

To: Mayor, Council and Staff
From: Interim City Administrator Jeff Flanigan
Date: August 26, 2011
RE: Tax and Budget Hearing

Please bring your budget printouts provided at previous meeting.

Thank you



AGENDA

CITY COUNCIL MEETING

August 29, 2011 @ 6:00 P.M.

Notice is hereby given the City Council for the City of Parker will meet in a Special Meeting on Monday, August 29, 2011 at 6:00 P.M. at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002.

CALL TO ORDER – Roll Call and Determination of a Quorum

EXECUTIVE SESSION 6:00 P.M. – 7:00 P.M.

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

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN TEXAS GOVERNMENT CODE SECTION 551:
 - a) 551.074 GC; Personnel—consideration of replacement of the city administrator, terms of the appointment of the interim administrator, and terms and qualifications of a future permanent city administrator.
 - b) 551.071 and 551.074 Govt. Code—Discussion regarding terms of separation of former employee.
2. RECONVENE REGULAR MEETING.
3. CONSIDERATION AND/OR ANY ACTION REQUIRED AS A RESULT OF THE EXECUTIVE SESSION.

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 not scheduled on the agenda to speak to the Council. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

PUBLIC HEARING

4. PUBLIC HEARING ON THE PROPOSED TAX RATE AND THE BUDGET FOR FISCAL YEAR 2011-2012.

INDIVIDUAL CONSIDERATION ITEMS

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FROM AUGUST 9, 2011.
6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FROM AUGUST 16, 2011.
7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 671 APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION.
8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON FUTURE PROCEDURE FOR CONDUCTING THE GENERAL ELECTION TO ELECT MUNICIPAL OFFICERS IN THE CITY OF PARKER.
9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AMENDING RESOLUTION 2010-315 REGARDING A MEMBER AND OFFICER APPOINTMENT PROCESSES FOR CITY BOARDS AND COMMISSIONS.
10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ESTABLISHING A BOARD/COMMISSION EVALUATION PROCESS AND A MEANS OF IMPLEMENTING THE PROCESS.
11. CONSIDERATION AND/OR ANY APPROPRIATE ACTION DEFINING ROLES AND DUTIES OF BOARD AND COMMISSION MEMBERS.
12. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE SALE OF THE OLD WATER TOWER.
13. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE OCTOBER 1, 2011 NEWSLETTER.

ROUTINE ITEMS

14. FUTURE AGENDA ITEM REQUESTS.

15. UPDATES

a. AISD Bus Maintenance Facility Status

16. 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 August 26, 2011 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.

Date Notice Removed

Carrie L. Smith, TRMC, CMC
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: August 29, 2011
Budgeted Amount:	Department/ Requestor:
Fund Balance-before expenditure:	Prepared by: C Smith
Estimated Cost:	Date Prepared: 8/8/2011
Exhibits:	1) Public Notice on Effective Tax Rate 2) Budget Review Presentation

AGENDA SUBJECT

PUBLIC HEARING ON PROPOSED TAX RATE AND FY 2011-2012 BUDGET

SUMMARY

Just a reminder: The language in the tax rate notice reads "The City Council will take action on the proposed 2011 Tax Rate Increase on September 6, 2011"; however, there will not be a tax rate increase. There may be an increase in tax *revenue* due to an increase in property assessments. The language is mandated by the State.

ACTION

- RECAP OF TAX RATE AND BUDGET (JEFF FLANIGAN)
- OPEN PUBLIC HEARING _____ PM
- TAKE PUBLIC INPUT
- CLOSE PUBLIC HEARING _____ PM
- TAKE COUNCIL INPUT
- ANNOUNCE TO AUDIENCE THE TAX RATE AND BUDGET WILL BE VOTED ON BY CITY COUNCIL IN A REGULAR MEETING ON SEPTEMBER 6, 2011 AT 7:00 P.M.

Inter - Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Jeff Flay</i>	Date:	8-26-11

2011 Property Tax Rates in City of Parker

This notice concerns the 2011 property tax rates for City of Parker. It presents information about three tax rates. Last year's tax rate is the actual tax rate the taxing unit used to determine property taxes last year. This year's **effective** tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's **rollback** tax rate is the highest tax rate the taxing unit can set before taxpayers start **rollback** procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:

Last year's operating taxes	\$1,423,250
Last year's debt taxes	\$456,589
Last year's total taxes	\$1,879,839
Last year's tax base	\$498,525,247
Last year's total tax rate	\$0.377080/\$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$1,877,021
÷ This year's adjusted tax base (after subtracting value of new property)	\$487,038,910
= This year's effective tax rate	\$0.385394/\$100

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhanced indigent healthcare expenditures)	\$1,421,119
÷ This year's adjusted tax base	\$487,038,910
= This year's effective operating rate	\$0.291788/\$100
× 1.08=This year's maximum operating rate	\$0.315131/\$100
+ This year's debt rate	\$0.067352/\$100
= This year's total rollback rate	\$0.382483/\$100

Statement of Increase/Decrease

If City of Parker adopts a 2011 tax rate equal to the effective tax rate of \$0.385394 per \$100 of value, taxes would increase compared to 2010 taxes by \$53,213.

Schedule A - Unencumbered Fund Balance

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
General Fund	3,168,000
Debt Service Fund	97,300

Schedule B - 2011 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
Regions Bank-2010 Refunding	79,950	20,285	0	100,235
Regions Bank-2011 Refunding	131,835	105,754	0	237,589

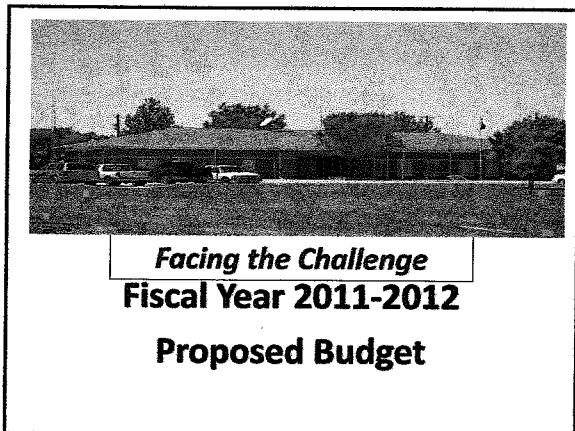
Total required for 2011 debt service	\$337,824
- Amount (if any) paid from Schedule A	\$0
- Amount (if any) paid from other resources	\$0
- Excess collections last year	\$0
= Total to be paid from taxes in 2011	\$337,824
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2011	\$0
= Total debt levy	\$337,824

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 2300 Bloomdale Rd, Ste. 2366, McKinney, TX 75071.

Name of person preparing this notice: Kenneth L. Maun

Title: Tax Assessor Collector

Date Prepared: 08/03/2011



BUDGET OVERVIEW	
10-11 Total Taxable Value	\$ 495,341,170
11-12 Total Taxable Value	\$ 501,577,999
10-11 Total Budgeted Revenue	\$ 3,045,232
11-12 Total Proposed Revenue	\$ 2,681,102
10-11 Total Budgeted Expense	\$ 3,045,232
11-12 Total Proposed Expense	\$ 2,681,102

City of Parker - Budget Session 2011

REVENUE	
<i>Items that significantly changed from FY10/11 budget:</i>	
•Fund Balance/Restricted Transfer	\$ 49,000
•Building Permits Increased	\$ 40,000
• Fines Decreased	\$ 45,000
•Interest Income Decreased	\$ 42,150

City of Parker - Budget Session 2011

ADMINISTRATION

Items that significantly changed from FY10/11 budget:

- **Tech support – Increased \$10,000**
- **City Council Contingency- \$40,000 in Budget**
- **Training for P&Z and Council – Decreased \$ 500**

City of Parker - Budget Session 2011

POLICE DEPARTMENT

Items that significantly changed from FY 10/11 budget:

- **Fuel/Wash/Oil/Tracking – Increased \$12,000**
 - Rising fuel costs
- **Inmate Boarding - Increased \$1,500**
 - Doubled based on trend
- **Capital Requests - \$ 64,000**
 - 2 Vehicles - 1 Tahoe, 1 Charger

City of Parker - Budget Session 2011

MUNICIPAL COURT

Items that significantly changed from FY10/11 budget.

- **Technology Fund – Decreased \$7,500**
 - Training & Licensing
- **State Court Costs Decreased \$22,500**
 - Based on 4 year trend and fine collections
- **Security Fund – Decreased \$7,000**
 - Training

City of Parker - Budget Session 2011

FIRE DEPARTMENT

Items that significantly changed from FY10/11 budget:

- **Reimbursement per Call – Increased \$5,000**
- **Training – Increased \$6,500**
- **Radio & Air Tank Replacement – Decreased \$6,000**

City of Parker - Budget Session 2011

BUILDING AND CODE ENFORCEMENT

Items that significantly changed from FY10/11 budget.

- **No Significant Change to Budget**

City of Parker - Budget Session 2011

PARKS & RECREATION

Items that significantly changed from FY10/11 budget.

- **Preserves & Trails** – Decreased \$155,000
 - New Grant applied for; if approved - \$25,000
- **Scouting Projects** – Increased \$ 1500
- **Consulting/Engineering** – Decreased \$2,000

City of Parker - Budget Session 2011

PUBLIC WORKS

Items that significantly changed from FY10/11 budget.

- **Vehicle & Tractor Expense – Increased \$2,000**
–Based on Trends
- **Engineering Fees – Decreased \$25,000**
- **Two Replacement Mowers - \$20,000**

City of Parker - Budget Session 2011

CITY PROPERTY

Items that significantly changed from FY10/11 budget.

- **Maintenance & Operations – Increased \$3,800**
–Based on Trends
- **Communications – Increased \$2,200**
–Based on Trends
- **Utilities – Decreased \$6,500**
–Based on current year actual

City of Parker - Budget Session 2011

FUTURE CAPITAL IMPROVEMENTS

Items that significantly changed from FY10/11 budget.

- **Fire Truck/Heavy Equipment Reserve**
(Rename to Future Capital Improvements)
—Contribution - \$ 3,985

City of Parker - Budget Session 2011

DEBT SERVICE

Items that significantly changed from FY10/11 budget.

- **2010 / 2011 Debt Service**

- \$453,678

- **2011 / 2012 Debt Service**

- \$337,824

- Refunding of 2008 Bonds

City of Parker - Budget Session 2011

Deep Reserves

- **Target Deposits in Unrestricted Accounts**

- 6 months operating expenses (2010 / 2011 budget)

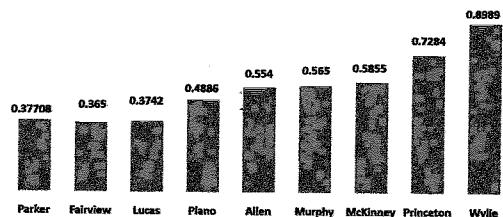
- **Current Deposits in Unrestricted Accounts**

- 14 months operating expenses

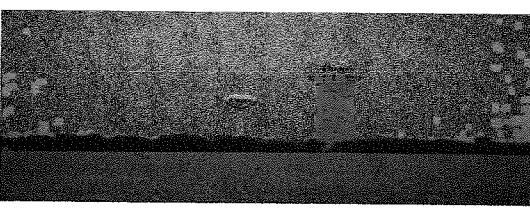
8 Months Excess Reserves

City of Parker - Budget Session 2011

CURRENT FY10/11 CITY TAX RATES



City of Parker - Budget Session 2011



Facing the Challenge
Fiscal Year 2011-2012
Proposed Water Budget

ANNUAL CONSUMPTION

2001	211,304,000 Gallons
2002	228,969,000 Gallons
2003	306,201,000 Gallons
2004	344,660,000 Gallons
2005	392,852,000 Gallons
2006	470,812,000 Gallons
2007	306,839,000 Gallons
2008	383,239,000 Gallons
2009	416,000,000 Gallons
2010	417,637,000 Gallons
2011	533,654,000 Gallons

City of Parker - Budget Session 2011

WATER BUDGET OVERVIEW

- 10-11 Total Budgeted Revenue \$3,135,000
- 11-12 Total Budgeted Revenue \$3,150,000
- 10-11 Total Budgeted Expense \$3,135,000
- 11-12 Total Budgeted Expense \$3,150,000

City of Parker - Budget Session 2011

WATER REVENUE

Items that significantly changed from FY10/11 budget:

- Transfer from Capital Improvements and Fund Balance from C/O – Line Looping and Water Meter Technology \$550,000
- Water Sales – Increased \$150,000
 - Based on rate increase and trend
- Meter Installations – Increased \$10K
 - Based on trend

City of Parker - Budget Session 2011

WATER EXPENSES

Items that significantly changed from FY 10/11 budget:

- Cost of North Texas Water – Increased \$65,000
- Truck Expense – Increased \$2,500
 - Fuel costs
- Water System Improvements – \$560,000
 - Offset by County Funds - \$290,000
 - Offset by C/O Funds - \$175,000

City of Parker - Budget Session 2011

SEWER EXPENSES

Items that significantly changed from FY 10/11 budget:

- Sewer Operating Expense – Decreased \$4,000
 - Based on trends
- No Other Significant Change

City of Parker - Budget Session 2011

SANITATION EXPENSES

No change

Items that significantly changed from FY 10/11 budget:

- **No Significant Change**
 - Adjustments made previous year

City of Parker - Budget Session 2011

WATER DEBT SERVICE

Items that changed from FY10/11 budget.

- **2010 / 2011 DEBT SERVICE**
– \$424,494
- **2011 / 2012 DEBT SERVICE**
– \$412,883

City of Parker - Budget Session 2011

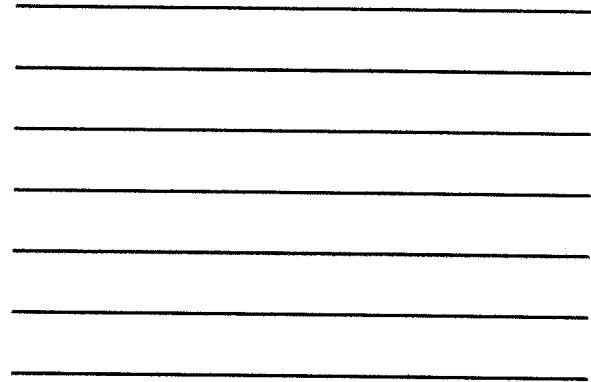
Deep Reserves

- **Target Deposits in Unrestricted Accounts**
 - 3 months operating expenses (2010/2011 budget)
- **Current Deposits in Unrestricted Accounts**
 - 1 ½ months operating expenses

1 ½ Months Deficit Reserves (Same as last year)

Thank You

City of Parker - Budget Session 2011





Council Agenda Item

Budget Account Code:		Meeting Date: August 29, 2011
Budgeted Amount:		Department/ Requestor: City Secretary
Fund Balance-before expenditure:		Prepared by: C Smith
Estimated Cost:		Date Prepared: 8/22/2011
Exhibits:	1) Proposed Minutes	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES
FROM AUGUST 9, 2011.

SUMMARY

Please review the proposed minutes. If you feel any information is incorrect, additional information is needed or you find any typographical errors please email me prior to the meeting. The minutes can be amended prior to the meeting and a vote taken on the amended copy. This action will save time possible confusion during the open meeting.

Thank you,
Carrie

POSSIBLE ACTION

Move to approve as written
Move to approve as amended
Move to table

Inter - Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Tiff Hayes</i>	Date:	8-26-11

MINUTES

CITY COUNCIL MEETING

August 9, 2011

CALL TO ORDER – Roll Call and Determination of a Quorum

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

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

Staff Present: City Attorney James Shepherd, Assistant City Administrator Jeff Flanigan, Finance/HR Manager Johnna Boyd, Police Chief Tony Fragoso and Police Sergeant Kenneth Price.

EXECUTIVE SESSION

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

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN TEXAS GOVERNMENT CODE SECTION 551:

Mayor Cordina recessed the meeting at 6:02 p.m.

- a) 551.074 GC; Personnel—consideration of replacement of the city administrator, terms of the appointment of the interim administrator, and terms and qualifications of a future permanent city administrator.

2. RECONVENE REGULAR MEETING.

Mayor Cordina reconvened the meeting at 7:20 p.m.

3. CONSIDERATION AND/OR ANY ACTION REQUIRED AS A RESULT OF THE EXECUTIVE SESSION.

None

PLEDGE OF ALLEGIANCE

American Pledge: Jim Threadgill led the pledge.

Texas Pledge: Joe Cordina led the pledge.

PUBLIC COMMENTS The City Council invites any person with business before the Council not scheduled on the agenda to speak to the Council. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

None

INDIVIDUAL CONSIDERATION ITEMS

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR JULY 21, 2011.

MOTION: Councilmember Levine moved to table the minutes. Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Evans and Levine voting for. Motion carried 4-0

5. CONSIDERATION AND ANY APPROPRIATE ACTION BY THE CITY ADOPTING BY RESOLUTION THE MARCH 2008 NTMWD MODEL DROUGHT AND CONSERVATION PLANS.

MOTION: Councilmember Sumrow moved to adopt the NTMWD Drought and conservation plan. Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Evans and Levine voting for. Motion carried 4-0.

The final resolution does not need to be brought back to Council.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON STAGE 2 WATER RESTRICTIONS PURSUANT TO NORTH TEXAS MUNICIPAL WATER DISTRICT CONSERVATION AND DROUGHT CONTINGENCY PLAN REGULATIONS.

Stage 2 Water Conservation limits outdoor watering to 2-days per week and not between the hours of 10 am – 6 pm.

MOTION: Councilmember Evans moved to approve implementation of Stage 2 Water restrictions. Councilmember Sumrow seconded with Councilmembers Leamy, Sumrow, Evans and Levine voting for. Motion carried 4-0.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON APPOINTING A COUNCILMEMBER TO APPROVE MAYOR AND CITY COUNCIL TRAVEL AND EXPENSES PURSUANT TO RESOLUTION 2008-230.

Tabled.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MODIFICATION OF THE CITY BUDGET FOR TRAINING AND EDUCATION FOR MUNICIPAL PURPOSES.

The budget line item for Council/P&Z training has gone over and needs to be amended.

There was discussion regarding Mayor's travel expenses for some TML committees and charging it to economic development. Mayor explained his participation as Advisor and promoter of the City. There was further discussion of adding a new budget line item in the next budget.

MOTION: Councilmember Leamy moved to approve a transfer of \$4,879.52 (100%) of the remaining funds in administration contingency to Council/P&Z training. Councilmember Levine seconded with Councilmember Leamy, Sumrow, Evans and Levine voting for. Motion carried 4-0.

9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION AMENDING THE ROLE AND DUTIES OF THE PERSONNEL COMMITTEE.

Council requested additional backup be provided before this item is discussed.

MOTION: Councilmember Leamy moved to table this item. Councilmember Levine seconded with Councilmembers Leamy, Sumrow, Evans and Levine voting for. Motion carried 4-0.

10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION TERMINATING THE CREDIT CARD OF A FORMER CITY EMPLOYEE, AND AUTHORIZING A CREDIT CARD FOR THE INTERIM CITY ADMINISTRATOR FOR MUNICIPAL USES.

Councilmember wants a policy on how to handle credit card changes in the future. Hotel reservations for TML Conference are to be changed to the new card when received.

MOTION: Councilmember Levine moved to approve the issuance of a new card to Interim City Administrator Flanigan with a limit of \$5000. Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Evans and Levine voting for. Motion carried 4-0.

ROUTINE ITEMS

11. FUTURE AGENDA ITEM REQUESTS.

- a. Sale of old water tower
- b. Tabled items
- c. May election issue

12. UPDATES

13. ADJOURN

Mayor Cordina adjourned the meeting at 8:00 p.m.

APPROVED:

Joe Cordina
Mayor

ATTESTED:

Carrie L. Smith, TRMC, CMC
City Secretary

APPROVED on the 29th day of
August, 2011.



Council Agenda Item

Budget Account Code:		Meeting Date: August 29, 2011
Budgeted Amount:		Department/ Requestor: City Secretary
Fund Balance-before expenditure:		Prepared by: Carrie Smith
Estimated Cost:		Date Prepared: 8/22/2011
Exhibits:	1) Proposed Minutes for approval will be sent by email prior to the meeting.	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES
FROM AUGUST16, 2011.

SUMMARY

Minutes are in progress and will be completed and email prior to the meeting on Monday.

POSSIBLE ACTION

Move to approve as written
Move to approve as amended
Move to table

Inter-Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Jff May</i>	Date:	8-26-11



Council Agenda Item

Budget Account Code:	Meeting Date: August 29, 2011
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: Carrie Smith
Estimated Cost:	Date Prepared: 8/22/2011
Exhibits:	1) Proposed Ordinance

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 671 APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION

SUMMARY

The Model Staff Report included with the settlement packet gives the history and details of the rate adjustment in a good clear manner.

The ordinance proposed by the coalition meets our standards of these negotiated settlements for gas adjustments.

Given the high cost of Parker litigating this rate case by itself, it is reasonable to presume the 154 cities and their staffs have done what needs to be done in holding the rate to the same, or less, than the state authority would otherwise have approved. Without evidence to the contrary, I would recommend approval.

Jim

POSSIBLE ACTION

- Move to approve as written
- Move to approve as amended
- Move to table
- Move to deny

Inter - Office Use

Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Tiffi May</i>	Date:	8-26-11

ORDINANCE NO. 671
(Atmos Rate Settlement)

an ordinance of the city council of the City of Parker, Texas, ("city") approving a NEGOTIATED RESOLUTION between the atmos cities steering committee ("ACSC" or "Steering Committee") and ATMOS ENERGY CORP., MID-TEX DIVISION ("atmos MID-TEX" or "company") regarding the company's FOURTH ANNUAL rate review mechanism ("RRM") filing in all cities exercising original jurisdiction; declaring EXISTING rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the NEGOTIATED SETTLEMENT and finding the rates to be set by the attached tariffs to be just and reasonable; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; determining that this ordinance was passed in accordance with the REQUIREMENTS of the Texas open meetings act; ADOPTING A SAVINGS CLAUSE; declaring an effective date; AND REQUIRING Delivery OF THIS ORDINANCE TO the company and THE STEERING COMMITTEE'S legal counsel.

WHEREAS, the City of Parker, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC" or "Steering Committee"), a coalition of approximately 154 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area (such participating cities are referred to herein as "ACSC Cities"); and

WHEREAS, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC Cities and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC Cities as a substitute to the current GRIP process instituted by the Legislature; and

WHEREAS, the City took action in 2008 to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company's 2007 rate case and authorizing the RRM Tariff; and

WHEREAS, the 2008 Settlement Agreement contemplates reimbursement of ACSC Cities' reasonable expenses associated with RRM applications; and

WHEREAS, the Steering Committee and Atmos Mid-Tex agreed to extend the RRM process in reaching a settlement in 2010 on the third RRM filing; and

WHEREAS, on or about April 1, 2011, the Company filed with the city its fourth annual RRM filing, requesting to increase natural gas base rates by \$15.7 million; and

WHEREAS, ACSC coordinated its review of Atmos Mid-Tex's RRM filing by designating a Settlement Committee made up of ACSC representatives, assisted by ACSC attorneys and consultants, to resolve issues identified by ACSC in the Company's RRM filing; and

WHEREAS, independent analysis by ACSC's rate expert concluded that Atmos Mid-Tex is unable to justify an increase over current rates except for undisputed costs of \$6.6 million to cover the steel service line replacement program initiated in 2010; and

WHEREAS, the ACSC Settlement Committee, as well as ACSC lawyers and consultants, recommend that ACSC Cities approve the attached rate tariffs ("Attachment A" to this Ordinance), which will increase the Company's revenue requirement by \$6.6 million to extend current recovery of incremental direct costs of the steel service line replacement program authorized by ACSC Cities in ordinances passed in 2010; and

WHEREAS, the attached tariffs implementing new rates are consistent with the negotiated resolution reached by ACSC Cities and are just, reasonable, and in the public interest.

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable and new tariffs which are attached hereto and incorporated herein as Attachment A, are just and reasonable and are hereby adopted.

Section 3. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC Cities in processing the Company's rate application.

Section 4. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. That this Ordinance shall become effective from and after its passage with rates authorized by attached Tariffs to be effective for bills rendered on or after September 1, 2011.

Section 8. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of David Park, Vice President Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to

ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this 29th day of August, 2011.

Mayor Joe Cordina

ATTEST:

City Secretary Carrie L. Smith

APPROVED AS TO FORM:

City Attorney James E. Shepherd

STAFF REPORT

The City, along with approximately 154 other cities served by Atmos Energy Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC" or "Steering Committee"). On or about April 1, 2011, Atmos Mid-Tex filed with the City an application to increase natural gas rates pursuant to the Rate Review Mechanism ("RRM") tariff approved by the City as part of the settlement of the Atmos Mid-Tex 2007 Statement of Intent to increase rates. This is the fourth annual RRM filing.

The Atmos Mid-Tex RRM filing sought a \$15.7 million rate increase. The City worked with ACSC to analyze the schedules and evidence offered by Atmos Mid-Tex to support its request to increase rates. The Ordinance and attached rate and RRM tariffs are the result of negotiations between ACSC and the Company to resolve issues raised by ACSC during the review and evaluation of ACSC's RRM filing. The Ordinance resolves the Company's RRM filing by authorizing supplemental revenue of \$6.6 million to be recovered through the customer charge component of rates to cover direct incremental costs associated with a steel service line replacement program approved as part of last year's rate adjustment. All other relief requested by Atmos Mid-Tex is denied.

The ACSC Settlement Committee and ACSC legal counsel recommend that all ACSC Cities adopt the Ordinance implementing the rate change.

RRM Background:

The RRM tariff was approved by ACSC Cities as part of the settlement agreement to resolve the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. Atmos Mid-Tex's current action represents an extension to the three-year trial project known as the Rate Review Mechanism ("RRM") process. The RRM process was created collaboratively by ACSC and Atmos Mid-Tex as an alternative to the legislatively authorized GRIP surcharge process. ACSC opposed GRIP because it constituted piecemeal ratemaking, did not allow any reasonableness review, and did not allow participation by cities or recovery of cities' rate case expenses. The RRM process has allowed for a more comprehensive rate review and annual adjustment as a substitute for GRIP filings during the three-year trial period specified by the tariff.

Purpose of the Ordinance:

Rates cannot change and the Settlement Agreement with Atmos Mid-Tex cannot be implemented without passage of rate ordinances by cities. No related matter is pending at the Railroad Commission. The purpose of the Ordinance is to approve rate tariffs ("Attachment A") that reflect the negotiated rate change pursuant to the RRM process and to ratify a Settlement Agreement recommended by the ACSC Settlement Committee and Executive Committee.

As a result of the negotiations, ACSC was able to reduce the Company's requested \$15.7 million RRM increase to \$6.6 million, allowing only incremental revenues necessary to cover direct costs associated with the steel service line replacement program approved by ACSC Cities in 2010. Approval of the Ordinance will result in the implementation of new rates that increase Atmos Mid-Tex's revenues effective September 1, 2011.

Reasons Justifying Approval of the Negotiated Resolution:

During the time that the City has retained original jurisdiction in this case, consultants working on behalf of ACSC cities have investigated the support for the Company's requested

rate increase. While the evidence does not support the \$15.7 million increase requested by the Company, ACSC consultants agree that the Company can justify an increase in revenues of \$6.6 million, a result consistent with Cities' approval of a steel service line replacement program last year. The agreement on \$6.6 million is a compromise between the positions of the parties.

The Settlement Agreement of 2010 which included an extension of the RRM process, included an allowance for recovery of direct costs, excluding overheads, of the steel service line replacement program. Current year recovery factors of \$00.15 for residential customers and \$00.41 for commercial customers per month were authorized last year. The 2010 Settlement Agreement contemplated that the steel service line replacement program would be adjusted annually, but shall be capped at \$00.44 cents for residential customers and \$1.22 for commercial customers. The increase in this case is consistent with the caps contemplated last year for the steel service line replacement program, and nothing more.

The alternative to a settlement of the RRM filing would be a contested case proceeding before the Railroad Commission on the Company's current application, would take several months and cost ratepayers millions of dollars in rate case expenses, and would not likely produce a result more favorable than that to be produced by the settlement. The ACSC Settlement Committee recommends that ACSC members take action to approve the Ordinance authorizing new rate tariffs.

Steel Service Line Replacement:

Under pressure from the Railroad Commission to establish a comprehensive program to replace service lines that contain steel which is subject to corrosion and leaks, ACSC worked with Atmos Mid-Tex in 2010 to establish a risk based approach to steel service line replacement that accomplishes the following goals:

1. Replace all service lines throughout the Mid-Tex Region with the highest degree of risk within two years;
2. Coordination between ACSC city members and Atmos Mid-Tex to minimize disruption of rights of way without compromising safety;
3. To minimize and spread the rate impact on customers of the replacement program, the service lines with little relative risk of leaks should be replaced over a 10-year period; and
4. Current recovery of incremental (above and beyond normal maintenance and repair addressed in RRM proceedings) direct (excluding Atmos Mid-Tex overheads) cost of service line replacement should be permitted as an adder to customer charges.

Fulfillment of these goals in the 2010 case led to \$00.15 and \$00.41 added to residential and commercial customer charges, respectively. The annual customer charge adder to cover the steel service line replacement program may not exceed \$00.44 and \$1.22 for residential and commercial customers, respectively, prior to the entry of a Final Order in the next system-wide Statement of Intent rate proceeding.

Changes to Customer Charges:

The Settlement Agreement approved in 2010 contemplated that incremental revenues to cover future steel service line replacement costs would be recovered through customer charges. Consistent with that approach, the \$6.6 million in additional revenues to be recovered following passage of the Ordinance is accomplished by increasing customer charges.

The tariffs to be approved by the Ordinance set monthly customer charges at \$7.50 and \$16.75 for residential and commercial customers, respectively.

The commodity portion of the commercial rate will decline slightly from existing rates.

Explanation of “Be It Ordained” Paragraphs:

1. This paragraph approves all findings in the Ordinance.
2. This section adopts the attached tariffs (“Attachment A”) in all respects and finds the rates set pursuant to the attached tariffs to be just, reasonable and in the public interest. Note that only new tariffs or existing tariffs being revised are attached to the Ordinance. Existing tariffs not being changed in any way are not attached to the Ordinance.
3. This section requires the Company to reimburse ACSC for reasonable rate making costs associated with reviewing and processing the RRM application.
4. This section repeals any resolution or ordinance that is inconsistent with this Ordinance.
5. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
6. This section is a savings clause, which provides that if any section(s) is later found to be unconstitutional or invalid, that finding shall not affect, impair or invalidate the remaining provisions of this Ordinance. This section further directs that the remaining provisions of the Ordinance are to be interpreted as if the offending section or clause never existed.
7. This section provides for an effective date upon passage.
8. This paragraph directs that a copy of the signed Ordinance be sent to a representative of the Company and legal counsel for ACSC.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Mcf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 7.50 per month
Commodity Charge – All Mcf	\$ 2.5116 per Mcf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 3,000 Mcf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Mcf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 16.75 per month
Commodity Charge - All Mcf	\$ 1.0217 per Mcf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	I - INDUSTRIAL SALES
APPLICABLE TO:	All Cities except the City of Dallas
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 450.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2750 per MMBtu
Next 3,500 MMBtu	\$ 0.2015 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0433 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharge: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION
APPLICABLE TO:	All Cities except the City of Dallas
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 450.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2750 per MMBtu
Next 3,500 MMBtu	\$ 0.2015 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0433 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

Atmos Energy Mid-Tex Division 2011 RRM Settlement Terms
July 19, 2011

- **RRM 4**
 - \$6.6 million increase for steel service line program (undisputed).
 - There shall be no increase in base rates.
 - Rate design changes (R, C, I and T Tariffs attached)
 - \$7.50 residential customer charge (inclusive of \$0.44 for the steel service line program)
 - \$16.75 commercial customer charge (inclusive of \$1.22 for the steel service line program)
 - Consumption charge based on residential volumes of 80,048,320 Mcf and commercial volumes of 51,011,265 Mcf.
 - Report quarterly on the progress of the SSL program, indicating the cumulative services replaced by location and costs incurred, along with a narrative discussion of any problems encountered or departures from budgeted activity levels.
 - Put new tariff into effect on September 1, 2011.
- **Process for Extension of RRM Process**
 - **August 15, 2011**
 - Company and Cities agree on list of issues to review
 - Company and Cities establish working groups for issues that include company representatives, city settlement committee representatives and city consultants and attorneys as necessary
 - Company and Cities agree on meeting schedule for special review period
 - **Special Review Period - September 1 – November 15, 2011**
 - Working groups receive and review information related to identified issues and consider company and consultant recommendations
 - **Negotiation Period - November 15, 2011 – December 15, 2011**
 - Negotiate extension to RRM process with appropriate treatment of items from working groups
 - If no extension to the RRM is reached, the Company will file a Statement of Intent with the cities no sooner than January 15, 2012
 - If an extension to the RRM is reached, the Company will file RRM no sooner than April 1, 2012



Council Agenda Item

Budget Account Code:	Meeting Date: August 29, 2011
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: Carrie Smith
Estimated Cost:	Date Prepared: 8/22/2011
Exhibits:	1) Presentation

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON FUTURE PROCEDURE FOR CONDUCTING THE GENERAL ELECTION TO ELECT MUNICIPAL OFFICERS IN THE CITY OF PARKER.

SUMMARY

I will be giving a brief presentation on SB 100 and the effects it has on all future city elections.

After you review the attached presentation, please contact me with any questions so an answer may be ready for the meeting.

Thank you,
Carrie
csmith@parkertexas.us
972-442-6811

POSSIBLE ACTION

1. Move to hold a May 2012 Election - direct staff to contract with _____ vendor for election equipment and services and adjust proposed FY 2011-2012 budget by adding \$_____ funds to "Election Expenses" line item.
2. Move to direct staff to prepare a Resolution amending the uniform election date to November of each year for election of municipal officers.
3. Move to direct staff to prepare a Resolution un-staggering the terms of municipal officers and amending the uniform election date to May of every odd number year.

4. Move to table

Inter - Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Jeff Klay</i>	Date:	8-26-11

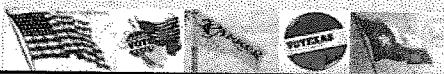
Senate Bill 100

What does it mean for future City elections?



History

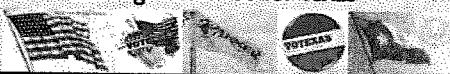
- Prior to 2006 Staff conducted all City elections
- In 2006 the City began contracting with the County to comply with "Help America Vote Act"
- 2012 the City must review how future elections will be conducted to comply with S.B. 100.



Federal “MOVE” Act

Military & Overseas Voter Enhancement Act

- Goal of the “MOVE” Act: To make the voting process easier and faster for military and overseas voters.
- Directly affects the general and primary runoff dates
- Resulting in S.B. 100 for Texas



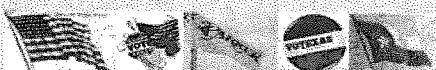
Understanding S.B. 100

- Purpose: To Implement Federal “MOVE” Act
- The Election Code was amended to NOT require a county elections administrator to enter into a contract for election services for elections that are held the second Saturday in May in even number years.



Change to November

- Change elections to November beginning in 2012
- Mayor and two members-at-large would have their current term extended 6-months to end in November
- City election would be added to the ballot for County, State and Federal election



November

Pros	Cons
Higher voter turnout	Possibility voters not voting city ballot due to straight party voters
Cost shared with County and other entities	Hard to educate with publicity
Voter convenience	
Citizens vote in local elections every year	
No election expense in FY 2011-2012	
Continue to contract with County - Cost \$8500 - \$9000	



May Election in Odd Years

- Change term length to hold elections every other May, only in odd numbered years
- Un-stagger seat terms
- The seats with terms expiring in May 2012 would holdover in office until May 2013.



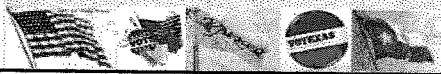
May Election Odd Years

Pros

- Keep the May election date in odd number years
- Reduced election costs since elections would be held only once every two years instead of annually
- No Election expense for FY 2011-2012
- Continue to contract with the County for \$8500 - \$9000

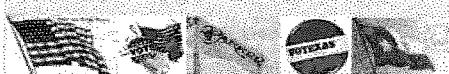
Cons

- Risk of having an entirely new governing body at one time
- Residents only participate in elections every two years



Annual May Elections

- Continue to hold elections each May.
- Rent or purchase the voting machines
- City staff conduct election



Annual May Elections

Pros

- No changes for voters
- Keep current terms

Cons

- Only one early voting location for voters
- Higher election costs
- Availability of voting equipment if renting
- Storage of voting equipment if purchased
- Possibility of purchased equipment becoming de-certified or obsolete
- Additional work load for City staff



Rental Cost Estimates for May 2012

Election Systems & Software (ES&S)

- Different Equipment requiring additional training.
- 4 DREs, programmed, \$4,579 plus shipping cost (estimated \$800).
- Other cost(s) for workers, contingency, and advertising, \$6,997.

TOTAL ESTIMATED COST: \$11,576



Rental Cost Estimates for May 2012

Dominion Voting Systems

- Same supplier that Collin County uses.
- Same equipment voters have used in past elections.
- An office is located in McKinney for more efficient service and no shipping cost.
- 4 DREs, programmed, onsite tech support \$9000
- Other cost(s) for workers, contingency, and advertising, \$6,997.

TOTAL ESTIMATED COST: \$15,997



Cost Estimates for May 2012

Contract with Collin County

- Voters are accustom to the equipment
- Additional early voting locations
- Full Service as provided in the past, **\$20,937**
- Other cost(s) for advertising, **\$1200**
- **TOTAL ESTIMATED COST: \$22,137**



Purchase from Dominion

- Same equipment voters have used in past elections.
- Proposed cost to purchase 4 new DREs with service for first election, **\$10,124**.
- Annual maintenance and programming fees **\$3,000**.
- Other cost(s) for workers, contingency and advertising, **\$6,997**
- **TOTAL ESTIMATED COST: \$17,121**
- Estimated annual cost(s) after initial purchase: **\$9,997**



Purchase from Hart Intercivic

- Hart Intercivic - Purchase
- Does not have rental service, so would have to purchase equipment and pay for services for each election, approximately **\$5,410** per election.
- This would not be the same type equipment that voters have used during past elections.
- Recommend purchase of 2 used and 2 new DREs with a replacement plan.
- Proposed cost to purchase 2 used and 2 new DREs with service for first election, **\$25,916**.
- Other cost(s) for workers, contingency, and advertising, **\$6,997** **TOTAL ESTIMATED COST: \$33,915**
- Estimated annual cost(s) after initial purchase: **\$12,407**



Resources

- TML -
http://www.tml.org/legal_topics/legal_elections.asp





Council Agenda Item

Budget Account Code:	Meeting Date: August 29, 2011
Budgeted Amount:	Department/ Requestor: Councilmembers Sumrow and Marshall
Fund Balance-before expenditure:	Prepared by: Councilmembers Sumrow and Marshall
Estimated Cost:	Date Prepared: 8/22/2011
Exhibits:	1) Amendment to 2010-315 2) Resolution 2010-315 3) References behind Item 11 - City Ordinances and State mandates

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AMENDING
RESOLUTION 2010-315 REGARDING A MEMBER AND OFFICER APPOINTMENT
PROCESSES FOR CITY BOARDS AND COMMISSIONS.

SUMMARY

Proposed changes are highlighted.

POSSIBLE ACTION

- 1) Move to approve amendment
- 2) Move to deny amendment
- 3) Move to change recommended amendments, and approve.

Inter - Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Tiff Play</i>	Date:	8-26-11

RESOLUTION NO. 2010-315 **Amended**
(*Boards and Commissions Membership*)

**A RESOLUTION DEFINING MEMBERSHIP ON BOARDS AND
COMMISSIONS OF THE CITY OF PARKER, COLLIN COUNTY,
TEXAS.**

WHEREAS, the City Council of the City of Parker, Collin County, Texas desires to expand the involvement of residents of the City of Parker on the boards and commissions appointed by the City Council.

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

SECTION 1. Candidate Pool. The Parker City Council will seek to appoint the best qualified candidate to each of the boards and commissions of the City. Candidates may be considered, in the following order, from:

- Board and Commission Alternates currently serving on the board which has a vacancy, who are interested in becoming full board or commission members, and who are in good standing in their current assignment
- Members of other boards or commissions who are interested in transferring to the open board or commission
- Recent board or commission applicants
- Citizens of Parker who are not yet on a board or commission, or who have not submitted an application within the past 12 months

SECTION 2. Simultaneous Membership Prohibition. In order to promote diverse membership among the boards and commissions, no individual resident shall serve on more than one board or commission simultaneously, unless no other qualified candidates are available. If no qualified candidates are immediately available, the City will seek new applicants, through website notifications, announcements at Council, discussions with Board and Commission chairpersons, and through requests of citizens. If, after 30 days of searching, no qualified candidates are available, then an individual who is already serving on one Board or Commission may be appointed to another Board or Commission, with the preferred appointment as an alternate member. However, no one individual shall serve simultaneously as a member on both P&Z and ZBA.

SECTION 3. Interview Process - Each Board will interview, select and present final recommendations to Council, when Board positions are vacant. The following steps will be taken:

- 1) City Staff will screen candidates for basic qualifications (residency, other Board membership in Parker, etc), and will present qualified candidates to each Board.
- 2) Current Board members conduct initial set of interviews, using standard questions, plus any additional they feel are appropriate for each individual

- 3) Current Board members will provide their recommendation to Council
- 4) Recommended appointee will meet with Council answer questions from Council about their candidacy, and have appointment validated, or not.

SECTION 4. Interview Questions. The following questions will be the standard questions for all candidates for Board or Commission positions. These questions are required, but are not exclusive:

- Please provide a brief summary of your background, including professionals, volunteer and community roles you've held. (If you'd like to submit a resume, please do so, but also please give details about municipal experiences you've had.)
- Why did you move to Parker?
- What is your vision for the future of Parker?
- How would you describe the role of a (P&Z, P&R, ZBA) member?
- Please describe your personal style when working on volunteer committees?
- How do you manage conflict or difference of opinion in committee/small group settings?
- Why are you interested in serving on (P&Z, P&R, ZBA)? What changes do you think are needed in Parker?
- Specific to P&Z: What is your philosophy for future development and land use within Parker?
- How do you feel about retail developments within Parker?
- Specific to P&R: What is your philosophy on parks and open spaces within a city?
- Specific to ZBA: What thought process will you use to rule on issues brought to ZBA?

SECTION 4. Officer Appointment process - Board members will appoint Board Officers, according to the pre-defined Officer appointment schedule. The following steps will be taken:

- 1) Board members will review and communication qualifications and responsibilities of each Officer position.
- 2) The current Board Chair will solicit candidates for all open Officer positions, other than the Chair, and will lead discussions with the Board about the qualifications of each candidate. The Board will decide on the candidate and will communicate the appointment to City Staff and Council.
- 3) The Board Vice Chair will solicit candidates for the Board Chair position, and will lead discussions with the Board about the qualifications of each candidate. The Board will decide on the candidate and will communicate the appointment to City Staff and Council.

SECTION 3. This resolution is effective upon its passage.

APPROVED AND ADOPTED this 29th day of August, 2011.

Revised 8/26/2011 7:52 AM

Page 3 of 4

RESOLUTION NO. 2010-315
(Boards and Commissions Membership)

A RESOLUTION DEFINING MEMBERSHIP ON BOARDS AND COMMISSIONS OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS.

WHEREAS, the City Council of the City of Parker, Collin County, Texas desires to expand the involvement of residents of the City of Parker on the boards and commissions appointed by the City Council.

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

SECTION 1. The Parker City Council will seek to appoint the best qualified candidate to each of the boards and commissions of the City. Candidates may be considered, in the following order, from:

- Board and Commission Alternates currently serving on the board which has a vacancy, who are interested in becoming full board or commission members, and who are in good standing in their current assignment
- Members of other boards or commissions who are interested in transferring to the open board or commission
- Recent board or commission applicants
- Citizens of Parker who are not yet on a board or commission, or who have not submitted an application within the past 12 months

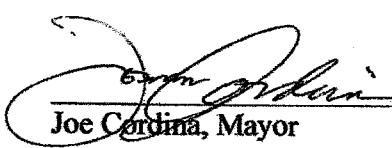
SECTION 2. In order to promote diverse membership among the boards and commissions, no individual resident shall serve on more than one board or commission simultaneously, unless no other qualified candidates are available. If no qualified candidates are immediately available, the City will seek new applicants, through website notifications, announcements at Council, discussions with Board and Commission chairpersons, and through requests of citizens. If, after 30 days of searching, no qualified candidates are available, then an individual who is already serving on one Board or Commission may be appointed to another Board or Commission, with the preferred appointment as an alternate member. However, no one individual shall serve simultaneously as a member on both P&Z and ZBA.

SECTION 3. This resolution is effective upon its passage.

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



APPROVED:



Joe Cordina, Mayor

ATTESTED:

Carrie L. Smith
Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

James E. Shepherd
James E. Shepherd, City Attorney



Council Agenda Item

Budget Account Code:		Meeting Date: August 29, 2011
Budgeted Amount:		Department/ Requestor: Councilmembers Sumrow and Marshall
Fund Balance-before expenditure:		Prepared by: Councilmembers Sumrow and Marshall
Estimated Cost:		Date Prepared: 8/22/2011
Exhibits:	1) Proposed Evaluation Process	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ESTABLISHING A BOARD/COMMISSION EVALUATION PROCESS AND A MEANS OF IMPLEMENTING THE PROCESS.

SUMMARY

- 1) If Council determines that this is a suitable evaluation process, any edits to questions or timing should be discussed.
- 2) Council should discuss the options of City Administrator coordination of responses, or the use of an online survey tool, such as survey monkey, or a survey tool that might be included in the website services for the Parker website.

POSSIBLE ACTION

Move to approve
Move to table
Move to deny

Inter - Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Tiffy May</i>	Date:	8-26-11

City of Parker**Recommendations for a Board Member Evaluation Process****August 16, 2011****Presented by Z Marshall and Allison Sumrow****Evaluation Process**

Peer evaluations will be conducted once a year, one month before the end of the appointment. Completed evaluations will be given to the City Administrator, or done through the use of an online service tool. The information will be consolidated for each Board Member, and a summary of evaluation ratings will be provided to Council and to the Board Members. (Specific feedback by individual will not be released, to ensure confidentiality, and fairness and openness in the evaluation process.) Evaluations will be available to the Board for use in appointing Officers, and will be available to Council.

Date of Evaluation:**Board:****Board Member:****Evaluator:**

	Considerations	Yes	Somewhat	No
1	Member has full understanding of the roles and responsibilities of the Commission			
2	Member understand the mission of the City of Parker			
3	Member is well informed on issues that are brought to the Commission			
4	Member provides thoughtful commentary and insight on current issues.			
5	Member works well with others, respecting individual opinions and mitigating unproductive conflict.			
6	Member effectively represents the concerns of the community.			
7	Member's attendance is acceptable.			
8	Member works on Commission business outside of meetings and contributes to the overall success of the Commission.			
9	Member is a valuable asset to the Commission and to the City of Parker.			
10	For Officers: Member displays appropriate and effective leadership skills.			

To ensure the effectiveness of the Commission:

1) Member should continue with these actions or behaviors:

2) Member should stop these actions or behaviors:



Council Agenda Item

Budget Account Code:	Meeting Date: August 29, 2011
Budgeted Amount:	Department/ Requestor: Councilmember Sumrow and Marshall
Fund Balance-before expenditure:	Prepared by: Councilmember Sumrow and Marshall
Estimated Cost:	Date Prepared: 8/22/2011
Exhibits:	1) Proposed Roles and Duties a. Planning and Zoning Commission b. Parks and Recreation Commission c. Zoning Board of Adjustments 2) References : City Ordinances and State Mandates

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION DEFINING ROLES AND DUTIES OF BOARD AND COMMISSION MEMBERS.

SUMMARY

After discussion in Council as to the general content of the Position Descriptions, and the process, edits will be made, and then Staff will send the respective position description to each Commission/Board Chair, and ask for verification of the information included, and ask for duties of Officers, if not already included. Council wants these returned by the end of September.

The intention of this is not to change the roles and responsibilities of any Board or Commission member for the roles and responsibilities identified in city ordinances and state mandates. The goal is to provide a brief, simple overview of roles and responsibilities than can be used as a general guide when recruiting Board or Commission members.

POSSIBLE ACTION

Inter-Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Tiffy May</i>	Date:	8-26-11

Position Description
City of Parker
Planning and Zoning Commission Member

The primary responsibility of the Planning and Zoning Commission (P&Z) is to advise the City Council, City staff and other agencies and boards on matters affecting community development. In particular, the responsibilities include: recommending boundaries for original zoning districts and appropriate zoning regulations for each district, as well as making preliminary reports and hold public hearings to understand the concerns and desires of citizens, and reflect the best interests of the community.

1. **Community planning.** P&Z may prepare a plan to present to City Council for the future growth and build out of the City, preserving open space, but allowing for development and growth.
2. **Land use regulations.** P&Z may draft and recommend the adoption or amendment of land use regulations to the City Council.
3. **Review subdivisions.** P&Z may approve, conditionally approve or disapprove subdivision plans for the purpose of providing for the orderly and wise development of the City.
4. **Review site plans.** P&Z may review and approve, approve with modifications or disapprove site plans according to standards set forth in this chapter
5. **Official Map.** P&Z shall review and make a recommendation to the City Council to change or add to the Official Map of the City.
6. **Report on referred matters.** P&Z may report on all matters referred to it by the Zoning Board of Appeals and the City Council, including proposed amendments to this chapter.
7. **Attend Training as required.**
8. **Special permits.** After public notice and hearing, proof of receipt of all applicable permits, and after taking into consideration the public health, safety and general welfare and subject to appropriate conditions and safeguards, a special permit may be granted

Duties of the Chair (and Vice Chair)

- To preside at all meetings of the commission and to preserve order and enforce required commission procedures and Roberts Rules of Order
- To submit such recommendations and information that would be considered proper concerning the business and procedure of the commission
- To act as spokesperson for the commission
- To encourage active discussion of all items brought before the commission

Duties of the Commissioner

Nothing in this position description shall be intended to supersede LGC Sec. 211.007, which takes primacy in any dispute or interpretation over duties of officers or members of the Planning and Zoning Commission.

**Position Description
City of Parker
Planning and Zoning Commission Member**

- Participate in the processing and initiating of zoning cases at the request of property owners and/or their representatives with respect to individual zoning cases
- Participate in zoning cases at the request or approval of the City Council
- Hearing, recommending and/or determining any matter relating to planning or subdivision control as may be specified by the subdivision ordinance or other applicable law
- Perform other such duties as may from time to time be assigned by the City Council



Nothing in this position description shall be intended to supersede LGC Sec. 211.007, which takes primacy in any dispute or interpretation over duties of officers or members of the Planning and Zoning Commission.

Position Description
City of Parker
Parks and Recreation Commission Member

The primary responsibility of the Parks and Recreation Commission (P&R) is to advise the City Council, City staff and other agencies and boards on matters affecting the Preserve and other open spaces in Parker. In particular, the responsibilities include:

1. Provide direction on a Master Plan for the open spaces, to include nature areas, trails, historical areas, public gardens and public recreational activity spaces.
2. Review current parks and recreation programs and facilities to determine additional needs, and submit recommendations pertaining to parks and recreation guidelines, policies, facilities, or user fees, if any, to the Council.
3. Provide and gather public input on parks and recreation related long-range plans.
4. Review all parks and recreation-related matters submitted to the Board by the Council
5. Make recommendations to the Council on operating and capital budget needs as well as fees and charges, and monitor the recreation and parks budget throughout the year.
6. Promote maximum utilization of parks, recreation facilities and programs.
7. Attend training, as required.
8. Enhance the quality of the leisure life of all county residents through parks and recreation programs and services

Officer Duties

Chairman:

- Plan agendas
- Conduct regular meetings
- Lead annual strategic planning process
- Plan and submit agenda to City Staff
- Function as first line of communication with City Staff and Council
- Present to Council as required
- Submit articles to City Newsletter and content to City website.

Co - Chairman:

- Fill in for Chair when needed
- Participate in planning sessions with Chair and Secretary
- Review agendas and minutes
- Oversee P&R Sub-committees
- Work with Council Liaison

Nothing in this position description shall be intended to supersede Parker Code of Ordinance § 97.05, which takes primacy in any dispute or interpretation over duties of officers or members of the Parks and Recreation Commission.

**Position Description
City of Parker
Parks and Recreation Commission Member**

Secretary:

- Record minutes at meetings
- Develop grant applications
- Assist Chair and/or Co-Chair with assigned sub-committees
- Participate in planning sessions with Chair and Co-Chair

Finance/Budget:

- Develops Grant Applications
- Monitors fiscal budget for City Council
- Keeps Commission informed of expenses and budget items



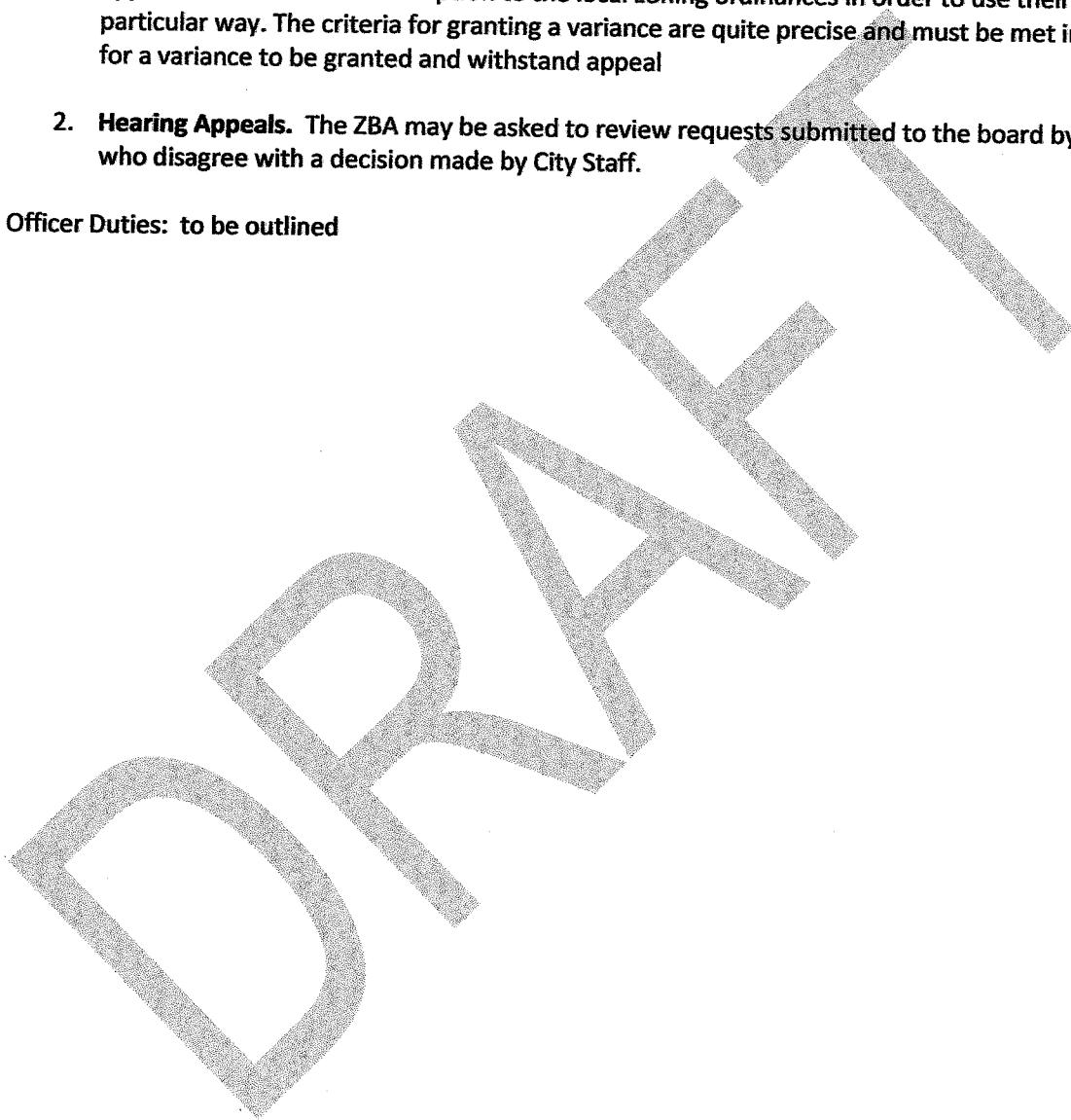
Nothing in this position description shall be intended to supersede Parker Code of Ordinance § 97.05, which takes primacy in any dispute or interpretation over duties of officers or members of the Parks and Recreation Commission.

**Position Description
City of Parker
Zoning Board of Adjustments Member**

The primary responsibility of the Zoning Board of Adjustment (ZBA) is to adjudicate on matters where citizens seek exemptions from local zoning regulations. Decisions of the ZBA are binding, and can only be appealed through the Court system.

- 1. Granting variances.** The ZBA will review requests for variances submitted to the Board by applicants who want an exemption to the local zoning ordinances in order to use their land in a particular way. The criteria for granting a variance are quite precise and must be met in order for a variance to be granted and withstand appeal
- 2. Hearing Appeals.** The ZBA may be asked to review requests submitted to the board by residents who disagree with a decision made by City Staff.

Officer Duties: to be outlined



Nothing in this position description shall be intended to supersede LGC Sec 211.008, which takes primacy in any dispute or interpretation over duties of officers or members of the Zoning Board of Adjustment.

PLANNING AND ZONING COMMISSION

LGC Sec. 211.007. ZONING COMMISSION.

(a) To exercise the powers authorized by this subchapter, the governing body of a home-rule municipality shall, and the governing body of a general-law municipality may, appoint a zoning commission. The commission shall recommend boundaries for the original zoning districts and appropriate zoning regulations for each district. If the municipality has a municipal planning commission at the time of implementation of this subchapter, the governing body may appoint that commission to serve as the zoning commission.

(b) The zoning commission shall make a preliminary report and hold public hearings on that report before submitting a final report to the governing body. The governing body may not hold a public hearing until it receives the final report of the zoning commission unless the governing body by ordinance provides that a public hearing is to be held, after the notice required by

LGC Section 211.006

(a), jointly with a public hearing required to be held by the zoning commission. In either case, the governing body may not take action on the matter until it receives the final report of the zoning commission.

(c) Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice shall be given in the manner provided by Section 211.006(a).

(d) The governing body of a home-rule municipality may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the governing body and the zoning commission. If notice requirements are prescribed under this subsection, the notice requirements prescribed by Subsections (b) and (c) and by Section 211.006(a) do not apply.

(e) If a general-law municipality exercises zoning authority without the appointment of a zoning commission, any reference in a law to a municipal zoning commission or planning commission means the governing body of the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

PLANNING AND ZONING COMMISSION

Parker Code of Ordinance § 150.02 PLANNING AND ZONING COMMISSION.

(A) *Places.* The Planning and Zoning Commission for the city shall consist of 5 members appointed by a majority of the City Council. Each member shall serve in a place designated by the Council. Places 1, 3, and 5 shall have two-year terms commencing June 1 of odd numbered years. Places 2 and 4 shall have two-year terms expiring in even numbered years on June 1. Upon the passage of this section, the Council may designate, or re-designate, current members, and/or any members to be appointed, into each place, with the appropriate provisions as to the fulfillment of any unexpired terms. Unless otherwise designated by the City Council, the Commission member serving in a designated place upon the passage of this section continues in that place through June of the even, or odd, year for that place. All members of the Commission continue to serve until their successors are appointed and qualified; save and except when a member resigns, in writing. Such resignation shall be effective the date of its receipt by the City Secretary.

(B) *Alternates.* A majority of the City Council may appoint 1, 2, or 3 alternates to the Planning and Zoning Commission. The terms of the alternates will be one-year terms, unless specifically set at the time of the appointment of the alternate as a two-year term. An alternate may be reappointed at the discretion of the Council. Regardless of the term assigned to the alternate, the City Council may remove an alternate with or without cause at any time. Terms of alternates commence June 1. All alternates continue to serve until their successors are appointed and qualified; save and except when a member resigns in writing. Alternate members shall be classified as members for all purposes other than regular voting.

(C) *Officers.* The City Council shall select members of the Planning and Zoning Commission to serve as Chairman, Vice Chairman, and Secretary. An Assistant Secretary, who need not be a member of the Commission, may also be appointed. Each member of the Planning and Zoning Commission shall be a resident citizen of the city, and shall possess all qualifications necessary to register to vote in a municipal election of the city.

(D) *Quorum.* Any 3 members (including alternate members) shall constitute a quorum for the transaction of business. The affirmative vote of a majority of those attending any meeting at which there is a quorum present shall be necessary to pass any motion, recommendation or resolution of the Commission.

(E) *Duties generally.*

(1) The Commission shall, from time to time, either at its discretion or as requested by the City Council, submit its reports, plans and recommendations for the orderly growth, development and welfare of the city in accordance with Tex. Local Gov't Code Article 211.007.

(2) The Commission shall also perform other duties as may be presented by the Council, ordinance or state law, as follows:

(a) To recommend the boundaries of the various districts and appropriate regulations to be enforced therein under the Comprehensive Zoning Ordinance, the ordinances of the city or the laws of the state, to the City Council and to recommend approval or denial of zoning changes, and regulations under this chapter, the ordinances of the city or the laws of the state.

(b) To hear, recommend or determine any matter relating to zoning, planning or subdivision control as may be specified or required under the Comprehensive Zoning Ordinance, the ordinances of the city, or the laws of the state.

(c) To exercise such duties and powers as may be now or hereafter conferred by the Comprehensive Zoning Ordinance, the ordinances of the city, or applicable laws of the state.

(d) To determine the classification of any use, new or otherwise not listed or identified within the Comprehensive Zoning Ordinance for the purpose of establishing the appropriate zoning district into which such use should be placed, the applicability of the parking standards, or any other regulations of the Comprehensive Zoning Ordinance may be applied to such use.

(F) *Advisory opinions.* All actions by the Planning and Zoning Commission are advisory in nature to the City Council. The City Council does specifically reserve and require that final approval of preliminary and final plats require City Council action. The City Council may, in any zoning or plat review, specifically delegate final approval of any specific action on specific zoning and/or plat applications, such as landscape, drainage, trail, thoroughfare, or other specific plans, to the Planning and Zoning Commission.

PLANNING AND ZONING COMMISSION

(G) *Removal from office; vacancies.* Any member of the Commission may be removed from office for any cause deemed by the City Council to be sufficient for removal of the member. If a vacancy should exist in the Commission membership due to removal from office, resignation, death, refusal or inability to serve, the City Council shall appoint a new member to fill the vacancy for the unexpired term.

(H) *Attendance.* Three consecutive absences that are not excused by the Commission, or the absence of a regular member from more than 25% of the meetings in any six-month period, shall cause the Commission to review the attendance record of the member and make a recommendation to the City Council on the need, or lack of need, to appoint a replacement member.

(I) *Meetings.*

(1) All meetings of the Commission shall be open to the public, subject to the Texas Open Meetings Act, Tex. Gov't Code, Chapter 551. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed in the office of the Planning Department and shall be a public record. The City Secretary shall be the custodian and possessor of the record and minutes of the Commission.

(2) Meetings of the Commission may be held as often as necessary to conduct the business coming before the Commission at the call of the Chairperson and at such other times as the Commission may determine.

(Ord. 557, passed 7-13-2004)

ORDINANCE NO. 557

AN ORDINANCE OF THE CITY OF PARKER, TEXAS, AMENDING THE CITY ORDINANCES REGARDING THE PLANNING AND ZONING COMMISSION OF THE CITY OF PARKER, INCLUDING, BUT NOT LIMITED TO, ORDINANCES NUMBER 135, 145, 228, AND 465; AMENDING, CONSOLIDATING, AND REVOKING THE PROVISIONS OF SUCH PRIOR ORDINANCES AS SET FORTH BELOW; AND PROVIDING AN EFFECTIVE DATE, AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the City of Parker has determined that codification of its ordinances will help eliminate repetitive or conflicting provisions of the City's ordinances, and

WHEREAS, some portions of the City's ordinances with regard to the Planning and Zoning Commission are either in conflict, or in need of modification;

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

SECTION 1. Enactment. All or any portion of the ordinances of the City of Parker, Texas, in conflict with the terms and provisions of this Ordinance are revoked, effective the date of passage of this Ordinance. Ordinances 135, 145, 228 and 465 are revoked on the effective date of this Ordinance.

SECTION 2. Places. The Planning and Zoning Commission for the City of Parker shall consist of five members appointed by a majority of the City Council. Each member shall serve in a place designated by the Council. Places 1, 3, and 5 shall have two year terms commencing June 1st of odd numbered years. Places 2 and 4 shall have two year terms expiring in even numbered years on June 1st. Upon the passage of this Ordinance, the Council may designate, or redesignate, current members, and/or any members to be appointed, into each Place, with the appropriate provisions as to the fulfillment of any unexpired terms. Unless otherwise designated by the City Council, the Commission member serving in a designated Place upon the passage of this Ordinance continues in that Place through June of the even, or odd, year for that Place. All members of the Commission continue to serve until their successors are appointed and qualified; save and except when a member resigns, in writing. Such resignation shall be effective the date of its receipt by the City Secretary.

SECTION 3. Alternates. A majority of the City Council may appoint one, two, or three alternates to the Planning and Zoning Commission. The terms of the alternates will be one year terms, unless specifically set at the time of the appointment of the alternate as a two year term. An alternate may be reappointed at the discretion of the Council. Regardless of the term assigned to the alternate, the City Council may remove an alternate with or without cause at any time. Terms of alternates commence June 1st. All alternates continue to serve until their

successors are appointed and qualified; save and except when a member resigns in writing. Alternate members shall be classified as members for all purposes other than regular voting.

SECTION 4. Officers. The City Council shall select members of the Planning and Zoning Commission to serve as chairman, vice chairman, and secretary. An assistant secretary, who need not be a member of the commission, may also be appointed. Each member of the Planning and Zoning Commission shall be a resident citizen of the City of Parker, and shall possess all qualifications necessary to register to vote in a municipal election of the City.

SECTION 5. Quorum. Any three members (including alternate members) shall constitute a quorum for the transaction of business. The affirmative vote of a majority of those attending any meeting at which there is a quorum present shall be necessary to pass any motion, recommendation or resolution of the Commission.

SECTION 6. Duties generally.

(A) The Commission shall, from time to time, either at its discretion or as requested by the City Council, submit its reports, plans and recommendations for the orderly growth, development and welfare of the city in accordance with Article 211.007 of the Tex. Local Govt. Code.

(B) The Commission shall also perform other duties as may be prescribed by the Council, ordinance or state law, as follows:

(1) To recommend the boundaries of the various districts and appropriate regulations to be enforced therein under the Comprehensive Zoning Ordinance, the ordinances of the City or the laws of the State, to the City Council and to recommend approval or denial of zoning changes and regulations under this subchapter, the ordinances of the City or the laws of the State;

(2) To hear, recommend or determine any matter relating to zoning, planning or subdivision control as may be specified or required under the Comprehensive Zoning Ordinance, the ordinances of the City, or the laws of the State;

(3) To exercise such duties and powers as may be now or hereafter conferred by the Comprehensive Zoning Ordinance, the ordinances of the City, or applicable laws of the State;

(4) To determine the classification of any use, new or otherwise not listed or identified within the Comprehensive Zoning Ordinance for the purpose of establishing the appropriate zoning district into which such use should be placed, the applicability of the parking standards, or any other regulations of the Comprehensive Zoning Ordinance may be applied to such use.

SECTION 7. Advisory Opinions. All actions by the Parker Planning and Zoning Commission are advisory in nature to the City Council. The City Council does specifically reserve and require that final approval of preliminary and final plats require City Council action. The City Council may, in any zoning or plat review, specifically delegate final approval of any specific action on specific zoning and/or plat applications, such as landscape, drainage, trail, thoroughfare, or other specific plans, to the planning and zoning commission.

SECTION 8. Removal from office; vacancies. Any member of the Commission may be removed from office for any cause deemed by the City Council to be sufficient for removal of said member. If a vacancy should exist in the Commission membership due to removal from office, resignation, death, refusal or inability to serve, the City Council shall appoint a new member to fill the vacancy for the unexpired term.

SECTION 9. Attendance. Three consecutive absences that are not excused by the Commission, or the absence of a regular member from more than 25 percent of the meetings in any six-month period, shall cause the Commission to review the attendance record of the member and make a recommendation to the City Council on the need, or lack of need, to appoint a replacement member.

SECTION 10. Meetings.

(A) All meetings of the Commission shall be open to the public, subject to the Texas open Meetings Act, Chapter 551 of the Tx. Govt. Code. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed in the office of the planning department and shall be a public record. The City Secretary shall be the custodian and possessor of the record and minutes of the Commission.

(B) Meetings of the Commission may be held as often as necessary to conduct the business coming before the Commission at the call of the Chairperson and at such other times as the Commission may determine.

SECTION 11. Severability Clause. If any word, phrase, paragraph, section or portion of this ordinance is held to be illegal, invalid or unenforceable, the legality, validity and enforceability of the remaining portions of the ordinance shall not be affected thereby, and each such illegal, invalid or unenforceable word, phrase, paragraph, section or portion shall not affect the ordinance as a whole.

SECTION 12. Effective Date. This Ordinance shall take effect immediately from and after its passage, as the law in such case provides.

DULY PASSED by the City Council of the City of Parker, Texas, on the _____ day of July, 2004.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney

July, 2004. DULY PASSED by the City Council of the City of Parker, Texas, on the 13 day of

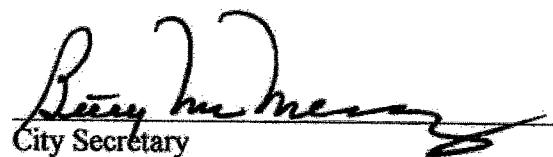
APPROVED:



Mayor



ATTEST:



City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney

BOARD OF ADJUSTMENT

LGC Sec. 211.008. BOARD OF ADJUSTMENT.

(a) The governing body of a municipality may provide for the appointment of a board of adjustment. In the regulations adopted under this subchapter, the governing body may authorize the board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.

(b) A board of adjustment must consist of at least five members to be appointed for terms of two years. The governing body must provide the procedure for appointment. The governing body may authorize each member of the governing body, including the mayor, to appoint one member to the board. The appointing authority may remove a board member for cause, as found by the appointing authority, on a written charge after a public hearing. A vacancy on the board shall be filled for the unexpired term.

(c) The governing body, by charter or ordinance, may provide for the appointment of alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.

(d) Each case before the board of adjustment must be heard by at least 75 percent of the members.

(e) The board by majority vote shall adopt rules in accordance with any ordinance adopted under this subchapter.

Meetings of the board are held at the call of the presiding officer and at other times as determined by the board. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

(f) The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.

(g) The governing body of a Type A general-law municipality by ordinance may grant the members of the governing body the authority to act as a board of adjustment under this chapter.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 126, Sec. 1, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 724, Sec. 1, eff. Aug. 28, 1995; Acts 1997, 75th Leg., ch. 363, Sec. 1, eff. Sept. 1, 1997.

LGC Sec. 211.009. AUTHORITY OF BOARD.

(a) The board of adjustment may:

(1) hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this subchapter or an ordinance adopted under this subchapter;

(2) hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;

(3) authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done; and

BOARD OF ADJUSTMENT

(4) hear and decide other matters authorized by an ordinance adopted under this subchapter.

(b) In exercising its authority under Subsection (a)(1), the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official.

(c) The concurring vote of 75 percent of the members of the board is necessary to:

- (1) reverse an order, requirement, decision, or determination of an administrative official;
- (2) decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or
- (3) authorize a variation from the terms of a zoning ordinance.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 126, Sec. 2, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 724, Sec. 2, eff. Aug. 28, 1995.

BOARD OF ADJUSTMENT

Parker Code of Ordinance § 156.67 BOARD OF ADJUSTMENT.

(A) Establishment. There is hereby created a Board of Adjustment which shall be organized, appointed, and function as follows.

(B) Organization.

(1) The Board of Adjustment shall consist of 5 members who are residents of the city, each to be appointed by resolution of the City Council for a term of 2 years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made. The City Council may provide for the appointment of 2 alternate members of the Board who shall serve in the absence of 1 or more of the regular members when requested to do so by the Mayor or City Secretary, as the case may be. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of 4 members. The alternate members, when appointed, shall serve for a term of 2 years, and any vacancy shall be filled in the same manner, and they shall be subject to removal the same as the regular members.

(2) The person acting as Ordinance Administrator for the city shall be an ex-officio member of the Board of Adjustment without power of vote, and as an ex-officio member of the Board shall set up and maintain a separate file for each application for appeal and variance received and shall record therein the names and addresses of all persons, firms, and corporations to whom notices are mailed, including the date of mailings and the person by whom the notices were delivered to the mailing clerk, post office, or mail box, and further keep a record of all notices published as required herein. All records and files herein provided for shall be permanent and official files and records of the city.

(3) The Board shall forthwith notify in writing the City Council, the Commission, and the City Building Inspector of each decision, interpretation, and variance granted under the provisions of this chapter.

(C) Operational procedure.

(1) The Board of Adjustment shall adopt rules to govern its proceedings; provided, however, that the rules are not inconsistent with this chapter or state law. Meetings of the Board shall be held at the call of the chairperson and at other times as the Board may determine. The chairperson, or in his or her absence, the acting chairperson, may administer oath and compel the attendance of witnesses.

(2) All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall keep record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(3) Appeals to the Board may be made in writing by any person aggrieved or by any municipal officer, department, or board affected by any decision of the Administrator. The appeal shall be filed with the Board by the Administrator within 15 days after the original decision rendered by the Administrator. The appeal shall be accompanied by all papers constituting the record pertaining to that appeal. Formal notice of the appeal shall be issued by the Administrator, this notice to specify the grounds upon which the appeal is made.

(4) Appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certified to the Board, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In these cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(5) Upon notice of appeal being given to the Administrator and before the appeal shall be construed as having been perfected, the applicant must file with the notice of appeal to the Board an amount of money estimated by Administrator to be sufficient to mail and publish all notices required herein, that amount in no case to be less than \$25.

(6) No appeal to the Board for the same or related variance on the same piece of property shall be allowed prior to the expiration of 6 months from the previous ruling by the Board on any appeal to that body unless other property in the immediate vicinity has, within that 6-month period, been changed or acted on by the Board or City Council so as to alter the facts and conditions on which the previous Board action was based. Such a change of circumstances shall permit the rehearing of an appeal by the Board prior to the expiration of the 6-month period, but those conditions shall in no wise have any force in law to compel the

BOARD OF ADJUSTMENT

Board, after a hearing, to grant a subsequent appeal. The subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.

(7) At a public hearing relative to any appeal, any interested party may appear in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the Board on any appeal. Any variance granted or authorized by the Board under the provisions of this chapter shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of 180 days from the date of the favorable action of the Board, unless the Board shall have in its action approved a longer period of time and has so shown that specific longer period of time in the minutes of its action. If the building permit or certificate of occupancy shall not have been applied for within the 180-day period or extended period as the Board may have specifically granted, then the variance shall be deemed to have been waived and all rights there under terminated. This termination and waiver shall be without prejudice to a subsequent appeal, and the subsequent appeal shall be subject to the same regulations and requirements for hearing as herein specified for the original appeal.

(D) Actions of the Board.

(1) In exercising its powers, the Board of Adjustment may, on conformity with the provisions of the statutes of this state as existing or hereafter amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such an order, requirement, decision, or determination as ought to be made, and shall have all the powers of the officer from whom the appeal is taken. The Board shall have the power to impose reasonable conditions to be complied with by the applicant.

(2) The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variance in this chapter.

(3) Any person or persons, jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, or board of the municipality, may present to a court of record (district court) a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of illegality. The petition shall be presented to the court within 10 days after the filing of the decision in the office of the Board and not thereafter.

(E) Notice of hearing before the Board required. The Board of Adjustment shall hold a public hearing on all appeals made to it, and written notice of the public hearing shall be sent to the applicant and all other persons who are owners of real property lying within 200 feet of the property on which the appeal is made. This notice shall be given not less than 10 days nor more than 30 days before the date set for the hearing to all above-mentioned owners who have rendered their property for city taxes as the ownership appears on the last city tax roll. The notice may be served by depositing the same, properly addressed and postage paid, in the U.S. post office. Notice shall be given by publishing the same in official publication of the city at least 10 days and not more than 30 days prior to the date set for the hearing, which shall state the time and place of the hearing.

(F) Authority of the Board.

(1) A variance is an authorization by the Board of Adjustment granting relief and doing substantial justice in the use of the applicant's property by a property owner where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship.

(2) When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following variances to the regulations herein established and take action relative to the continuance or discontinuance of a nonconforming use.

(3) (a) A variance may be granted an applicant when the Board finds:

1. There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to that land or building and do not apply generally to lands or buildings in the same district or neighborhood, and that those circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land or building;

BOARD OF ADJUSTMENT

2. The granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located;
3. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
4. The literal enforcement and strict application of the provisions of this chapter will result in an unnecessary hardship inconsistent with the general provisions and intent of this chapter, and in granting the variance the spirit of the chapter will be preserved and substantial justice done.

(b) The Board may, after public notice and hearing and subject to the conditions and safeguards herein contained, vary or adapt the strict application of any of the terms of this chapter under the power and authority herein granted.

(c) In granting any variance under the provisions of this chapter, the Board may designate conditions in connection therewith which, in its opinion, will secure substantially the purpose and intent of this chapter.

(4) The Board may:

- (a) Hear and decide appeals where it is alleged there is error on any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter;
- (b) Interpret the intent of the Zoning Map where uncertainty exists because the physical features on the ground vary from those on the Zoning Map and none of the rules set forth herein apply;
- (c) Initiate on its motion, or cause to be presented by interested property owners, action to bring about the discontinuance of a nonconforming structure or use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this chapter;
- (d) Permit the change of occupancy from 1 nonconforming use to another nonconforming use when the extent of the second nonconforming use is found to be less detrimental to the environment than the first;
- (e) Permit the enlargement of a nonconforming use only when the enlargement will not prolong the life of the nonconforming use. A specific period of time for the return to conformity can be required;
- (f) Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by that building; provided the reconstruction does not, in the judgment of the Board, prevent the return of the property to a conforming use or increase the nonconformity of a nonconforming structure;
- (g) Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated, or substandard; and
- (h) Permit variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, or off-street loading regulations where the literal enforcement of the provisions of this chapter would result in an unnecessary hardship, and where the variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such a restricted area, shape, or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standard established by this chapter shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall a modification be granted to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land in the district.

(G) Appeals from the Board. Any person or persons, or any board, taxpayer, department, board, or bureau of the city aggrieved by any decision of the Board of Adjustment, may seek review by a court of record of that decision, in the manner provided by the laws of this state.

(Ord. 483, passed 6-6-2000; Am. Ord. 604, passed 10-10-2006) Penalty, see § 156.99

Parker Code of Code of Ordinance § 156.68 APPEALS; BOARD AND COUNCIL RESPONSIBILITIES.

(A) It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Ordinance Administrator in writing and that these questions shall be presented to the Board only on appeal from the decision of Ordinance Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law.

BOARD OF ADJUSTMENT

(B) It is further the intent of this chapter that the duties of the City Council in connection with this chapter shall not include hearing and deciding questions of interpretation that may arise. The procedure for deciding those questions are stated herein.

(C) Under this chapter, the City Council shall have only the following duties:

- (1) Considering and adopting or rejecting proposed amendments or the repeal of this chapter, as provided by law;
- (2) Establishing a schedule of fees and charges as stated in § 156.69 below;
- (3) Appointing members of a Board and designating an Ordinance Administrator; and
- (4) Hearing appeals on and approving or rejecting special use permits.

(Ord. 483, passed 6-6-2000)

BOARD OF ADJUSTMENT

LGC Sec. 211.008. BOARD OF ADJUSTMENT.

(a) The governing body of a municipality may provide for the appointment of a board of adjustment. In the regulations adopted under this subchapter, the governing body may authorize the board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.

(b) A board of adjustment must consist of at least five members to be appointed for terms of two years. The governing body must provide the procedure for appointment. The governing body may authorize each member of the governing body, including the mayor, to appoint one member to the board. The appointing authority may remove a board member for cause, as found by the appointing authority, on a written charge after a public hearing. A vacancy on the board shall be filled for the unexpired term.

(c) The governing body, by charter or ordinance, may provide for the appointment of alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.

(d) Each case before the board of adjustment must be heard by at least 75 percent of the members.

(e) The board by majority vote shall adopt rules in accordance with any ordinance adopted under this subchapter.

Meetings of the board are held at the call of the presiding officer and at other times as determined by the board. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

(f) The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.

(g) The governing body of a Type A general-law municipality by ordinance may grant the members of the governing body the authority to act as a board of adjustment under this chapter.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 126, Sec. 1, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 724, Sec. 1, eff. Aug. 28, 1995; Acts 1997, 75th Leg., ch. 363, Sec. 1, eff. Sept. 1, 1997.

LGC Sec. 211.009. AUTHORITY OF BOARD.

(a) The board of adjustment may:

(1) hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this subchapter or an ordinance adopted under this subchapter;

(2) hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;

(3) authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would

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result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done; and

(4) hear and decide other matters authorized by an ordinance adopted under this subchapter.

(b) In exercising its authority under Subsection (a)(1), the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official.

(c) The concurring vote of 75 percent of the members of the board is necessary to:

(1) reverse an order, requirement, decision, or determination of an administrative official;

(2) decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or

(3) authorize a variation from the terms of a zoning ordinance.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 126, Sec. 2, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 724, Sec. 2, eff. Aug. 28, 1995.

ORDINANCE NO. 604
(Amending Ordinance No. 483—Term of ZBA Alternate to One Year)

**AN ORDINANCE OF THE CITY OF PARKER, TEXAS,
AMENDING ORDINANCE NO. 483 (SECTION 156.67B.1 OF THE
CODE OF ORDINANCE) AMENDING THE TERM OF A ZBA
ALTERNATE FROM TWO YEARS TO ONE YEAR; PROVIDING
A SEVERABILITY CLAUSE; PROVIDING A REPEALER
CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Parker has determined that the term of alternates for the Zoning Board of Adjustment (ZBA) should be amended from two years to one year;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF PARKER, COLLIN COUNTY, TEXAS as follows:**

SECTION 1 *Amending Term.* Ordinance No. 483, codified as Section 156.67B.1 of the Code of Ordinances of the City of Parker, is modified to amend the term of a Zoning Board of Adjustment alternate from two years to one year. All members of the ZBA, both regular members and alternate members, serve at the pleasure of the City Council.

SECTION 2 *Severability.* That should any word, phrase, paragraph, section or portion of this ordinance be held to be illegal, invalid or unenforceable, the legality, validity and enforceability of the remaining portions of the ordinance shall not be affected thereby, and each such illegal, invalid or unenforceable word, phrase, paragraph, section or portion shall not affect the ordinance as a whole.

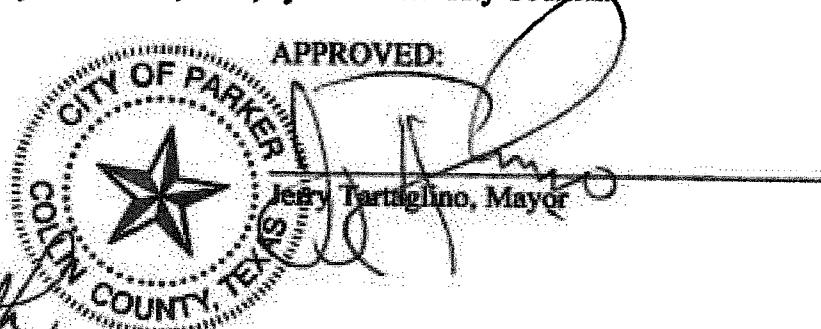
SECTION 3 *Repealer.* That all provisions of the ordinances of the City of Parker in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Parker not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4 *Effective Date.* This Ordinance shall take effect upon its adoption by the City Council.

ADOPTED this 10th day of October, 2006, by the Parker City Council.

ATTEST:

Carrie O. Smith
Carrie Smith, City Secretary



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SECTION 18. BOARD OF ADJUSTMENT

THERE IS HEREBY CREATED A BOARD OF ADJUSTMENT WHICH SHALL BE ORGANIZED, APPOINTED AND FUNCTION AS FOLLOWS:

A. ORGANIZATION OF BOARD OF ADJUSTMENT

1. The Board of Adjustment shall consist of five (5) members who are residents of the City, each to be appointed by resolution of the City Council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause in the same manner as the original appointment was made. The City Council may provide for the appointment of two (2) alternate members of the Board who shall serve in the absence of one (1) or more of the regular members when requested to do so by the Mayor or City Secretary, as the case may be. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of four (4) members. The alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years; and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.
2. The person acting as Ordinance Administrator for the City shall be an ex-officio member of the Board of Adjustment without power of vote and as an ex-officio member of such Board shall set up and maintain a separate file for each application for appeal, and variance received and shall record therein the names and addresses of all persons, firms and corporations to whom notices are mailed, including the date of mailings and the person by whom such notices were delivered to the mailing clerk, Post Office or mail box and further keep a record of all notices published as required herein. All records and files herein provided for shall be permanent and official files and records of the City.
3. The Board shall forthwith notify in writing the City Council, the Commission and the City Building Inspector of each decision, interpretation and variance granted under the provisions of this ordinance.

B. OPERATIONAL PROCEDURE

1. The Board shall adopt rules to govern its proceedings provided however that such rules are not inconsistent with this ordinance or State Law. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oath and compel the attendance of witnesses.
2. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions all of which shall be immediately filed in the office of the Board and shall be a public record.
3. Appeals to the Board may be made in writing by any person aggrieved or by any municipal officer, department, or board affected by any decision of the Administrator.

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Such appeal shall be filed with the Board by the Administrator within fifteen (15) days after the original decision rendered by the Administrator. The appeal shall be accompanied by all papers constituting the record pertaining to such appeal. Formal notice of the appeal shall be issued by the Administrator, such notice to specify the grounds upon which the appeal is made.

4. Appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certified to the Board after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
5. Upon notice of appeal being given to the Administrator and before such appeal shall be construed as having been perfected, the applicant must file with such notice of appeal to the Board an amount of money estimated by Administrator to be sufficient to mail and publish all notices required herein, such amount in no case to be less than twenty-five (\$25.00) dollars.
6. No appeal to the Board for the same or related variance on the same piece of property shall be allowed prior to the expiration of six (6) months from the previous ruling by the Board on any appeal to such body unless other property in the immediate vicinity has, within the said six (6) months period, been changed or acted on by the Board or City Council so as to alter the facts and conditions on which the previous Board action was based. Such change of circumstances shall permit the rehearing of an appeal by the Board prior to the expiration of six (6) months period, but such conditions shall in no wise have any force in law to compel the Board, after a hearing, to grant a subsequent appeal. Such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.
7. At a public hearing relative to any appeal, any interested party may appear in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the Board on any appeal. Any variance granted or authorized by the Board under the provisions of this ordinance shall authorize the issuance of a Building Permit or a Certificate of Occupancy, as the case may be, for a period of one hundred eighty (180) days from the date of the favorable action of the Board, unless said Board shall have in its action approved a longer period of time and has so shown such specific longer period of time in the minutes of its action. If the building permit and/or Certificate of Occupancy shall not have been applied for within said one hundred eighty (180) day period or such extended period as the Board may have specifically granted, then the variance shall be deemed to have been waived and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal and such subsequent appeal shall be subject to the same regulations and requirements for hearing as herein specified for the original appeal.

C. ACTIONS OF THE BOARD

1. In exercising its powers, the Board may, on conformity with the provisions of the Statutes of the State of Texas as existing or hereafter amended, reverse or affirm, wholly or partly,

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or may modify the order, requirement, decision or determination appealed from and make such order, requirement decision or determination as ought to be made and shall have all the powers of the Officer from whom the appeal is taken. The Board shall have the power to impose reasonable conditions to be complied with by the applicant.

2. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variance in said ordinance.
3. Any person or persons, jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department or board of the municipality may present to a court of record (District Court) a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

D. NOTICE OF HEARING BEFORE THE BOARD REQUIRED

The Board shall hold a public hearing on all appeals made to it and written notice of such public hearing shall be sent to the applicant and all other persons who are owners of real property lying within two hundred (200) feet of the property on which the appeal is made. Such notice shall be given not less than ten (10) days nor more than thirty (30) days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States Post Office. Notice shall be given by publishing the same in official publication of the City at least ten (10) days nor more than thirty (30) days prior to the date set for hearing, which shall state the time and place of such hearing.

E. JURISDICTION OF THE BOARD

1. A variance is an authorization by the Board granting relief and doing substantial justice in the use of the applicant's property by a property owner where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.
2. When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following variances to the regulations herein established and take action relative to the continuance or discontinuance of a non-conforming use.
3. Variances:
 - a. A variance may be granted an applicant when the Board finds:
 - 1) That there are special circumstances or conditions applying to the land or Building for which the variance is sought, which circumstances or conditions are peculiar to such land or Building and do not apply generally to lands or Buildings in the same district or neighborhood, and that said circumstances or conditions are such

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that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or Building; and

- 2) that the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located; and
- 3) That the granting of the variance is necessary for the reasonable use of the land or Building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- 4) That the literal enforcement and strict application of the provisions of this ordinance will result in an unnecessary hardship inconsistent with the general provisions and intent of this ordinance and that in granting such variance the spirit of the ordinance will be preserved and substantial justice done; and

- b. The Board may, after public notice and hearing and subject to the conditions and safeguards herein contained, vary or adapt the strict application of any of the terms of this ordinance under the power and authority herein granted.
- c. In granting any variance under the provisions of this ordinance the Board may designate such conditions in connection therewith which, in its opinion, will secure substantially the purpose and intent of this ordinance.
- d. To hear and decide appeals where it is alleged there is error on any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance.
- e. Interpret the intent of the Zoning Map where uncertainty exists because the physical features on the ground vary from those on the Zoning Map and none of the rules set forth herein apply.
- f. Initiate on its motion, or cause to be presented by interested property owners, action to bring about the discontinuance of a non-conforming Structure or use under any plan whereby full value of the Structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance.
- g. Permit the change of occupancy from one non-conforming use to another non-conforming use when the extent of the second non-conforming use is found to be less detrimental to the environment than the first.
- h. Permit the enlargement of a non-conforming use only when the enlargement will not prolong the life of the non-conforming use. A specific period of time for the return to conformity can be required.
- i. Permit the reconstruction of a non-conforming Structure or Building on the Lot or tract occupied by such Building, provided such reconstruction does not, in the judgment of the Board, prevent the return of such property to a conforming use or increase the non-conformity of a non-conforming Structure.
- j. Require the vacation and demolition of a non-conforming Structure which is deemed to be obsolete, dilapidated, or substandard.
- k. Permit such variance of the front yard, side yard, rear yard, Lot width, Lot depth, coverage, minimum setback standards, off-street parking or off-street loading regulations where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that

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it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standard established by this ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district.

F. APPEALS FROM THE BOARD OF ADJUSTMENT

Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board may seek review by a court of record of such decision, in the manner provided by the laws of this state.

PARKS AND RECREATION COMMISSION

Parker Code of Ordinance § 97.05 PLACES; ALTERNATES; DUTIES OF OFFICERS.

(A) **Places.** The Parks and Recreation Commission for the city shall consist of 7 members appointed by a majority of the City Council. Each member shall serve in a place designated by the Council. Places 1, 2, 3 and 4 shall have 2-year terms commencing June 1, 2007, and ending May 31, 2009. Places 5, 6 and 7 shall have 1-year terms starting June 1, 2007, and ending May 31, 2008. Thereafter, places 5, 6 and 7 shall be for 2 years, with the first being June 1, 2008, through May 31, 2010. Alternates are appointed for 2-year terms, commencing June 1 of each year. There are no term limits for appointees. Upon the passage of this chapter, the Council may designate, or redesignate, current members, and/or any members to be appointed, into each place, with the appropriate provisions as to the fulfillment of any unexpired terms. Unless otherwise designated by the City Council, the Commission member serving in a designated place upon the passage of this chapter continues in that place through May of the even, or odd, year for that place. All members of the Commission continue to serve until their successors are appointed and qualified; save and except when a member resigns, in writing. Such resignation shall be effective the date of its receipt by the City Secretary.

(B) **Alternates.** A majority of the City Council may appoint 1, 2, or 3 alternates to the Parks and Recreation Commission. The terms of the alternates will be 1-year terms, unless specifically set at the time of the appointment of the alternate as a 2-year term. An alternate may be reappointed at the discretion of the Council. Regardless of the term assigned to the alternate, the City Council may remove an alternate with or without cause at any time. Terms of alternates commence June 1 of each year. All alternates continue to serve until their successors are appointed and qualified; save and except when an alternate resigns in writing. Alternate members shall be classified as members for all purposes other than regular voting.

(C) **Duties.** The duties of the officers of the Parks and Recreation Commission shall be as follows:

(1) **Chairman.** The Chairman shall preside at all meetings when he or she is present. The Chairman shall implement or cause to have implemented any practice or procedure in the calling of meetings, conduct of meetings, or reporting of activities that he or she considers in the best interest of the Commission and shall so inform the City Council or consult with the City Council when necessary or desirable. It shall be the responsibility of the Chairman to request from the City Administrator support activity needed from the city. It shall be the responsibility of the Chairman to submit reports to the City Council, when necessary or requested, relative to such matters as Commission activity, participation by members, and any other matters deemed significant relative to the Commission's functions. The Chairman may represent the Parks and Recreation Commission at public functions.

(2) **Vice-Chairman.** The Vice-Chairman shall assist the Chairman in directing the total affairs of the Commission. In the absence of Chairman, the Vice-Chairman shall assume all duties of the Chairman.

(3) **Secretary.** The Secretary shall take minutes and maintain the books and records of the Commission.

(Ord. 608, passed 2-27-2007)

Parker Code of Ordinance § 97.06 POWERS AND DUTIES.

The Commission shall have the following powers and perform the following duties:

(A) **Advisory capacity to Council.** The primary role of the Commission shall be to advise the Council regarding the city land known as the Preserve, adjacent to City Hall. It shall act only in an advisory capacity to the City Council in all matters pertaining to nature areas, trails, open space, historical areas, public gardens, and public activity, collectively referred to as recreation, shall acquaint itself with and make a continuous study and inspection of the complete "open spaces plan" [or "nature plan"] of the city; and shall advise with the City Council from time to time as to the present and future maintenance, operation, planning, acquisition, development, enlargement and use policy of the city open space property.

(B) **Recommend standards.** It shall recommend the adoption of standards on areas, facilities, program and financial support.

(C) **Review, maintenance of master planning guide: review of services and needs.** There shall be created a master planning guide for city open spaces areas and the Commission shall review and maintain such master planning guide. Such master planning guide shall be considered, revised and maintained with technical assistance and recommendations of the city staff and the city Plan Commission. The master planning guide shall be reviewed at least bi-annually and periodically updated. The Commission shall periodically review all recreation services that exist or that may be needed and interpret the needs of the public to the City Council and to the City Administrator. In the conduct of the above activities, the Commission shall, at the

PARKS AND RECREATION COMMISSION

request of the City Council, hold public hearings provided notice is published in the official city newspaper at least 10 days prior to such public hearings.

(D) Rules and regulations for conduct of business. It shall follow the rules and regulations prescribed by the City Council for the conduct of its business.

(E) Other recommendations to Council. It shall make any other recommendations to the City Council regarding recreation matters that it considers advisable, or which are requested by the City Council.

(F) Solicitations. It may solicit for the city gifts, revenues, bequests or endowments of money or property as donations or grants from persons, subject to the prior approval and acceptance by the City Council. All funds are the property of the city, to be accepted and/or expended by the City Council.

(G) Reports. It shall cause to have reports prepared as required on any aspect of the program or facilities. No such reports shall be made available to other than Commission members and City Council members without action by the Commission in a formal meeting.

(Ord. 608, passed 2-27-2007)

Parker Code of Ordinance § 97.07 SUBCOMMITTEES.

(A) Appointment. The Parks and Recreation Commission, by a majority vote of the quorum present at any regular or special meeting, may appoint such members and citizens as reasonable and prudent to subcommittees to serve the purposes of the Parks and Recreation Commission.

(B) Termination. These committees may be dissolved in a like manner, or by the City Council.

(Ord. 608, passed 2-27-2007)

Parker Code of Ordinance § 97.08 SHORT TITLE.

This chapter shall be commonly known and cited as the "Parks and Recreation Commission Ordinance."

(Ord. 608, passed 2-27-2007)

Parker Code of Ordinance § 97.09 DEFINITIONS.

For purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARK. An open space, a park, or any other area in the city owned or used by the city, and devoted to active or passive recreation, including all planted expressways, parkways, and right-of-ways maintained by the city.

RECREATION. Those matters defined in § 97.06(A) above.

VEHICLE. Any conveyance employing wheels, track-laying devices, runners, fans, or propellers, whether motor-powered, animal-drawn, or self-propelled. The term shall include trailers of any size, kind or description. Exceptions are made for baby carriages and vehicles in the service of the city.

(Ord. 608, passed 2-27-2007)

Parker Code of Ordinance § 97.10 ENFORCEMENT.

(A) Officials. The City Administrator, park attendants designated by the City Administrator, and Police Department shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(B) Ejectment. The City Administrator, park attendants designated by the City Administrator, and any member of the Police Department shall have the authority to eject from the park any person acting in violation of this chapter.

(C) Seizure of property. The City Administrator, park attendants designated by the City Administrator, or any member of the Police Department shall have the authority to seize and confiscate any property, thing or device in the park used in violation of this chapter.

(Ord. 608, passed 2-27-2007)

Parker Code of Ordinance § 97.11 UNLAWFUL ACTS.

(A) Within the limits of any city park, or designated city open space, it shall be unlawful for any person to do any of the acts hereinafter specified, except as may be otherwise provided:

(1) To ride, drive, or go on any drive or street in any park at a speed greater than the posted speed limits, upon any bicycle, motorcycle, automobile, or any other vehicle whatsoever, or to ride or drive any such motorcycle, automobile, or other motorized vehicle upon any sidewalk, hike, or jogging trail or walk, except in designated areas;

(2) To damage, move, alter, cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, equipment, or other structure, apparatus or property, or to pluck, pull up,

PARKS AND RECREATION COMMISSION

cut, take, or remove any shrub, bush, plant or flower, or to mark or write upon, paint, or deface in any manner, any building, monument, fence, bench, equipment or other structure;

- (3) To cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer;
- (4) To make or kindle a fire except in picnic stoves, braziers, fire pits, or designated areas provided for that purpose;
- (5) To place, abandon, or leave garbage, cans, bottles, papers, or other refuse in any park except in proper waste receptacles;
- (6) To participate or engage in any activity in any park area when such activity will create a danger to the public or may be considered a public nuisance;
- (7) To camp overnight, without written permission of the City Administrator or Mayor;
- (8) To possess or consume any alcoholic beverage;
- (9) To disturb in any manner any picnic, meeting, service, concert, exercise, or exhibition;
- (10) To distribute, post, place, or erect any advertising, handbill, circular, bill, notice, paper, or other advertising device;
- (11) To sell or offer for sale any food, drinks, confections, merchandise, or services.
- (12) To place or dump any trash, refuse, solid waste, grass clippings, leaves, or other objectionable or unsightly matter in any park; and/or
- (13) To conduct or participate in any tournament, camp, or organized sporting activity which has not been specifically authorized by the City Administrator or Mayor or which conflicts with a scheduled activity or event authorized by the City Administrator or Mayor.

(B) One or more of the rules above may be waived, in advance, in writing, by the Mayor or City Administrator.

(Ord. 608, passed 2-27-2007) Penalty, see § 97.99



Council Agenda Item

Budget Account Code:	Meeting Date: August 29, 2011
Budgeted Amount:	Department/ Requestor: Water Department
Fund Balance-before expenditure:	Prepared by: Jeff Flanigan
Estimated Cost:	Date Prepared: 8/22/2011
Exhibits:	1) proposal for demolition and removal

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE SALE OF THE OLD WATER TOWER.

SUMMARY

I spoke with ALL Industrial Service on August 26, 2011 and the proposal is still good. The vendor is willing to modify the dates.

Jeff

POSSIBLE ACTION

Move to approve
Move to table
Move to deny

Inter - Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Jeff Flanigan</i>	Date:	8-26-11



07/05/11

Jeff Flanigan

**City of Parker
5700 East Parker Rd.
Parker, Texas 75002**

RE: Demolition & Legal Disposal – 1 – 300,000 gal. Spheroidal Water Storage Tank

Location: Parker, Texas

Site Visit: No

SCOPE: Furnish all supervision, labor, equipment, tools and supplies, needed to comply with all Regulatory Requirements and complete the following:

- 1: Temporarily remove portion of chain link fence to the north of the tank.
(to be replace upon completion of the demolition project)**
- 2: Fall the existing elevated water tank into the field to the north of the tank.**
- 3: Cut, remove and dispose of all portions of the welded steel tank structure.**
- 4: Cut all anchor bolts and attachments flush to the concrete foundation.**
- 5: Rough grade any areas disturbed during demolition. (final grading by owner)**
- 6: Replace fence that was removed for demolition purposes.**
- 7: Leave site free of all demolition debris.**

Proposal: All Industrial Services, Inc. would pay the City of Parker, Texas the sum of \$ 1.00 for the 300,000 gal. Spheroidal Water Tank and rights to salvage of the scrap metal. All portions of work would be completed before 08/31/11, If proposal is accepted and All Industrial Services, Inc. is notified in July. All Insurance requirements of the City of Parker would be met and the City of Parker would be listed as additional insured.

Sincerely

A handwritten signature in black ink, appearing to read "Lawrence Button".

Lawrence Button

All Industrial Services, Inc.

Demolition • Dismantling • Insured • Bonded • Specializing in Water Tower & Water Storage Tank Demolition

**Mailing: P.O. Box 9192 • Youngstown, Ohio 44513 • Physical: 6996 Ronjoy Place • Youngstown, Ohio 44512
Phone: (330) 729-0063 • Fax (330) 729-0566**



Council Agenda Item

Budget Account Code:		Meeting Date: August 29, 2011
Budgeted Amount:		Department/ Requestor: Newsletter Committee
Fund Balance-before expenditure:		Prepared by: Jeff Flanigan
Estimated Cost:		Date Prepared: 8/22/2011
Exhibits:	1) Highlighted items in process that need to be discussed 2) Resolution 2011 - 336	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE OCTOBER 1, 2011 NEWSLETTER.

SUMMARY

Staff highlighted a number of items in Resolution 2011-336, Newsletter process that may need to be discussed.

POSSIBLE ACTION

Move to approve
 Move to table
 Move to deny

Inter - Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Jeff Flanigan</i>	Date:	8-26-11

RESOLUTION NO. 2011-336
(Newsletter Committee/process)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER,
COLLIN COUNTY, TEXAS APPOINTING MEMBERS TO SERVE ON
THE NEWSLETTER COMMITTEE, AND ADOPTING A PROCEDURE
TO BE FOLLOWED FOR THE PRODUCTION AND PUBLICATION OF
THE NEWSLETTER.**

WHEREAS the City Council of the City of Parker has formed a Newsletter Committee to provide the citizens with a municipal newsletter providing current information regarding city activities and events; and

WHEREAS the committee consists of one (1) Councilmember, one (1) Councilmember or Resident, City Administrator, Assistant City Administrator, and City Secretary; and

WHEREAS the city council has determined a specific process is needed to provide a clear procedure to be followed for the production and publication of the newsletter, to avoid waste and inefficiency which can result from less coordinated efforts;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, the following are hereby appointed to serve as members of the Newsletter Committee:

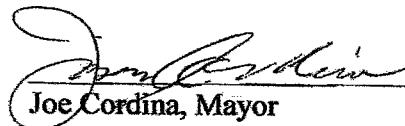
	<u>TITLE</u>
Joe Cordina	Mayor
Eleanor Evans	Council Member
Dena Daniel	City Administrator
Jeff Flannigan	Assistant City Administrator
Carrie Smith	City Secretary

RESOLVED FURTHER, the process and procedures set forth in **Exhibit A**, attached to this resolution, shall be used by the committee, staff and its newsletter consultants to produce the newsletter hereafter.

DULY PASSED AND APPROVED by the City Council of the City of Parker, Collin County, Texas on this the 17th day of May, 2011.



CITY OF PARKER:


Joe Cordina, Mayor

ATTEST:


Carrie L. Smith, City Secretary

APPROVED AS TO FORM:


James E. Shepherd, City Attorney

1.0 Purpose and Scope

- 1.1 Prepare and publish the City Split Rail newsletter in a timely, efficient and professional manner. The newsletter is done quarterly; January, April, July, and October.

2.0 Committee

- 2.1 There shall be a committee consisting of the one (1) Councilmember, one (1) Councilmember or Resident, City Administrator, Assistant City Administrator and City Secretary.
 - 2.1.1 Appoint two additional Committee Members
 - 2.1.2 Member appointments shall be reviewed every two years in June.

3.0 Process –Gather Articles – **50 DAYS PRIOR TO PRINT**

- 3.1 Update the Schedule. The Committee is to provide recommendations about events that will be happening over the next quarter and assign the article or ask for someone to write it.

3.2 Formatting.

- 3.2.1 Font is to be 9pt Gill Sans MT [Secretary's office beginning]
- 3.2.2 Text to be submitted as Word document (.doc or .docx) or .txt
- 3.2.3 Pictures are to be submitted in .jpg or .tiff.
- 3.2.4 Average size is 1/3 page plus picture, any additional space must be justified and approved by the Committee.
 - 3.2.4.1 Word Count Estimates:
 - 3.2.4.1.1 1/4 page with picture 200 word count
 - 3.2.4.1.2 1/4 page without picture 240 word count
 - 3.2.4.1.3 1/3 page with picture 240 word count
 - 3.2.4.1.4 1/3 page without picture 300 word count
 - 3.2.4.1.5 1/2 page with picture 400 word count
 - 3.2.4.1.6 1/2 page without picture 450 word count
 - 3.2.4.1.7 Full page with pictures 1000 word count

- 3.3 Send reminder to Council, Staff, City Attorney, Editor, Women's Club President, Garden Club President, Parks and Recreation Chairman, Historical Society and any other organization the Committee feels necessary along with the schedule.

- 3.4 Articles are to be sent by email to the City Secretary only to prevent duplication. –**30 DAYS PRIOR TO PRINT**

- 3.4.1 City Secretary is to update the schedule and mark off articles as they are received.
- 3.4.2 A meeting of the Committee will be held to review and mark up received articles. - **25 DAYS PRIOR TO PRINT**
- 3.4.3 Mark ups are to be returned to the author for approval.

NOTE: We can no longer accept articles after the 30 day deadline, any changes after the rough draft will result in additional charges by the Editor.

4.0 Process – Meet with Editor to Review Layout - 20 DAYS PRIOR TO PRINT

- 4.1 Schedule a meeting of the Committee and Editor to review the articles received, discuss the need for additional articles or pictures and print layout.
- 4.2 All changes are to be approved by the committee.
- 4.3 Set the deadline to receive the first rough draft from the Editor.

5.0 Process – Proof First Draft - 15 DAYS PRIOR TO PRINT

- 5.1 Schedule a meeting to proof the first draft for editing with the Committee and Editor.

NOTE: No changes will be made to the layout as this will result in additional charges.

6.0 Process – Final Draft – 5 DAYS PRIOR TO PRINT

- 6.1 Editor is to send the “Publisher” files to the City Secretary
- 6.2 Forward final draft to the Committee prior to printing.
- 6.3 Any corrections are to be sent to City Secretary for edit.

NOTE: Corrections at this point will result in additional charges by the Editor. Simple corrections will be done by Staff.

7.0 Process – Billing

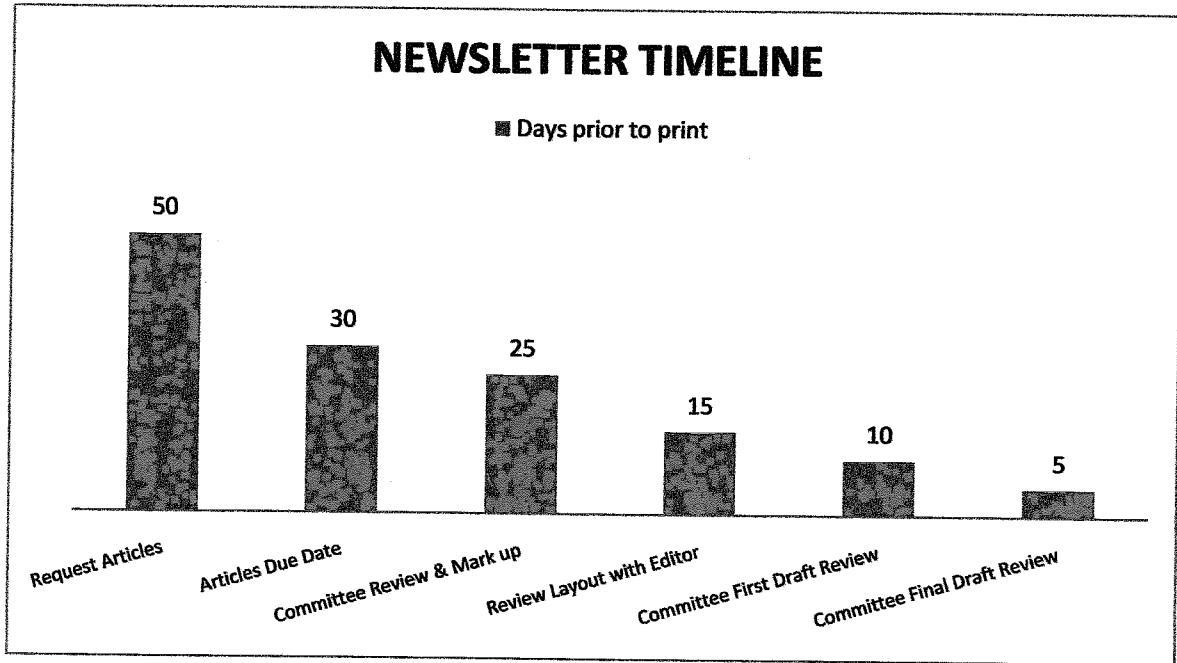
- 7.1 Detailed invoice is to be submitted to the City Administrator.
- 7.2 Invoice to be approved by the Committee
- 7.3 Invoice to be given to Finance Manager for payment.
 - 7.3.1 Net term 30 days.

8.0 Time Line

- 3.0 Request Articles – 50 DAYS PRIOR TO PRINT**
- 3.4 Articles Due - 30 DAYS PRIOR TO PRINT**
- 3.4.2 Committee Review & Mark Up – 25 DAYS PRIOR TO PRINT**
- 4.0 Review Layout - 15 DAYS PRIOR TO PRINT**
- 5.0 Proof First Draft - 10 DAYS PRIOR TO PRINT**
- 6.0 Final Draft –5 DAYS PRIOR TO PRINT**

NEWSLETTER TIMELINE

■ Days prior to print



CITY COUNCIL
FUTURE AGENDA ITEMS

City Council Future Agenda Items		SCHEDULED AGENDA DATE	Project Contact/ Requestor	Notes
Received	ITEM DESCRIPTION			
5	Adoption of Budget	6-Sep		Budget must be adopted before the Tax Rate, but can be at the same meeting.
5	Adoption of Tax Rate	6-Sep		
30	Appointments to Boards and Commissions	Sept	Sumrow/ Marshall	
15	Qrtly Parks Report	October	Sterk/Flanigan	Last report was June 21, 2011
15	Qrtly Allied Report	October		per contract - Quarter ending September
15	Amend Resolution 2011-336 - Newsletter Committee and Processes	TBD	Smith	Names need to be removed and only titles used. Font requirements need to be amended.
15	policy for credit card changes	TBD	Boyd	Allison requested a policy on changes to credit cards at the 8/9 meeting
15	Annual approval of investment policy	November		
15	Appointment of investment officers	November		
15	RFP for Newsletter	TBD	Flanigan	tabled from 2/15 meeting
10	Adoption of City Emergency Management Plan	TBD	Sheff	
	Qrtly Allied Report	January		per contract - Quarter ending December
	Qrtly Parks Report	January	Sterk/Flanigan	Last report was June 21, 2011