\_\_\_  
Todd Little, County Judge

**ATTEST:**

By: \_\_\_\_\_  
Krystal C. Valdez, County Clerk

**EXECUTED** this 2nd day of June, 2020.

**CITY OF PARKER, TEXAS**

By: \_\_\_\_\_  
Lee Pettle, Mayor  
5700 E. Parker Road  
Parker, Texas 75002

**ATTEST:**

By: \_\_\_\_\_  
Patti Scott Grey, City Secretary

**APPROVED AS TO FORM**

\_\_\_\_\_  
Brandon Shelby, City Attorney



## Council Agenda Item

Item 3  
C'Sec Use Only

Budget Account Code:	Meeting Date: June 2, 2020
Budgeted Amount:	Department/ Requestor: City Administrator
Fund Balance- before expenditure:	Prepared by: City Administrator
Estimated Cost:	Date Prepared: May 28, 2020
Exhibits:	1. Res. No. 2016-520, passed and approved August 30, 2016 2. Invoice

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ACCEPTING DONATION(S) FROM THE PARKER WOMEN'S CLUB (PWC), AS FOLLOWS: [PWC]

- SIX (6) OFFICE DESK CHAIRS TOTALING \$1,449.93 FOR PARKER POLICE DEPARTMENT

### SUMMARY

The Mayor and Council will consider accepting the generous donation from Parker Women's Club.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

#### Inter – Office Use

Approved by:			
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	05/28/2020
City Attorney:		Date:	
City Administrator:	<i>Luke B. Olson</i>	Date:	05/29/2020

**RESOLUTION NO. 2016-520**  
*(Acceptance of Gifts to the City by the Mayor)*

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AUTHORIZING THE MAYOR TO ACCEPT, OR REJECT, GIFTS TO THE CITY OF PARKER OF A VALUE OF \$500.00 OR LESS; AND REQUIRING A RECORD TO BE KEPT BY THE CITY OF ALL ACCEPTED OR REJECTED GIFTS.**

**WHEREAS**, the prior policy of the City of Parker has been for the City to take formal action regarding the proposed donation of all gifts to the City of Parker, and

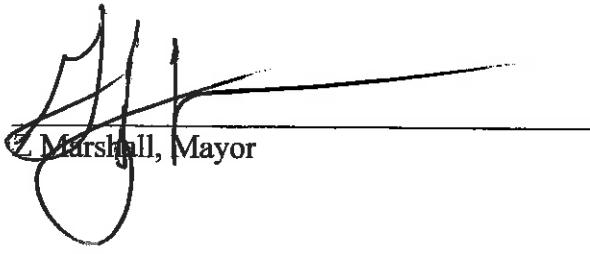
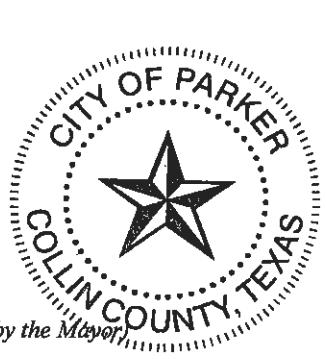
**WHEREAS**, the City Council has determined that gifts to the City of a value of \$500.00 or less could be accepted, or rejected, by the Mayor at the Mayor's discretion, and

**WHEREAS**, all other gifts, and all gifts including any form of real estate, shall continue to be placed on the City Council Agenda;

**NOW, THEREFORE BE IT RESOLVED** by the City Council by the City of Parker, Texas as follows:

1. The Mayor is authorized to accept or reject in writing all gifts offered to the City of Parker of a monetary value of \$500.00 or less, and excluding all other gifts; including any form of real estate. The Mayor may make such inquiry as to the nature and purpose of the gift as the Mayor requires.
2. All gifts of a value of more than \$500.00, or which include real estate, shall be placed on the City Council Agenda for formal approval, or rejection, by vote of the City Council.
3. A written or electronic record of each and every gift offered to, and either accepted or rejected by the City of Parker shall be maintained as a public record. The minutes of a city council meeting are sufficient.

Resolved this 30th day of August, 2016.



Marshall, Mayor

ATTEST:

Patti Scott Grey  
Patti Scott Grey, City Secretary

APPROVED AS TO FORM:

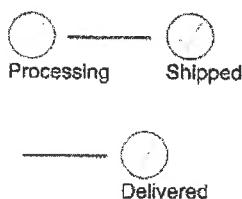
James E. Shepherd  
James E. Shepherd, City Attorney

Order #: 494080412-001  
 Order Placed: 05/14/2020  
 Status: Delivered  
 Order Placed By: [REDACTED]

Tracking #: 494080412-001  
 Delivered on: 05/19/2020  
 Shipped by: Dynamex

**Shipping Address**  
 RICHARD BROOKS  
 PARKER POLICE DEPARTMENT  
 5700 E PARKER RD  
 PARKER, TX  
 75002

**Payment Method**  
 [REDACTED]



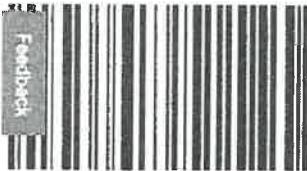
Comments: Parker Women's Club

**Item Description**

	<b>Qty</b>	<b>Price</b>	<b>Total</b>	<b>Reorder</b>
 Serta® Smart Layers™ Jennings Big And Tall Executive Bonded Leather High-Back Chair, Black/Slate Item # 304574 <a href="#">Review This Product</a>	6	\$229.99 /each	\$1,379.94	<input checked="" type="checkbox"/>

Reorder Price: \$259.99 / each

Scan this code for Order Details.



4 9 4 0 8 0 4 1 2 0 0 1

**Related Orders**

<b>Order number</b>	<b>Total</b>	<b>Delivery Date</b>	<b>Status</b>
495838056-001	(\$119.62)	05/19/2020	Return: Credit Issued

**Subtotal:** \$1,379.94  
**Furniture Delivery Fee:** \$69.99  
**Tax Exempt Taxes:** \$119.62

**Total:** \$1,569.55  
 You Saved \$420.00 on this order!

*reimbursed*

*1449.93*

Donation from  
 Parker Women's  
 Club

## Grant Savage

---

**From:** Terry Lynch [REDACTED]  
**Sent:** Tuesday, May 19, 2020 1:13 PM  
**To:** Luke Olson; Patti Grey; Grant Savage  
**Cc:** Paula Johnston; Lee Pettle; Richard Brooks  
**Subject:** Donation from Parker Women's Club  
**Attachments:** PWC\_ParkerPoliceDepartment\_Donation2020.pdf

Attached is the invoice for the donation by Parker Women's Club of six (6) chairs to the City of Parker for the benefit of the Parker Police Department.

I am thankful that Chief Brooks was prompt in notifying you of the donation upon their arrival. I informed the Mayor of the donation earlier, but she may not have understood how heavy they were and our intent to send them directly. I am also thankful that someone had the good common sense to allow delivery in the Police Department as the chairs were heavy and we did not want our staff to have to endure moving them from city hall.

While the mayor & I did discuss the donation not being acknowledged until a June city council meeting, we did discuss the need to provide the invoice for the purchase for accounting and administrative needs. (Invoice attached) It was intended that the invoice was received by you prior to the delivery but they were too much on the ball and delivered the chairs a day in advance and I was still working on adjusting the total cost with the company. Now that's good customer service!

Please let me know if you have any questions.

Terry Lynch, Treasurer  
Parker Women's Club  
[REDACTED]

----- Forwarded message -----

**From:** Terry Lynch [REDACTED]  
**Date:** Thu, May 14, 2020 at 7:59 PM  
**Subject:** Donation from Parker Women's Club  
**To:** [REDACTED]  
**Cc:** Paula Johnston [REDACTED]

Chief Brooks -

Janenne Pendleton told us that your department could use some new chairs. (Serta Smart Layers Jennings) The Parker Women's Club has ordered the chairs and they will be coming your way directly from Office Depot. The delivery information says they should be delivered by 5/19/2020.

I will send a copy of the invoice to Luke & Grant letting them know of the donation for their accounting and administrative reporting. I have notified the mayor that we were making this donation. Please let me know if you have any questions or need any additional information.

We appreciate the work of everyone in the Parker Police Department!

Take care,  
Terry Lynch, Treasurer





## Council Agenda Item

Item 4  
C'Sec Use Only

Budget Account Code:	Meeting Date: June 2, 2020
Budgeted Amount:	Department/ Requestor: City Administrator
Fund Balance- before expenditure:	Prepared by: City Administrator
Estimated Cost:	Date Prepared: May 28, 2020
Exhibits:	<ul style="list-style-type: none"><li>• See Res. No. 2016-520, passed and approved August 30, 2016, attached to Item #3.</li><li>• Backup email and check</li></ul>

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ACCEPTING DONATION(S) FROM THE PARKER WOMEN'S CLUB (PWC) AS FOLLOWS: [PWC]

- \$10,000 TO PARKER VOLUNTEER FIRE DEPARTMENT (PVFD)

### SUMMARY

The Mayor and Council will consider accepting the generous donation from Parker Women's Club.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	05/28/2020
City Attorney:		Date:	
City Administrator:	<i>Luke B. Olson</i>	Date:	05/29/2020

May 27, 2020

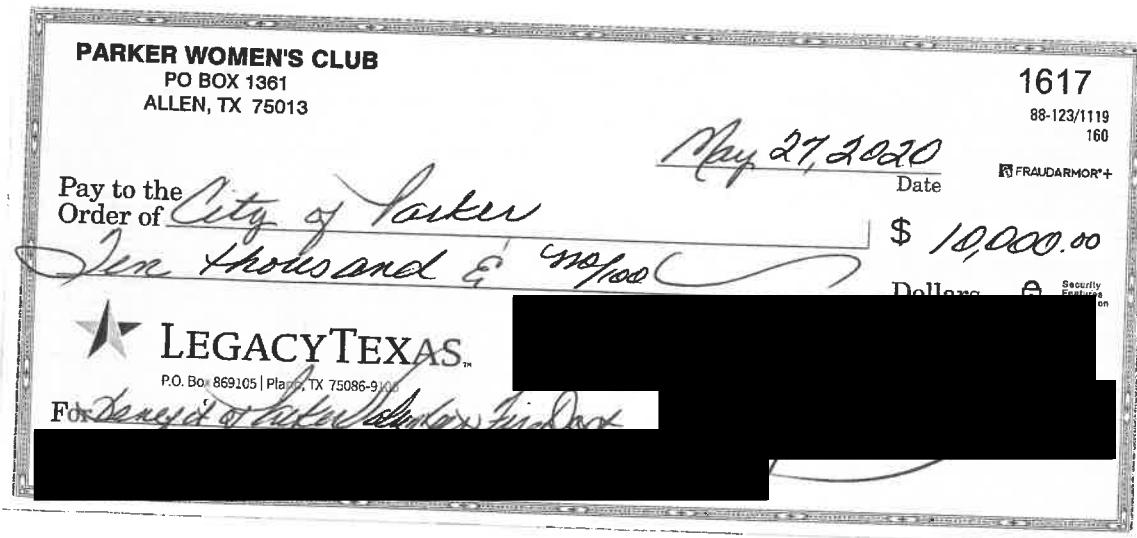
City of Parker  
c/o Luke Olson  
5700 E. Parker Rd.  
Parker, TX 75002

RE: Donation for benefit of Parker Volunteer Fire Department

Enclosed is a donation from Parker Women's Club in the amount of \$10,000 for the benefit of the Parker Volunteer Fire Department to purchase the Uniforms as noted on the recent budget.

Sincerely,

[Redacted]  
Terry M. Lynch, Treasurer  
Parker Women's Club  
P.O. Box 1361  
Allen, TX 75013



# Agenda Item



Item 5  
C'Sec Use Only

Budget Account Code:	Meeting Date:	June 2, 2020
Budgeted Amount:	Department/ Requestor:	Public Works Gary Machado
Fund Balance-before expenditure:	Prepared by:	Public Works Gary Machado
Estimated Cost:	Date Prepared:	May 28, 2020
Exhibits:	<ul style="list-style-type: none"><li>Proposed Ordinance</li><li>Excerpt of the December 17, 2019 City Council Meeting Minutes</li></ul>	

## AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 785, ESTABLISHING A STORMWATER ORDINANCE. [MACHADO/SHELBY] [TABLED – 11192019 and 12172019]

## SUMMARY

Please review the proposed ordinance for discussion and possible approval. It has been updated in consideration of public and council comments.

## POSSIBLE ACTION

Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:	<i>Gary Machado</i>	Date:	May 28, 2020
City Attorney:	<i>Brandon S. Shelby</i>	Date:	May 28, 2020
City Administrator:	<i>Luke B. Olson</i>	Date:	May 28, 2020

**ORDINANCE NO. 785**  
**{Stormwater Regulations}**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS, ESTABLISHING A REGULATIONS FOR STORMWATER IN THE CITY OF PARKER, TEXAS; 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.**

**WHERAS**, the City of Parker, Texas has the legal authority to pass and enforce regulations regarding the treatment of stormwater within its corporate limits; and,

**WHEREAS**, the City Council of the City of Parker, Texas believes regulations regarding the treatment of stormwater are in the best interest of the health and safety of the citizens of Parker, Texas; and,

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

**SECTION 1.**

**TITLE:**

These regulations shall be officially known, cited, and referred to as the "stormwater regulations" of the City (hereinafter "this chapter"):

**I. GENERAL PROVISIONS:**

(a) **PURPOSES**. The purposes and objectives of this article are as follows:

(1) To maintain and improve the quality of surface water within the City of Parker, Collin County, and all Waters of the U.S. (See 40 CFR 122.2 or definition of Waters of the U.S. in MS4 General Permit).

(2) To prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential, and construction sites into the City of Parker, the municipal separate stormwater sewer system (MS4) and natural waters within the City of Parker.

(3) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers and natural water of the City.

(4) To encourage recycling of used motor oil and safe disposal of other hazardous consumer projects.

(5) To facilitate compliance with state and federal standards and permits by owners and operators of industrial and construction site within the City.

(6) To enable the City to comply with all federal and state laws and regulations applicable to stormwater discharges.

(b) ADMINISTRATION. Except as otherwise provided herein, the Director of Public Works (DPW), and/or Code Enforcement Officer (CEO) shall administer, implement, and enforce any the provisions of this article. Any powers granted to or duties imposed upon these people may be authorized to other personnel (aka, city personnel or third party) in accordance with 30 TAC § 305.44 and 30 TAC 305.128.

(c) DEFINITIONS. Unless a provision explicitly states otherwise, the following terms shall have the meanings hereinafter designated:

(1) Agricultural stormwater runoff. Any stormwater runoff from orchards, cultivated crops pasture, range lands, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.23 or discharges from concentrated aquatic animal production facilities a defined in 40 CFR Section 122.24.

(2) Best management practices (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the US. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(3) Bioretention. A method of treating surface runoff and settling of suspended solids through a terrestrial aerobic (upland) plant/soil/microbe complex to remove pollutants through a variety of physical, chemical and biological processes.

(4) Channel. A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water. This shall include the bed, the banks, and the entire erosion hazard setback floodplain, zone, and easement.

(5) City. The City of Parker. For purposes of this ordinance, the "City" refers to the jurisdiction within the City limits. It also refers to the system of conveyances (including roads with drainage systems, municipal streets, catch basins curbs, gutters, ditches manmade channels, or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage, as defined in 40 CFR 122.26.

(6) City Drainage System. The natural or artificial system for moving, storing, or otherwise effecting the flow of stormwater, whether publicly or privately owned or maintained.

(7) City Inspector(s). Refers to the Director of Public Works, Code Enforcement Officer, or their duly authorized representative who go on-site to determine if the provisions of this article are being met.

(8) Code Enforcement Officer. The person appointed by the City to enforce city codes or his/her duly authorized representative.

(9) Commencement of construction. The disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

(10) Commercial. Pertaining to any business, trade, industry, or other activity engaged in for profit.

(11) Debris. Any solid waste or yard waste.

(12) Stormwater detention. The temporary storage of storm runoff with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

(13) Stormwater detention facility. A detention basin or alternative structure designed for the purpose of temporary storage of surface runoff and gradual release of stored water at controlled rates.

(14) Director of Public Works (DPW). The person appointed by the City to manage field operations and provide environmental education, or his /her duly authorized representative.

(15) Discharge. Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the City of Parker drainage system or into waters of the US.

(16) Discharger. Any person who causes, allows, permits, or is otherwise responsible for a discharge, including without limitation, any operator of a construction site or industrial facility.

(17) Domestic sewage. Human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions, that is free from industrial waste.

(18) Environmental Protection Agency (EPA). The United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.

(19) Extremely hazardous substance. Any substance listed in the Appendices to 40 CFR 355, Emergency Planning and Notification.

(20) Facility. Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

(21) Fertilizer. A solid or nonsolid substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of crop, or a mixture of two or more fertilizers. The term does not include the excreta of an animal, plant remains, or a mixture of those substances, for which no claim of essential plant nutrients is made.

(22) Final stabilization. The status when all soil disturbing activities at a site have been completed, and a uniform perennial vegetative cover with a density of 70 percent of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures (such as the use of riprap, gabions, landscaping or geotextiles) have been employed.

(23) Fire department. The Fire Department of the City of Parker, or any duly authorized representative thereof.

(24) Fire protection water. Any water, and any substances or materials contained therein, used by any person other than the fire department to control or extinguish a fire.

(25) Garbage. Putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

(26) Generally accepted maintenance activities. Procedures, work tasks, technique and schedules established for the sustainability and function of a stormwater feature published by a governmental agency, educational organization, professional organization or other subject matter expert.

(27) Harmful quantity. The amount of any oily substance that will cause pollution of waters of the U.S. (Clean Water Act as amended by the Oil Pollution Act of 1990)

(28) Hazardous household waste (HHW). Any material generated in a household (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, camp grounds, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 CFR 261(b)(1), would be classified as a hazardous waste under 40 CFR 261.

(29) Hazardous substance. Any substance listed in Table 302.4 of 40 CFR 302.

(30) Hazardous waste. Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR 261.

(31) Hazardous waste treatment, disposal and recovery facility. All contiguous land, and structures, other appurtenances and improvements on the land, used for the treatment, disposal, or recovery of hazardous waste.

(32) Herbicide. A substance or mixture of substances used to destroy a plant or to inhibit plant growth.

(33) Industrial waste. Any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade or business.

(34) Maintenance activities. Practices required for the long-term sustainability and function of a component or system. This includes periodic inspections, debris removal and disposal, replanting of trees, maintaining vegetation, removal of silt, and repair of manmade

components. The maintenance activities in natural channels and riparian areas shall be as minimal as possible.

(35) Motor vehicle fuel. Any vehicle crankcase oil, antifreeze, transmission fluid, brake fluid, differential lubricant, gasoline, diesel fuel, gasoline/alcohol blend, and any other fluid used in a motor vehicle.

(36) Municipal landfill (or landfill). An area of land or an excavation in which municipal solid waste is placed for permanent disposal, and which is not a land treatment facility, a surface impoundment, an injection well, or a pile (as these terms are defined in regulations promulgated by the Texas Water Commission).

(37) Municipal separate storm sewer system (MS4). The system of conveyances (including roads with drainage systems, municipal streets, catch basins curbs, gutters, ditches manmade channels, or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

(38) Municipal solid waste. Solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.

(39) Natural channels. Channels left in or near their natural state, maintaining the natural alignment and grade and riparian corridor.

(40) NPDES general permit for stormwater discharges associated with industrial activity (or industrial general permit). The industrial general permit issued by EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 1217 on September 9, 1992, and any subsequent modifications or amendments thereto.

(41) NPDES general permit for stormwater discharges from construction sites (or construction general permit). The construction general permit issued by EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 41217 on September 9, 1992, and any subsequent modifications or amendments thereto.

(42) NPDES permit. A permit issued by EPA (or by the state under authority delegated pursuant to 33 USC sec. 1342(b)), as amended, that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(43) Nonpoint source. Any source of any discharge of a pollutant that is not a "point source."

(44) Notice of Intent (NOI). The notice of intent that is required by either the industrial general or the construction general permit.

(45) Notice of Termination (NOT). The notice of termination that is required by either the industrial general permit or the construction general permit.

(46) Oil. Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with water.

(47) Operator. The persons who, either individually or taken together, meet the following two criteria: (1) they have operational control over the facility specifications (including the ability to make modifications in specifications); and (2) they have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

(48) Owner. The person who owns a facility or part of a property.

(49) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

(50) Pesticide. A substance or mixture or substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

(51) Petroleum product. A petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel. The term does not include naphtha-type jet fuel, kerosene-jet fuel, or a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing.

(52) Petroleum storage tank (PST). Any one or combination of above ground or underground storage tanks that contain petroleum products and any connecting underground pipes.

(53) Point source. Any discernable, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

(54) Pollutant. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. The term “pollutant” does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated range land, pasture land, and farm land.

(55) Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or

welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

(56) Public nuisance. A condition that is injurious to health, or is indecent or offensive to the senses, or any obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; or, affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

(57) Qualified personnel. Persons who possess the appropriate competence, skills and ability (as demonstrated by sufficient education, training, experience, and/or, when applicable, any required certification or licensing) to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally-accepted industry standards for such activity.

(58) Registered professional engineer (RPE). A person who has been duly licensed and registered by the Texas Board of Registration for Professional Engineers to engage in the practice of engineering in the State of Texas.

(59) Reportable quality (RO). For any “hazardous substance,” the quantity established and listed in Table 302.4 of 40 CFT 302, as amended; for any extremely hazardous substance,” to quantity established in 40 CFR 355, as amended, and listed in Appendix A thereto.

(60) Rubbish. Non-putrescible solid waste, excluding ashes, that consist of: (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, melt furniture, and similar materials that do not burn at ordinary incinerator temperature (1,600 to 1,800 degrees Fahrenheit).

(61) Sanitary sewer (or sewer). The system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the city sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

(62) Septic tank waste. Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

(63) Service station. Any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from stationary storage tanks.

(64) Sewage (or sanitary sewage). The domestic sewage and/or industrial waste that is discharged into the city sanitary sewer system and passes through the sanitary sewer system to the city sewage treatment plant for treatment.

(65) Site. The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

(66) Solid waste. Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

(67) State. The State of Texas.

(68) Stormwater. Stormwater runoff, snow melt runoff, and surface runoff and drainage.

(69) Stormwater discharge associated with industrial activity. The discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is within one of the categories of facilities listed in 40 CFR 122.26(b)(14), as amended, and which is not excluded from EPA's definition of the same term.

(70) Stormwater feature. A natural or manmade component or system which remains as a permanent part of a development also known as structural BMPs. The purpose of which includes stormwater conveyance, stormwater quality improvement, flood mitigation, or erosion reduction. The features include but are not limited to, channels, detention facilities, retention ponds, bioretention, rain harvest systems, landscape buffers, riparian areas, enhanced swales, filter strips, permeable pavers and manufactured devices.

(71) Stormwater Pollution Prevention Plan (SWPPP). A plan required by either the construction general permit or the industrial general permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.

(72) Uncontaminated. Not containing a harmful quantity of any substance.

(73) Used oil (or used motor oil). Any oil that has been refined from crude oil or synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties, but that may be suitable for further use and is recyclable in compliance with state and federal law.

(74) Water in the state (or water). Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water natural or artificial, inland, or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

(75) Water quality standard. The designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by the state to be necessary to protect those uses, as specified in Texas Administrative Code, Title 31, Chapter 307, as amended.

(76) Waters of the United States (US). All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands, all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR 122.2, as amended; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

(77) Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(78) Yard waste. Leaves, grass clippings, yard and garden debris, ad brush that results from landscaping maintenance and land-clearing operations.

## **II. GENERAL PROHIBITION**

(a) No person shall introduce or cause to be introduced into the City drainage system any discharge that poses a reasonable threat to human health or the environment as defined herein or by other applicable law.

(b) Allowable non-stormwater discharges are:

- (1) Water line flushing (excluding discharges of hyper-chlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- (2) Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
- (3) Discharges from potable water sources;
- (4) Diverted stream flows;
- (5) Rising groundwaters and springs;
- (6) Uncontaminated groundwater infiltration;
- (7) Uncontaminated pumped groundwater;
- (8) Foundation and footing drains;
- (9) Air conditioning condensation;
- (10) Water from crawl space pumps;

- (11) Individual residential vehicle washing;
- (12) Flows from wetlands and riparian habitats;
- (13) Dechlorinated swimming pool discharges;
- (14) Street wash water;
- (15) Discharges or flows from fire-fighting activities (fire-fighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities);
- (16) Other allowable non-stormwater discharges listed in 40 CFR 122.26(d)(2)(iv)(B)(1), as amended;
- (17) Non-stormwater discharges that are specifically listed as allowable in the TPDES Multi-Sector General Permit (MSGP) or the TPDES Construction General Permit (CGP);
- (18) A discharge from a temporary car wash sponsored by a group organization where only soap and water are used and where efforts are made to minimize pollutants in the discharge; and
- (19) Other similar occasional incidental non-stormwater discharges, unless the TCEQ develops permits or regulations addressing these discharges.

(c) There shall be no allowable discharge if the discharge or flow in question has been determined by the DPW to be a source of a pollutant or pollutants to the waters of the U.S. or the City drainage system, written notice of such determination has been provided to the discharger, and the discharge has occurred more than 14 calendar days beyond such notice. The correctness of the DPW's determination that a discharge is a source of a pollutant or pollutants may be reviewed in any administrative or judicial enforcement proceeding.

### **III. SPECIFIC PROHIBITIONS AND REQUIREMENTS**

- (a) The specific prohibitions and requirements in this section are not necessarily inclusive of all the discharges prohibited by the general prohibition in Section II above.
- (b) No person shall intentionally dump, spill, leak, pump, pour, emit, empty discharge, leach, dispose, or introduce any of the following substances into the City's drainage system and all persons shall to the maximum extent practicable under prevailing circumstances, employ control measures to prevent the following substances from entering into the City's drainage system:
  - (1) Any motor oil, antifreeze, or any other motor vehicle fluid;
  - (2) Any garbage or rubbish;
  - (3) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any

business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity;

(4) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;

(5) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;

(6) Any wastewater from floor, rug or carpet cleaning;

(7) Any wastewater from the wash-down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash-down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;

(8) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow down from a boiler;

(9) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro much material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;

(10) Any runoff or wash-down water from any animal pen, kennel, or foul or livestock containment area;

(11) Any filter backwash from a swimming pool, fountain or spa;

(12) Any swimming pool water containing any harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;

(13) Any discharge from water line disinfection by hyper-chlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;

(14) Any fire protection water containing oil or hazardous substances or materials that the fire code in this Code of Ordinances requires to be contained and treated prior to discharge, unless treatment adequate to remove pollutants occurs prior to discharge. (This prohibition does not apply to discharges or flow from fire-fighting by the fire department.);

(15) Any water from a water curtain in a spray room used for painting vehicles or equipment;

(16) Any contaminated runoff from a vehicle;

(17) Any substance or material in an amount that will damage, block, or clog the City's drainage system.

(c) No person shall intentionally or negligently introduce or cause to be introduced into the City's drainage system sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities, or associated with landfilling or other placement or disposal of soil, rock, or other earth materials in an amount that would damage, clog or otherwise divert the flow of the City's drainage system.

(d) No person shall connect a line conveying sanitary sewage, domestic or industrial, to the MS4, or allow such a connection to continue.

(e) No person shall cause or allow any pavement wash water from a service station to be discharged into the MS4 unless such wash water has passed through a properly functioning and maintained grease, oil, and sand interceptor before discharge into the City's drainage system.

(f) Pesticides, herbicides and fertilizers. All persons shall, to the maximum extent practicable under prevailing circumstances, employ control measures to minimize pesticides, herbicides and fertilizers from entering the City's drainage system. This includes the following:

- (1) Apply products according to manufacture recommendations.
- (2) Apply products according to all state and federal laws.
- (3) Proper storage and disposal.

### **III. RELEASE AND REPORTING CLEANUP**

(a) The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, dumping, disposing, or any other release of any of the following quantities of any of the following substances that may flow, leach, enter, or otherwise be introduced into the City's drainage system or waters of the US, shall notify the City concerning the incident immediately:

- (1) An amount equal to or in excess of a reportable quantity of any hazardous substance, as established under 40 CFR 302, as amended;
- (2) An amount equal to or in excess of a reportable quantity of any extremely hazardous substance, as established under 40 CFR 355, as amended; or,
- (3) An amount of oil that either (a) violates applicable water quality standards, or (b) causes a film or sheen upon or discoloration of the surface of the water or any adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline.

(b) The immediate notification required by subsection (a), if known, shall include the following information:

- (1) The identity or chemical name of the substance released, and whether the substance is an extremely hazardous substance;

- (2) The exact location of the release;
- (3) The time and duration of the release;
- (4) An estimate of the quantity and concentration of the substance released;
- (5) The source of the release;
- (6) Any known or anticipated health risks associated with the release and where appropriate, advice regarding medical attention that may be necessary for exposed individuals
- (7) Any precautions that should be taken as a result of the release;
- (8) Any steps that have been taken to contain and/or clean up the released material and minimize its impacts; and
- (9) The names and telephone numbers of the person or persons to be contacted for further information.

(c) Within 14 calendar days following such release, the responsible person in charge of the facility, vehicle, or other source of the release shall, upon request by the DPW, submit a written report containing each of the items of information specified above in subsection (b), as well as the following additional information:

- (1) The ultimate duration, concentration, and quantity of the release;
- (2) All actions taken to respond to contain, and clean up the release substances, and all precautions taken to minimize the impacts;
- (3) Any known or anticipated acute or chronic health risks associated with the release;
- (4) Where appropriate, advice regarding medical attention necessary for exposed individuals;
- (5) The identity of any governmental/private sector representatives responding to the release; and
- (6) The measure taken or to be taken by the responsible person(s) to prevent similar future occurrences.

(d) The notifications required by subsections (b) and (c) above shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the City's drainage system, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to this article or to state or federal law.

(e) Any person responsible for a release described in subsection (a) above shall reimburse the City for any cost incurred by the City in responding to the release.

## IV. STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

### (a) General requirements:

(1) All operators of construction sites shall use best management practices to control and reduce the discharge to the City's drainage system and to waters of the U.S. of sediment, silt, earth, soil, and other material associated with the clearing, grading, excavation, and other construction activities to the maximum extent practicable under the circumstances. Such best management practices may include, but not be limited to the following measure:

- a. Preservation of existing vegetation and stabilization measures will be per City of Parker approved construction plans and specifications;
- b. Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site to the extent feasible;
- c. Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of other windblown waste from the site;
- d. Providing general good housekeeping measure to prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and to assure proper cleanup ad disposal of any such spills in compliance with state, federal and local requirements;
- e. Prevention of the discharge of building materials, including cement, lime, concrete, and mortar to the City's drainage system or waters of the U.S.;
- f. Implementation of proper waste disposal and waste management techniques, including covering waste materials and minimizing ground contact with hazardous chemicals and trash;
- g. Timely maintenance of vegetation, erosion and sediment control measures, and other best management practices in good and effective operating condition; and
- h. Post construction controls should be used per the City of Parker's approved construction plans and specifications and maintained in accordance with the City of Parker's SWMP.

(2) Qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, on either of the schedules designated in the CGP (either every 14 calendar days and within 24-hours of a  $\frac{1}{2}$  inch rain event, or at least once every seven days regardless of when it rains). All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and

the City. Based on the results of the inspection, best management practices shall be revised as appropriate, and as soon as is practicable. Based on the results of the inspection, a follow-up inspection will be conducted and one (1) day given for completion of corrective action(s).

(3) The City may require any plans and specifications that are prepared for the construction of site improvements to illustrate and describe the best management practices required by subsection (a)(1) above, that will be implemented at the construction site. The City may deny approval of any building permit, grading permit, or any other City approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans or observed upon a site inspection by the DPW are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable under the circumstances.

(4) Any owner with any control over construction activity on their property, whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in subsection (a).

(5) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing a best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the City to violate a water quality standard, the City's NPDES permit, or any state-issued discharge permit for discharges from the City.

(6) The City may require specific structural controls or non-structural controls be installed to protect water quality. Controls may include, but are not be limited to, silt fencing, rock check dams, gabions, soil stabilizers, street sweeping or additional inspections .

(b) Five-acre disturbances.

(1) All operators of sites of construction activity, including clearing, grading, and excavation activities, that result in the disturbance of five or more acres of total land area, or that are part of a common plan of development or sale within which five or more acres of total land area are disturbed, or who are required to obtain an NPDES permit for stormwater discharges associated with construction activity, shall comply with the following requirements (in addition to those in subsection (a)):

- a. Any operator who intends to obtain coverage for stormwater discharges from a construction site under the NPDES general permit for stormwater discharges from construction sites ("the construction general permit or CGP") shall submit a signed copy of its Notice of Intent (NOI) to the DPW at least two days prior to the commencement of construction activities. If the construction activity is already underway upon the effective date of this article, the NOI shall be submitted within 30 days or upon request by the City. For stormwater discharges from construction sites where the operator changes, an NOI shall be submitted at least two days prior to when the new operator commences work at the site.

- b. Signage shall be posted in accordance with the TCEQ Construction General Permit.
- c. A stormwater pollution prevention plan (SWPPP) shall be prepared and implemented in accordance with the requirements of the construction general permit or any individual or group NPDES permit issued for stormwater discharges from the construction site, and with any additional requirement imposed by or under this article and any other City ordinance.
- d. The SWPPP shall be completed prior to the submittal of the NOI to the DPW and, for new construction, prior to the commencement of construction activities. The SWPPP shall be updated and modified, as appropriate, and as required by the construction general and this ordinance.
- e. A copy of any NOI that is required by subsection (b)(1)a, shall be submitted to the City in conjunction with any application for a building permit, grading permit, and any other City approval necessary to commence or continue construction at the site.
- f. The DPW may require any operator who is required by subsection (b)(1)b to prepare a SWPPP, to submit the SWPPP, and any modification thereto, to the DPW for review. Such submittal and review of the SWPPP may be required by the DPW prior to commencement of or during construction activities at the site.
- g. At the City's discretion it may make the determination to deny any approval of any permit, grading permit, or any approval necessary to commence or continue construction, or to assume occupancy if a site is contributing pollutants to the City's drainage system.
- h. The operator shall make the SWPPP and any modifications (as required and for the duration of the project) thereto available to the DPW upon request.
- i. The DPW may notify the operator at any time that they are not in compliance with their TPDES construction permit. Within seven days of such notification from the DWP (or as otherwise provided by the DPW), the operator shall make the required changes to the SWPPP and shall submit to the DPW a written certification that the requested changes have been made.
- j. Upon final stabilization of the construction site, the owner (or the duly authorized representative thereof) shall submit written certification to the DPW that the site has been finally stabilized. (See definition of final stabilization in this article). The City may withhold an occupancy or use permit for any premises construction on the site until such certification of final stabilization has been filed and the DPW has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.

(c) Less than five acres of disturbance.

All operators of sites of construction activity, including clearing, grading, and excavation activities, that result in the disturbance of less than five acres of total land area, or that are part

of a common plan of development or sale within which one to five acres of total land area are disturbed, or who are required to obtain an NPDES permit for stormwater discharges associated with construction activity, shall comply with 1(b)c through q above (in addition to those in subsection (a). However, instead of submitting a NOI, the CSN should be submitted in accordance with the Construction General Permit.

A copy of the Construction Site Notice (CSN) shall be displayed at the construction site at a place readily available for viewing by the general public, and local, state, and federal authorities.

## **V. COMPLIANCE MONITORING**

(a) Right of entry, inspection, and sampling. City inspectors shall have the right to enter the premises of any person reasonably suspected by the City of discharging pollutants into the City or to waters of the U.S. to determine if the discharger is complying with all requirements of this article, and with any state or federal discharge permit, limitation or requirement. Dischargers shall allow the City inspectors ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties. Dischargers shall make available to the City inspector, upon request, any SWPPPs, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this article and with any state or federal discharge permit.

(1) Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City inspector will be permitted to enter without unreasonable delay for the purposes of performing his/her responsibilities.

(2) The City inspector shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operations.

(3) When pollutants have been discharged the DPW may require any discharger to the City's drainage system or waters of the US to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges, and may specify the frequency and parameters of any such required monitoring.

(4) The DPW may require the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the City inspector and shall not be replaced. The costs of clearing such access shall be borne by the discharger.

(6) Unreasonable delays in allowing the City inspector access to the discharger's premises shall be a violation of this article.

(b) **Search warrants.** If the City inspector has been refused access to any part of the premises from which stormwater is discharged and he/she is able to demonstrate probable cause to believe that there may be a violation of this article or any state or federal discharge permit, limitation or requirement, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City inspector may seek issuance of a search warrant from any court of competent jurisdiction.

## **VI. ADMINISTRATIVE ENFORCEMENT REMEDIES**

(a) **Warning notice.** When the DPW finds that any person has violated, or continues to violate, any provision of this article, or any order issued hereunder, the DPW may serve upon that person either a **verbal warning notice** or a copy of the inspection report, with expected corrective actions. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this subsection shall limit the authority of the DPW to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.

(b) **Notification of violation.** When the DPW finds that any person has violated, or continues to violate, any provision of this article, or any order issued hereunder, the Code Enforcement Officer may serve upon that person a written notice of violation. Within five (5) days of the receipt of this notice, the alleged violator shall submit to the Code Enforcement Officer an explanation of the violation and a plan for the satisfactory correction and prevention of reoccurrence thereof along with a plan of specific actions for compliance or shall complete specific actions for compliance. The Code Enforcement Officer shall have discretion to determine the amount of time needed for completion of specific action for compliance if the latter option is chosen. If the alleged violator denies that any violation occurred and/or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the Code Enforcement Officer within five (5) days of receipt of the notice. The Code Enforcement Officer shall make a determination within one (1) day on the validity of the claim and shall notify the alleged violator. Upon a denial of the claim, the alleged violator shall have five (5) days to complete specific action for compliance. Submission of an explanation and/or plan in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Code Enforcement Officer to take any action, including emergency action or any other enforcement action, without first issuing a notice of violation.

(c) **Stop Work Order.** Whenever the Code Enforcement Officer finds that any operator of a construction site has violated or continues to violate any provision of this article the Code Enforcement Officer may issue a "Stop Work Order". This order will be posted at the construction site with a copy delivered to the operator. All work at the site should cease until all violations are immediately corrected, and documentation is presented to the Code Enforcement Officer or his representative stating the violation will not re-occur or changes to the SWPPP have been made. Upon receipt of the documentation, a Notice to Proceed will be issued by the Code Enforcement Officer or his representative. Issuance of a

“Stop Work” order shall not be a deterrent against, or a prerequisite for, taking any other action against the violator.

(d) Consent order. The Code Enforcement Officer may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any person responsible for noncompliance with any provision in this article or any order issued hereunder. Such documents may include specific action to be taken by the person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections (e), (f), and (g) of this section and shall be judicially enforceable.

(e) Show cause hearing. The Code Enforcement Officer may order any person who has violated, or continues to violate, any provision of this article, or any order issued hereunder, to appear before the Code Enforcement Officer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the alleged violator specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the alleged violator show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the alleged violator. The hearing shall be conducted pursuant to the rights and procedures specified in this article. A show cause hearing shall not be a deterrent against, or prerequisite for, taking any other action against the alleged violator.

(f) Compliance orders. When the Code Enforcement Officer finds that any person has violated or continues to violate, any provision of this article, or any order issued hereunder, the Code Enforcement Officer may issue an order to the violator directing that the violator come into compliance with a specified time limit. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the City’s drainage system and waters of the U.S. A compliance order may not extend the deadline for compliance established by a state or federal standard or requirement, nor does a compliance order relieve the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a deterrent against, or a prerequisite for, taking any other action against the violator.

(g) Remediation, abatement and restoration orders. When the Code Enforcement Officer finds that a person has violated or continues to violate, any provision of this article, or any order issued hereunder, and that such violation has adversely affected the City’s drainage system, the waters of the U.S., or any other aspect of the environment, the Code Enforcement Officer may issue an order to the violator directing him/her to undertake and implement any appropriate action to remediate and/or abate any adverse effects of the violation upon the City, the waters of the U.S., or any other aspect of the environment, and/or to restore any part of the City, the waters of the U.S., or any other aspect of the environment that has been harmed. Such remedial, abatement, and restoration action may include, but not be limited to: monitoring, assessment, and evaluation of the adverse effects and determination of the appropriate remedial, abatement, and/or restoration action; confinement, removal, cleanup, treatment and disposal of any discharged or released pollution or contamination; prevention, minimization, and/or mitigation of any damage to the public health, welfare, or the environment that may result from the violation; restoration or replacement of City property or natural resources damaged by the violation. The order may direct that the remediation, abatement, and/or restoration be

accomplished on a specified compliance schedule and/or be completed within a specified period of time. An order issued under this subsection does not relieve the violator of liability for any violation, including any continuing violation. Issuance of an order under this subsection shall not be a deterrent against, or a prerequisite for, taking any other action against any responsible party.

(h) Emergency cease and desist orders. When the Code Enforcement Officer finds that any person has violated, or continues to violate, any provision of this article, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) have caused or contributed to an actual or threatened discharge to the City or waters of the U.S. which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Code Enforcement Officer may issue an order to the violator directing it immediately to cease and desist all such violations and directing violator to:

- (1) Immediately comply with all ordinance requirements; and
- (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Code Enforcement Officer may take such steps as deemed necessary to prevent or minimize harm to the City's drainage system or waters of the U.S., and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply sewer connection, or other municipals utility services. The Code Enforcement Officer may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Code Enforcement Officer that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this article. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measure taken to prevent any future occurrence, to the Code Enforcement Officer within two days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a deterrent against, or a prerequisite for, taking any other action against the violator.

(i) "Red tags". Whenever the Code Enforcement Officer finds that any operator of a construction site has violated or continues to violate, any provision of this article, or any order issued thereunder, the Code Enforcement Officer may order that a "red tag" be issued to the operator, posted at the construction site, and distributed to all City departments and divisions whose decisions affect any activity at the site. Unless express written exception is made by the Code Enforcement Officer, the "red tag" shall prohibit any further construction activity at the site and shall bar any further inspection or approval by the City associated with a building permit, grading permit, subdivision plat approval, site development plan approval, or any other City approval necessary to commence or continue construction or to issue occupancy at the site. Issuance of a "red tag" order shall not be a deterrent against, or a prerequisite for, taking any other action against the violator.

## **VII. RIGHT TO RECONSIDERTION, HEARING AND APPEAL**

(a) Reconsideration and hearing.

(1) Any person subject to a compliance order under Section VI(f), a remediation, abatement, or restoration order under Section VI (g), an emergency cease and desist order under VI(h), or a red tag order under Section VI(i) of this Section may petition the DPW to reconsider the basis for his/her order within **30 days** of the affected person's notice of issuance of such an order.

(2) Failure to submit a timely written petition for reconsideration shall be deemed to be a waiver of any further right to administrative reconsideration or review of the order.

(3) In its petition, the petitioning party must indicate the provisions of the order objected to, the reasons for the objection(s), any facts that are contested, the evidence that supports the petitioner's view of the facts, any alternative terms of an order that the petitioner would accept, and whether the petitioning party requests a hearing on its petition.

(4) The effect of any compliance order under Section VI(f), remediation, abatement, or restoration order under Section VI(g), and any red tag order under Section VI(i) shall be stayed pending the DPW's reconsideration of the petition, any hearing thereon, unless the DPW expressly makes a written determination to the contrary. The effectiveness of any emergency cease and desist order under Section VI(h) shall not be stayed pending the DPW's reconsideration, or any hearing thereon, unless the DPW expressly and in writing stays his/her emergency order.

(5) Within ten (10) days of the submittal of a petition for reconsideration, the DPW shall either: (1) grant the petition and withdraw or modify the order accordingly; (2) deny the petition, without hearing if no material issue of fact is raised; or (3) if a hearing has been requested and a material issue of fact has been raised, set a hearing on the petition.

(6) Written notice of any hearing set by the DPW pursuant to subsection (a)(5) above, shall be served on the petitioning party personal or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the petitioning party.

(7) The DPW may himself/herself conduct the hearing and take evidence, or he/she may designate any employee of the city or any specially-designated attorney or engineer to:

(a) Issue in the name of the City notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing;

(b) Take evidence;

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the DPW for action thereon.

At any hearing held pursuant to this subsection, testimony taken shall be under oath and recorded. Any party is entitled to present his/her case or defense by oral or documentary evidence and to conduct such cross-examination as may be required for a full and true

disclosure of the facts. A transcript will be made available to any party to the hearing upon payment of the usual charges thereof.

(8) After the DPW has reviewed the evidence, he/she shall either: (1) grant the petition; (2) deny the petition; or (3) grant the petition in part and deny it in part. The DPW may modify his/her order as is appropriate based upon the evidence and arguments presented at the hearing and his/her action on the petition. Further orders and directives as are necessary and appropriate may be issued.

(b) Appeal.

(1) Any person whose petition for reconsideration by the DPW has not been granted in its entirety and who remains adversely affected by the DPW's order, or who is subject to an order of the DWP issued following a show cause hearing under Section VI(e), may appeal the action of the DWP to the City Council by filing a written appeal with the City Council within ten (10) days of the person's notice of the DPW adverse action on the petition for reconsideration, or within (10) days of the person's notice of the issuance of the order following the show cause hearing, as the case may be.

(2) Failure to submit a timely written appeal to the City Council shall be deemed to be a waiver of further administrative review.

(3) In its written appeal to the City Council, the appealing party shall indicate the particular provisions of the order objected to, the particular determinations of the DWP that are contested, the reasons that the DPW's order and/or determinations that are contested, and any alternative order that the appealing party would accept.

(4) The effect of the DPW's order, as issued or modified, shall not be stayed pending the appeal to the City Council, unless the City Council expressly so states.

(5) Within 30 days of the submittal of a written appeal to the City Council, the City Council shall hear and consider the appeal in open meeting. The appellant shall be notified at least three (3) days in advance of the date and time of the City Council meeting at which the appeal will be heard and considered.

(6) The appellant shall have the right to public appearance before the City Council to present oral and written statements in support of his/her appeal. If the City Council wishes to consider testimony of witnesses or other evidence beyond that in the record of any hearing before the DPW the City Council may remand the matter to the DPW for the taking of additional testimony or other evidence.

(7) Upon consideration of any written and oral statements made to the City Council, as well as the record made before the DPW, the City Council shall act on the appeal by affirming, vacating, or modifying the order of the DPW, and/or by remanding the matter to the DPW for further action.

(8) Following final action by the City Council on the appeal, any adversely affected party may challenge such action by the City Council in an appropriate court of competent jurisdiction.

## VIII. JUDICIAL ENFORCEMENT REMEDIES

### (a) Civil remedies.

(1) Whenever it appears that a person has violated, or continues to violate, any provision of this article that related to:

- a. The preservation of public safety, relating to the materials or methods used in construction of any structure or improvement of real property;
- b. The preservation of public health or to the fire safety of a building or other structure or improvement;
- c. The establishment of criteria for land subdivision or construction of buildings including street design;
- d. Dangerous, damaged, or deteriorated structures or improvements;
- e. Conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; or
- f. Point source effluent limitations or the discharge of a pollutant, other than from a nonpoint source, in the City's drainage system.

The City may invoke other City Codes, as amended, and petition the State District Court or the County Court of Law of Collin, through the City Attorney, for either the injunctive relief specified in subsection (2)(a) below, or the civil penalties specified in subsection (2)(3) below, or both the specified injunctive relief and civil penalties.

(2) Pursuant to City Code, as amended, the City may obtain against the owner or the operator of a facility a temporary or permanent injunction, as appropriate, that:

- a. Prohibits any conduct that violates any provision of this article that relates to any matter specified in subsections (a)(1)a-f above; or
- b. Compels the specific performance of any action that is necessary for compliance with any provision of this article that relates to any matter specified in subsections (a)(1)a-f above.

(3) Pursuant to City Code, as amended, the City may recover a civil penalty of not more than **\$1000.00** per day for each violation of any provision of this article that relates to any matter specified in subsection VII(a)(1)a-f above, if the City proves that:

- a. The defendant was actually notified of the provisions of the ordinance; and

b. After the defendant received notice of the ordinance provisions, the defendant committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance.

**(b) Criminal penalties.**

(1) Any person, who has violated any provision of this article, or any order issued hereunder, shall be strictly liable for such violation regardless of the presence or absence of a culpable mental state, except as expressly provided herein, and shall, upon conviction, be subject to a fine of not more than **\$1000.00** per violation per day, or any greater fine authorized by state statute.

(2) Any person who has knowingly made any false statement, representation, or certification in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, or any order issued hereunder, or who has falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this article shall, upon conviction, be subject to a fine of not more than **\$500.00** per violation, per day, or any greater fine authorized by state statute.

(3) In determining the amount of any fine imposed hereunder, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, the knowledge, intent, negligence, or other state of mind of the violator, and any other factor as justice requires.

**(c) Civil suit under the Texas Water Code.** Whenever it appears that a violation or threat of violation of any provision of this article, as amended, or any rule, permit, or order of the Texas Water Commission, has occurred or is occurring within the jurisdiction of the City of Parker, the City may have a suit instituted in a state district court through its city attorney for the injunctive relief or civil penalties or both against the person who committed or is committing or threatening to commit the violation.

**(d) Remedies nonexclusive.** The remedies provided for this article are not exclusive of any other remedies that the City may have under state or federal law or other city ordinances. The City may take any, all, or any combination of these actions against a violator. The City is empowered to take more than one enforcement action against any violation. These actions may be taken concurrently.

## **IX. POST CONSTRUCTION STORMWATER CONTROLS**

**(a) Option for new construction/post construction.**

In lieu of (b)-(f) below, the owner of any stormwater feature may pay an amount determined by the department heads to be deposited in a fund maintained by the City for future construction of a stormwater feature of the City's choosing and in a location of the City's choosing.

**(b) Ownership**

The owner of any stormwater feature shall have full responsibility for maintenance activities so that the stormwater feature remains in good working order. The owner could include a Homeowners' Association or it could include the City; whoever owns the property once all construction operators have relinquished control of the property (see CGP for Notice of Termination).

(1) The maintenance activities shall be performed according to the below guidelines with the first applicable item to serve as the prevailing guideline.

- (a) Documents submitted to and reviewed by the City and filed at the County with the property that establish the maintenance activities for the stormwater feature, if available.
- (b) The manufacturer's recommended maintenance activities if the stormwater feature was manufactured.
- (c) Generally accepted maintenance activities prescribed specifically for the area, if available.
- (d) Generally accepted maintenance activities.

(2) Maintenance activities resulting in the following are prohibited:

- (a) Increased erosion potential;
- (b) Decreased bank stability;
- (c) Increased flooding potential;
- (d) Increased pollutants;
- (e) Unnecessary disturbance of vegetation and riparian areas; or
- (f) Increased proliferation of invasive species.

**(c). Notice of Violation for New Development or Re-development**

(1) In the event any owner, tenant, agent or person responsible for or claiming or having supervision or control over real property governed by this article fails to comply with the provisions of this article, the City, by and through its Code Enforcement Officer or designee shall give a Notice of Violation to such owner. Such Notice shall be given in any of the following ways:

- (a) Personally to the owner in writing;
- (b) By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or

(c) If personal service cannot be obtained:

1. By publication in the City's official newspaper at least once;
2. By posting notice on or near the front door of each building on the property to which the violation related; or
3. By posting a notice to a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

(2) If the City mails a notice to the owner in accordance with subsection (1) above, the United States Postal Service returns the notice as "refused," "unclaimed," or if the address required by subsection (1) was used and the notice is returned as "not deliverable as addressed" (or an equivalent marking), the validity of the notice is not affected, and the notice is considered as delivered.

(3) In a notice provided under this section, the City may inform the owner by regular mail and a posting on the property that if the owner commits another violation of the same kind or nature on or before the anniversary of the date of the notice, the City, without further notice, may correct the violation at the owner's expense and assess the expense against the property or issue citations. If a violation covered by a notice under this subsection occurs within one (1) year, and the City has not been informed in writing by the owner of an ownership change, then the City, without notice, may take any action permitted in (d) below and assess its expenses as provided in (e) below.

**(d). Citations, Work or Improvements by the City; Charges against Owner**

If the owner fails or refuses to comply with the demand for compliance in the notice within ten (10) days of such notice, the City may:

- (1) Issue citations as provided; and
- (2) Do the work or make the improvement(s) required, pay for the work done or improvement(s) made and charge the expenses to the owner of the property as provided herein. The property owner will have twenty (20) days to reimburse the City from the completion date of such work to abate the violation(s) at the property.

**(e). Assessment of Expenses; Lien**

- (1) In the event the owner fails or refuses to pay such expenses charged to the owner, within twenty (20) days after the abatement work is completed, a lien may be obtained. The lien and any other expenses incurred by the City may be filed against the property.
- (2) To obtain a lien, the City must file a statement of the expenses incurred to correct the condition of the real property with the County Clerk of the County in which the property is located. The statement must also state the name of the owner, if known, and the legal description of the property. The lien attaches upon filing of the statement with the County Clerk.

(3) The City's lien shall be a prior lien on such property, second only to tax liens and liens for street improvements. The lien amount shall include simple interest, which shall accrue at the rate of ten (10) percent annually on the date the expenses were incurred by the City. The City may bring suit for foreclosure to recover the expenditures and the interest due.

**(f). Right of Entry; Inspection**

The owner shall grant the city a right of entry in the event that the DPW or the Code Enforcement Officer has reason to believe it has become necessary to inspect, monitor, maintain, repair, reconstruct, or discontinue the use of stormwater features and/or structure BMPs; however, in no case shall the right of entry, of itself, confer an obligation on the City to assume responsibility for the stormwater feature and/or structural BMPs.

- (1) Where an owner has security measures in force which require proper identification and clearance before entry into its premises, the owner shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City will be permitted to enter without unreasonable delay for the purposes of performing his/her responsibilities.
- (2) The City shall have the right to set up on the owner's property, or require installation of, such devices as are necessary to conduct sampling and or metering of the owner's operations.
- (3) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the owner at the written or verbal request of the City and shall not be replaced. The cost of clearing such access shall be borne by the owner.
- (4) Unreasonable delays in allowing the City access to the owner's premises shall be a violation of this section.

**SECTION 2. 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 3. 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 provisions of the Ordinance left standing.

**SECTION 4. EFFECTIVE DATE:** This Ordinance shall take effect immediately from its passage and publication of the caption as the law in such cases provides.

**SECTION 5.** 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 2<sup>nd</sup> day of June, 2020.

**CITY OF PARKER, TEXAS**

**BY:**

**LEE PETTLE, MAYOR**

**ATTEST:**

**BY:**

**PATTI SCOTT GREY, CITY SECRETARY**

**APPROVED AS TO FORM  
AND CONTENT:**

**BY:**

**BRANDON S. SHELBY,  
CITY ATTORNEY**

Proposed

## **EXCERPT OF THE DECEMBER 17, 2019 CITY COUNCIL MEETING MINUTES**

### **6:00 P.M. STORMWATER ORDINANCE WORKSHOP**

Mayor Lee Pettle called the Stormwater Ordinance Workshop to order at 6:03 p.m. Councilmembers Diana M. Abraham, Cindy Meyer, Edwin Smith, Ed Standridge and Patrick Taylor (arrived at 7:13 p.m.) were present.

Staff Present: City Administrator Luke Olson, Asst. City Administrator/City Secretary Patti Scott Grey, City Attorney Brandon Shelby (arrived at 6:57 p.m.), Public Works Director Gary Machado, and Police Chief Richard Brooks (arrived at 6:57 p.m.)

President of Stormcon LLC Tom Schneider and Vice President of Stormcon LLC (MS4 Program Auditing) Diana McDonald reviewed the ordinance. (See Exhibit 1 – Tom Schneider and Diana McDonald's Small MS4 General Permit handout, dated December 17, 2019.). A discussion, question and answer period followed.

Mayor Lee Pettle ended the Stormwater Ordinance Workshop at 6:59 p.m. and said the regular meeting would start soon.

#### **9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 785, ESTABLISHING A STORMWATER ORDINANCE. [MACHADO/SHELBY] [TABLED – 11192019]**

Stephanie Casson, 5401 Westfield Drive, spoke again in opposition to Ordinance No.785.

Terry Lynch, 5809 Middleton Drive, spoke again in opposition to Ordinance No. 785.

Councilmember Taylor inquired about the Stormwater Permit waiver. Public Works Director Machado said the City has investigated the waiver and the City of Parker does not qualify, but he will do as Council requests. There was some discussion as to how long ago the ordinance should have be in place. The permit was processed in 2012 and City Staff has been working diligently to prepare/revise the ordinance for approval. He reviewed the highlighted areas of the Small MS4 General Permit handout. (See Exhibit 5 – Public Works Director Machado's Small MS4 General Permit highlighted handout, dated December 17, 2019.)

City Attorney Shelby spoke about having an ordinance in place to protect the City; the risk of audit; and singling out certain groups such as the developers.

**MOTION:** Councilmember Meyer moved to table Ordinance No. 785, establishing a Stormwater Ordinance while City Staff pursues a waiver and once that is determined Council/City Staff will start revising the ordinance to better fit the City

of Parker. Councilmember Standridge seconded with Councilmembers Abraham, Meyer and Standridge voting for the motion; Councilmember Taylor voting against the motion; and Councilmember Smith abstaining. Motion carried 3-1-1.

Councilmember Smith said he abstained because the City should pursue the waiver and work on possible revisions to the ordinance simultaneously, not one then the other.



# Council Agenda Item

Item 6  
C'Sec Use Only

Budget Account Code:	Meeting Date: June 2, 2020
Budgeted Amount:	Department/ Requestor: Councilmember Meyer
Fund Balance-before expenditure:	Prepared by: Councilmember Meyer
Estimated Cost:	Date Prepared: May 28, 2020
Exhibits:	<ul style="list-style-type: none"><li>None</li></ul>

## AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ADOPTING AND APPROVING MEDIAN XERISCAPE (LANDSCAPING) FOR ALL NEW DIVIDED HIGHWAY MEDIANS WITHIN THE CITY LIMITS FROM PARKER'S CURRENT TRADITIONAL MEDIAN TREATMENT OF GRASS/TREE LANDSCAPED MEDIANs.  
[MEYER]

## SUMMARY

Changing Parker's traditional approach of grass and tree lined medians to Xeriscape medians would create aesthetic variety along the high-traffic areas of the city while minimizing both maintenance and water. The initial increase of cost (if any) would be quickly absorbed by the reduction of annual maintenance in pre-emergent chemicals, mowing, fertilization and tree pruning and tree replacement. The medians could be artistically designed to incorporate a variety of plants, stone, brick, trees, bushes and flowering perennials and annuals.

Note: The City currently spends \$80,000+ per year for applications of pre-emergence, fertilization, mowing and pruning.

Note: Zeroscape typically refers to a mostly concrete, stone or gravel in place of a traditional landscape design. It can even mean that no landscaping.

Xeriscape is a method of landscape design that minimizes the amount of additional water used by combining native plants and trees, as well as rock work, to create beautiful outdoor spaces.

## POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	05/28/2020
City Attorney:		Date:	
City Administrator:	<i>Luke B. Olson</i>	Date:	05/29/2020

AGENDA DATE	ITEM DESCRIPTION	CONTACT	Notes
<b>2020</b>			
Monthly	Home Rule Charter Commission (HRCC)	Shelby	Last Update 7/2; 8/6; 8/27; 9/3; 9/17, 10/15; 11/19; 12/17; 1/21; 2/4
TBD	International Building Codes	Machado	2018 0920 PWD GM working on update
TBD	Annual Codification Supplement	C'Sec	Last update 2019 0604 CC Mtg
TBD	2020 City Fee Schedule	Savage	2015-2016 Approved 2/29; added 2016-17 to FA; last Update 2019 0604; BP Update 2019 0917
TBD	Discussion - Research - Going Electronic	Olson	MLP added 2019 0624; Discussed 2019 061 & 12 Long Term Planning; Demo 2019 1107 AM; 2019 1217 Update
Feb, May, Aug, Nov	Republic Waste Quarterly Report	Bernas	1st Qtr 2020 0204 CC Agenda
Feb, May, Aug, Nov	Fire Department Quarterly Report	Sheff/Miller/Fowers	1st Qtr 2020 0317 CC Agenda
Feb, Apr-May, Aug, Nov	Investment Quarterly Report	Savage	1st Qtr 2020 0204 CC Agenda
June 2, 2020	Drainage Committee	Meyer	Last Update 2019 0903; 2020 0424-0204; 0602
TBA	Facility/Transportation Committee	Standridge	2019 0827; 1119; (T) 2020 0204 CC Agenda
June 16, 2020	Emergency Communication Committee	Abraham	Last Update 2019 0917; 2020 0424-0204
June 16, 2020	COMP Plan Committee	Olson/Smith	2019 0903 CC Agenda;
TBA	Capital Improvement Program (CIP) Committee	Taylor	Last Update 2019 0917; 2020 0121
TBA	Noise Committee	Olson?	2019 0827 CC Agenda; 2019 1217 CC Agenda
TBA	Pump Station	Olson/Machado	Last Update 2019 0903; 2020 0121
TBA	Town Hall Meeting - Drainage	Meyer/Pettle	2019 0922 MLP Email
TBA	Town Hall Meeting - Facility	Pettle/Standridge e/Olson	2019 0922 MLP Email
TBA	Landscaping & Fertilization	Machado	No bid (under 50K); asking for contract

AGENDA DATE	ITEM DESCRIPTION	CONTACT	Notes
June, 2020	Consider Tax Freeze for those over 65	Grant/Shelby	2019 0820 CC - Lou Zettler
June, 2020	Prompt for Vacation Schedules	Scott Grey	Send email March
June, 2020	Reminder for Dec. Depository Services Bid <b>RFP/Q</b> - check w/GS	Savage	3rd 1 year extension (2017 1205 1st) (2018 1218 2nd)
June, 2020	P&R Logo	Pettie/Olson/Shelby	See 2020 0421 CC Minutes - Tabled P&R Redesign & CC Re-assess on future agenda