



## AGENDA

### CITY COUNCIL REGULAR MEETING

**MAY 17, 2022 @ 5:30 PM – FIRE DEPARTMENT TRAINING ROOM**

Notice is hereby given the City Council for the City of Parker will meet on Tuesday, May 17, 2022, at 5:30 P.M. at the Parker City Hall – Fire Department Training Room, 5700 E. Parker Road, Parker, Texas, 75002. The City Council meeting will be open to the public and live streamed.

Pursuant to Texas Government Code § 551.127, notice is given that it is the intent of the City Council that a quorum of the Council will be physically present for the above-referenced meeting at Parker City Hall, 5700 E. Parker Road, Parker Texas. Some council members or City employees may participate in this meeting remotely by means of video conference call in compliance with state law.

#### **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.

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

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

Government Code Section 551.074 Personnel—To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Government Code Section 551.071(1)—Consultation with City Attorney concerning Pending or Contemplated Litigation.

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).

RECONVENE REGULAR MEETING.

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

#### **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. CONSIDERATION AND/OR ANY APPROPRIATE ACTION OF RESOLUTION NO. 2022-697 CANVASSING THE ELECTION RETURNS AND DECLARATION OF RESULTS OF AN ELECTION HELD IN THE CITY OF PARKER, TEXAS ON MAY 7, 2022.
2. ADMINISTER OATH OF OFFICE TO NEWLY ELECTED OFFICIALS MAYOR LEE PETTLE AND COUNCILMEMBERS MICHAEL SLAUGHTER AND TERRY LYNCH.

CITY SECRETARY – MAYOR

MAYOR – COUNCILMEMBERS

3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2022-698, APPOINTING THE 2022-2023 MAYOR PRO TEM.

**ADJOURN**

**RECEPTION FOR RE-ELECTED OFFICIALS**

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 13, 2022, 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

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey
Estimated Cost:	Date Prepared:	April 19, 2022
Exhibits:	<ul style="list-style-type: none"> <li>• <a href="#">Proposed Resolution</a></li> </ul>	

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION OF RESOLUTION NO. 2022-697 CANVASSING THE ELECTION RETURNS AND DECLARATION OF RESULTS OF AN ELECTION HELD IN THE CITY OF PARKER, TEXAS ON MAY 7, 2022.

### SUMMARY

*The canvass is the official tabulation of the election results. The canvass must be conducted at an open meeting of the governing body between Tuesday, May 10, 2022, and Wednesday, May 18, 2022. Pursuant to the Texas Election Code, only two officers are needed for a quorum for a canvassing meeting. Section 67.004(a) of the Code.*

*The canvassing authority shall prepare a tabulation stating the following:*

1. *Each candidate*
  - a. *Total number of votes received in each precinct.*
  - b. *Sum of precinct totals tabulated.*
2. *Votes FOR and AGAINST each measure*
  - a. *Total number of votes received in each precinct.*
  - b. *Sum of precinct totals tabulated.*
3. *Total number of voters in each precinct who cast a ballot for a candidate or for or against a measure in the election.*

*We usually receive the canvass documents from Collin County Elections Administrator Bruce Sherbet by close of business Friday, May 13, 2022, and those documents will be provided Tuesday at the meeting.\* Collin County Deputy Elections Administrator Micki Meinecke April 19, 2022, email states Mr. Sherbet "will send final certified election results via email by the end of the day on Tuesday, May 17, 2022".*

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Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	05/12/2022
City Attorney:	<i>Trey Lansford</i>	Date:	05/12/2022 via Municode Software
City Administrator:	<i>Luke B. Olson</i>	Date:	05/13/2022

**RESOLUTION NO. 2022-697**  
(*Canvass May 7, 2022, General Election*)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS;  
CANVASSING THE ELECTION RETURNS AND DECLARATION OF RESULTS OF  
AN ELECTION HELD IN THE CITY OF PARKER, TEXAS ON MAY 7, 2022.**

**WHEREAS**, the City Council of the City of Parker, Texas called an election to be held in the City on May 7, 2022, for the purpose of electing a Mayor and Two City Councilmembers, and caused notice thereof to be given in the manner and time provided for by law; and

**WHEREAS**, The Order of the City Council calling the election, together with the notice issued thereon, is recorded in the Minutes of the City Council, and is hereby referred to and made a part hereof for all purposes, and

**WHEREAS**, the Presiding Judge and other officials holding the election made their returns of the results thereof to the Canvassing Board, composed of the City Council, and said returns of the results being made according to law, and duly authenticated, and it being shown that proper notice of said election the time and in the time and in the manner provided by law, and all other proceedings pertaining to said election have been shown to have done and performed at and within the time and in the manner provided by law, and all papers pertaining hereto having been returned and duly certified by the Presiding Election Judge:

**NOW THEREFORE BE IT RESOLVED** by the Canvassing Board of the City Council of the City of Parker, Texas after examining said returns and opening and canvassing the votes of said election that are as follows:

**FOR CITY COUNCIL:**  
Michael Slaughter  
Terry Lynch  
Edwin Smith



**FOR MAYOR:**

Lee Pettle



\_\_\_\_\_ and \_\_\_\_\_ received the highest number of votes of the three candidates for the two contested offices of City Councilmember.

Therefore, \_\_\_\_\_ and \_\_\_\_\_ are hereby each declared as elected as City Councilmembers. All are to serve immediately after qualifying for the two year term expiring May 2024.

Lee Pettle received all the votes for the office of Mayor; therefore, Lee Pettle is declared as elected as Mayor. She is to serve immediately after qualifying for the two year term expiring May 2024.

**IT IS FURTHER RESOLVED** that this Canvass and Declaration of results of said election be entered in the Minutes of the Said Canvassing Board of the City Council and that said Officers after they have qualified and taken their oaths, shall serve the term of office for which they were elected commencing immediately and ending when their successors are duly elected and qualified.

This Resolution declaring the results of the election becomes effective immediately upon its passage.

**RESOLVED** this 17th day of May, 2022.

**CITY OF PARKER:**

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Lee Pettle, Mayor

**ATTEST:**

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Patti Scott Grey, City Secretary

**APPROVED AS TO FORM:**

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Larence M. Lansford, III, City Attorney

# Proposed

Insert official canvass certification from Collin County Elections Office



## Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: City Council
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey
Estimated Cost:	Date Prepared: April 26, 2022
Exhibits:	<ul style="list-style-type: none"> <li>• <a href="#"><u>Oath</u></a></li> </ul>

### AGENDA SUBJECT

ADMINISTER OATH OF OFFICE TO RE-ELECTED OFFICIALS MAYOR LEE PETTLE AND COUNCILMEMBERS MICHAEL SLAUGHTER AND TERRY LYNCH.

CITY SECRETARY – MAYOR  
MAYOR – COUNCILMEMBERS

### SUMMARY

City Secretary Scott Grey will administer the Oath of Office Mayor Lee Pettle and Mayor Lee Pettle will administer the Oath of Office to the elected officials.

After the Oaths are complete the new officials will take their seat at the bench as directed by the Mayor.

### Certificate of Election, Statement of Elected Officer, and Oath of Office

Questions often arise about the order of events following the election. The Texas Secretary of State Election Division recommends that post-election procedures occur in the following sequence:

- Certificate of Election is issued to newly elected officers.
- Statement of Officer is completed (to be filed locally).
- Newly elected officers may take the Oath of Office.
- After taking the Oath of Office, newly sworn officers may assume the duties of their office.\*

Tex. Const. Art. XVI, § 1; Tex. Elec. Code § 67.004 – 67.006, 67.016, 67.017.

\* **Note:** Canvass may occur before 11th day only if all FPCA ballots have been received, the EVBB has completed the count of provisional ballots, and there are no deficiencies in

mailed ballot carrier envelopes (certain deficiencies can be cured up to 6th day after election day). Type A elected officials may qualify and assume duties of office [LGC §22.006]. The statute states 5th day after election, excluding Sundays. The resulting day is the 6th day after. Officials may not take office until the canvass is complete unless the election was cancelled.

Before an elected (or appointed) officer may assume the duties of the office, the officer must first file a Statement of Elected or Appointed Officer for the official records of the governing body. Tex. Const. Art. XVI, § 1.

We recommend that the presiding officer issue the Certificate of Election at the canvass. The presiding officer of the canvassing authority prepares the Certificate of Election. Tex. Elec. Code Ann. § 67.016. The form we provide is only a sample; many entities like to create their own.

### **Who can administer an Oath of Office?**

The Oath of Office must be administered by someone authorized to administer an oath under Texas law. The most commonly used person to administer oaths is a notary public. Additionally, Section 602.002 of the Texas Government Code authorizes all city secretaries to administer oaths for matters relating to city business. In a Type A general law city, the mayor may also administer the oath. Tex. Loc. Gov't Code § 22.042. Other officials who may administer an oath include: a judge, retired judge, senior judge, clerk of a court of record, justice of the peace or clerk of a justice court, legislator or retired legislator. (See Chapter 602 of the Texas Government Code for the complete list.)

### **POSSIBLE ACTION**

City Council may direct staff to take appropriate action

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	05/13/2022
City Attorney:	<i>Trey Lansford</i>	Date:	05/13/2022
City Administrator:	<i>Luke B. Olson</i>	Date:	05/14/2022



In the name and by the authority of  
**The State of Texas**  
**OATH OF OFFICE**

I, \_\_\_\_\_, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of \_\_\_\_\_, City of Parker, Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

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Signature of Officer

.....

State of Texas )  
County of Collin )

Sworn to and subscribed before me this 17th day of May, 2022.

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Signature of Notary Public or Other  
Officer Administering Oath

City Secretary Patti Scott Grey  
Printed or Type Name

(Seal)

CITY OF PARKER, COLLIN COUNTY, TEXAS

Term Expires: May 2024



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### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2022-698, APPOINTING THE 2022-2023 MAYOR PRO TEM.

### SUMMARY

#### Office of Mayor Pro Tem

The mayor pro tempore is a . . .

- member of the council;
- who performs the mayor's duties during the mayor's incapacity or absence;
- is selected by majority vote of the council from among its own membership;
- term is one year; and
- retains the right to vote on all matters before the council (not just to break a tie), while performing the duties of the mayor (Local Government Code Section 22.037 and 23.027).

Local Government Code Sec. 22.037. (b) At each new governing body's first meeting or as soon as practicable, the governing body shall elect one alderman to serve as president pro tempore for a term of one year.

### POSSIBLE ACTION

Nomination for Mayor Pro Tem by the City Council and Council Vote.

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City Administrator:	<i>Luke B. Olson</i>	Date:	05/13/2022

**RESOLUTION NO. 2022-698**  
*(Appointment of Mayor Pro Tem)*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER,  
COLLIN COUNTY, TEXAS, APPOINTING A MEMBER OF THE CITY  
COUNCIL TO SERVE AS MAYOR PRO TEM.**

**WHEREAS**, the City Council of the City of Parker called and held an election on May 7, 2022, establishing a new governing body; and

**WHEREAS**, the Texas Local Government Code requires that the governing body of a general law municipality to elect a member of the City Council to serve as Mayor Pro Tem for a term of one year or until another is appointed; and

**WHEREAS**, if the Mayor fails, is unable, or refuses to act, the Mayor Pro Tem shall perform the Mayor's duties and is entitled to receive the fees and compensation prescribed for the Mayor.

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

**SECTION 1.** The City Council of the City of Parker, Texas hereby appoints \_\_\_\_\_ to serve as Mayor Pro Tem for a term of one year or until another is appointed.

**SECTION 2.** In the event that the Mayor fails, is unable, or refuses to act, the Mayor Pro Tem shall perform the Mayor's duties and is entitled to receive the fees and compensation prescribed for the Mayor.

**DULY RESOLVED** by the City Council of the City of Parker, Texas on this the 17th day of May, 2022.

**CITY OF PARKER:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Larence M. Lansford, III, City Attorney

Proposed