



## **AGENDA**

### **CITY COUNCIL MEETING**

**November 1, 2011 @ 5:00 PM**

Notice is hereby given the City Council for the City of Parker will meet in a Regular Meeting on Tuesday November 1, 2011 at 5:00 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 5:00 – 6:30 PM**

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:
  - A. Govt. Code 551.074— Personnel—to deliberate the appointment, employment, evaluation, reassignment, or duties, of a public officer or employee—City Administrator, Assistant City Administrator, City Secretary, Finance/HR Manager, Police Chief, Police Officers, Court Clerk, Building Official, Water Department Employees, Administrative Assistant, Utility Billing Clerk, Mayor and Councilmembers.
2. RECONVENE REGULAR MEETING.
3. ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.

#### **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.

## **INDIVIDUAL CONSIDERATION ITEMS**

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FROM OCTOBER 18, 2011.
5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ECONOMIC DEVELOPMENT— ECONOMIC DEVELOPMENT PROPOSAL FROM THE WARNER GROUP REGARDING PORTIONS OF THE UNDEVELOPED PROPERTY NORTH OF PARKER ROAD TO THE NORTHERN CITY LIMITS, WEST OF FM2551, EAST OF ALLEN HEIGHTS.
6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON UPDATES AND ACTIVITIES FOR THE PRESERVE PARKERFEST.
7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A REPORT FROM FIRE CHIEF SHEFF REGARDING FIRE ENGINE 10.
8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ELECTRONIC VOTING EQUIPMENT FOR THE MAY 2012 GENERAL ELECTION.
9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE ROLES AND DUTIES OF THE CITY BOARDS AND COMMISSIONS.
10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 675 APPROVING THE 2011 CODIFICATION SUPPLEMENT.
11. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2011-352 ADOPTING THE OFFICIAL CITY NEWSPAPER.
12. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2011-353 APPROVING A 457 DEFERRED COMPENSATION PROGRAM FOR ELIGIBLE CITY EMPLOYEES.
13. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2011-354 APPROVING AN EMERGENCY MANAGEMENT SUCCESSION PLAN.

## **ROUTINE ITEMS**

14. FUTURE AGENDA ITEM REQUESTS.


## 15. UPDATES

## 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 October 28, 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](http://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: November 1, 2011
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: C Smith
Estimated Cost:	Date Prepared: 10/26/2011
Exhibits:	1) Proposed Minutes

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FROM OCTOBER 18, 2011.

### SUMMARY

Review the attached draft of the meeting minutes.

### POSSIBLE ACTION

- Move to approve as written or amended.
- Move to table to a future agenda

Inter - Office Use			
Approved by:	<i>Carrie C. Smith</i>	Date:	<i>10/26/2011</i>
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Tiffany Ramsey</i>	Date:	<i>10/28/11</i>



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

**October 18, 2011**

**CALL TO ORDER – Roll Call and Determination of a Quorum**

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

Mayor Cordina called the meeting to order at 5:00 pm with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine present. A quorum was present.

Staff Present: City Attorney James Shepherd, Interim City Administrator Jeff Flanigan, City Secretary Carrie Smith, Finance/HR Manager Johnna Boyd, Police Chief Tony Frago and Fire Chief Mike Sheff.

**EXECUTIVE SESSION 5:00 – 6:30 PM**

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

Mayor Cordina called the meeting to recess at 5:00 pm.

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:
  - A. Govt. Code 551.074— Personnel—to deliberate the appointment, employment, evaluation, reassignment, or duties, of a public officer or employee---City Administrator, Assistant City Administrator, City Secretary, Finance/HR Manager, Police Chief, Police Officers, Court Clerk, Building Official, Water Department Employees, Administrative Assistant, Utility Billing Clerk, Mayor and Councilmembers.
  - B. Govt. Code 551.087---Economic Development-- economic development proposal regarding portions of the undeveloped property north of Parker Road to the northern City limits, west of FM2551, east of Allen Heights.

2. RECONVENE REGULAR MEETING.

Mayor Cordina reconvened the regular meeting at 6:36 pm.

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

None.

## RECOGNITION AND PRESENTATIONS

- RETIRED FIRE MARSHALL AND RESERVE POLICE OFFICER CHRIS REINKE
- VOLUNTEER FIRE FIGHTERS THAT SERVED IN BASTROP
- FUNDRAISER CHECK FOR VOLUNTEER FIRE DEPARTMENT

Mayor Cordina presented Chris Reinke with a certificate of appreciation and James Allen and Mike Slaviero with certificates of recognition.

Lee Pettie and the fundraising committee presented Chief Sheff with a check for \$60,938.90 from the annual fundraiser.

## PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Pete Loughlin led the pledge.

TEXAS PLEDGE: Carrie Smith 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 FROM OCTOBER 4, 2011.

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

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ACTIVITIES AND FUNDING FOR THE PRESERVE OPEN HOUSE.

Parks and Recreation Commission Chairperson Sterk gave a update on the activities for the Parkerfest 2011 event and requested additional funding. (Exhibit 5A)

MOTION: Mayor Pro Tem Marshall moved to reallocate funds within the Parks budget to the Open House totaling \$3,300. Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ELECTRONIC VOTING EQUIPMENT FOR THE MAY 2012 GENERAL ELECTION.

Tabled to the November 1 Council meeting.

**7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A 457 DEFERRED COMPENSATION RETIREMENT BENEFIT FOR CITY EMPLOYEES.**

Finance/H.R. Manager Boyd provided information on three vendors.

Nationwide: Fees .70; Years in Business 30+; Rating A+; Plans 8,000; Participants 1.6 Million; \$50 Billion in Assets

ICMA: Fees .60; Years in Business 39; Rating A; Plans 9,000; Participants 920 Thousand

Hartford did not respond and she has limited information from their website. Fees ?; Years in Business 40; Rating ?; Plans ?; Participants 1.5 Million

Staff recommended using Nationwide. Their customer service has been outstanding and a representative is local.

**MOTION:** Councilmember Levine moved to approve staff moving forward with a 457 deferred compensation retirement plan for City employees with Nationwide. Mayor Pro Tem Marshall seconded with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

**8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2011- 350 APPROVING THE RENEWAL OF PARKER'S TEXAS CO-OP MEMBERSHIP.**

City Attorney Shepherd noted the addition of Section 3, authorizing staff to continue the membership in the future fiscal years unless and until this resolution is amended or revoked.

**MOTION:** Councilmember Levine moved to approve Resolution 2011-350 as written. Councilmember Evans seconded with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

**9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2011- 351 APPROVING A BID FOR THE FM 2551 WATERLINE PROJECT.**

The City advertised and received sealed bids as required by law on the water system improvements related to the relocation of water mains along FM 2551. Staff recommended the base bid and the alternate which will extend the water main to Southfork's southern most boundaries. Some portion of the bid amount will be reimbursed by the State and County.

**MOTION:** Councilmember Leamy moved to approve Resolution 2011-351 awarding the bid to W. Brown Enterprise, Inc of Durant, Oklahoma in the amount of \$255,514.75. Councilmember Evans seconded with Councilmembers Leamy,



Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

**10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AN EMERGENCY MANAGEMENT SUCCESSION PLAN.**

Interim City Administrator Flanigan stated the purpose of this plan is to decide on who has the authority to execute contracts on the behalf of the City, during a declared emergency and the EOC is activated; this does not change the ability of staff (city, police, and fire) to purchase items during an emergency as part of their normal process.

This item was tabled to a future agenda for additional research.

**11. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE PURCHASE OF WATER METER READING EQUIPMENT.**

Interim City Administrator Flanigan reviewed exhibit 11, with regards to the water meters and meter reading system being recommended by staff. The discounted price is \$375,000 being an additional savings to the City of \$45,387.

**MOTION:** Councilmember Sumrow moved to approve staff to move forward with the purchase of the meter reading equipment and meters. Councilmember Evans seconded with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0

Staff will bring a project action plan and timeline back to Council at a future meeting.

## **ROUTINE ITEMS**

**12. FUTURE AGENDA ITEM REQUESTS.**

- 11/1/2011 – Parkerfest update
- 11/1/2011 – Election Equipment
- 11/1/2011 – Succession Plan
- 11/1/2011 – Warner Group proposed development plan

**13. UPDATES**

- a. Department updates – Building Department, Police Department, Animal Control, Finance, and Website

**14. ADJOURN**

Mayor Cordina adjourned the meeting at 8:40 p.m.

APPROVED:

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Joe Cordina  
Mayor

ATTESTED:

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Carrie L. Smith, TRMC, CMC  
City Secretary

APPROVED on the 18th day of  
October, 2011.

INSERT EXHIBITS  
5A Parkerfest 2011  
11 Water meter reading equipment



## ***Parkerfest 2011 – Agenda***

- ▶ ***Activities***
- ▶ ***Advertising***
- ▶ ***5k Walk***
- ▶ ***Budget***





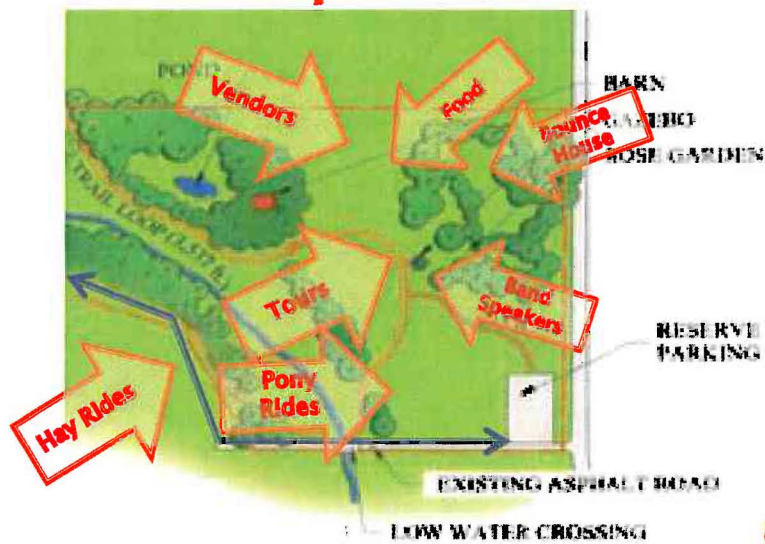
## ***Parkerfest 2011 – Activities***

- 5K walk – 9:00 am start with trophies
- Live Music – Ian Dickson Band
- Release Birds - Rogers Wildlife
- Vendors – Wells Brothers, Plano Cycle, Two Rows, Ebby Holiday, Rogers Wildlife, Women's Club, Garden Club, Historical Society, Clover 13, etc...
- Guest Speaker – Joe Cordina, Al Johnson, etc...
- Pony Rides – Karma Ridge Stables
- Bounce House
- Clowns, Balloon Artist, Face Artist
- Preserve Tours – Historical, Educational, and Recreational
- Food and Drink – Kettle Corn, Corn Dogs, Bratwurst
- Hay Rides – Parking Lot to Parking Lot

3



## ***Parkerfest 2011 Map - Homestead***



4



**Parkerfest 2011**  
**Advertising - Banner**

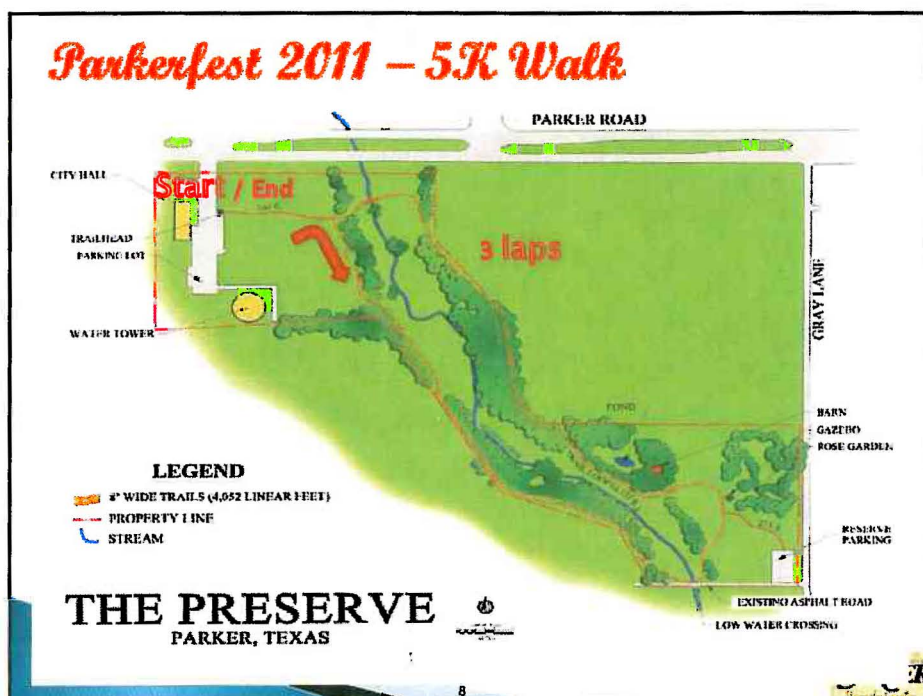


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**Parkerfest 2011**  
**Advertising - Poster**



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## Parkerfest 2011 – Original Budget

Biggest special event for Parker in Years

- Current budget is 40 cents per resident at \$1,500
- Please consider \$1 per resident to \$3,800

Budget Item	Amount
Advertising	\$150
Balloon Artist	\$150
Bounce House	\$150
Music	\$500
Food and Drink	\$1,500
Bathrooms	\$500
Trophies	\$150
Miscellaneous – insurance, etc...	\$700
<b>Total</b>	<b>\$3,800</b>

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## Parkerfest 2011 – Revised Budget

Item	Amount	Amount
Balloon Artist	Kristie McKay	\$150.00
Bounce House	Bounce House Buddies Inc.	\$150.00
Clowns	Funny Business	\$370.00
Port-a-Potties	Blue Bonnet Waste	\$180.00
Food	Lilly's Kettle Korn	\$400.00
Food	Two Rows – Korn Dogs – 150	\$300.00
Food	Two Rows – Brats – 150	\$450.00
Food	Two Rows – Grill and Handlers	\$200.00
Food	Costco – Waters – 200	\$22.00
Food	Costco – Sodas – 400	\$112.00
Food	Two Rows – Ice	\$0.00
Band	Ian Dickson	\$400.00
Advertising – banner	Kwik Kopy	\$75.00
Advertising – Signs	Kwik Kopy – 20	\$150.00
Advertising – Posters	Kwik Kopy – 50	\$50.00
Horses	Karma Ridge	\$0.00
Tours	Joe Sterk	\$0.00
Hay Rides	Fire Department	\$0.00
Speakers	Mayor, Al, etc...	\$0.00
Agriculture	Wells Brothers	\$0.00
Recreation	Piano Cycle	\$0.00
Miscellaneous	Just in Case	\$291.00
<b>Total</b>		<b>\$3,300.00</b>

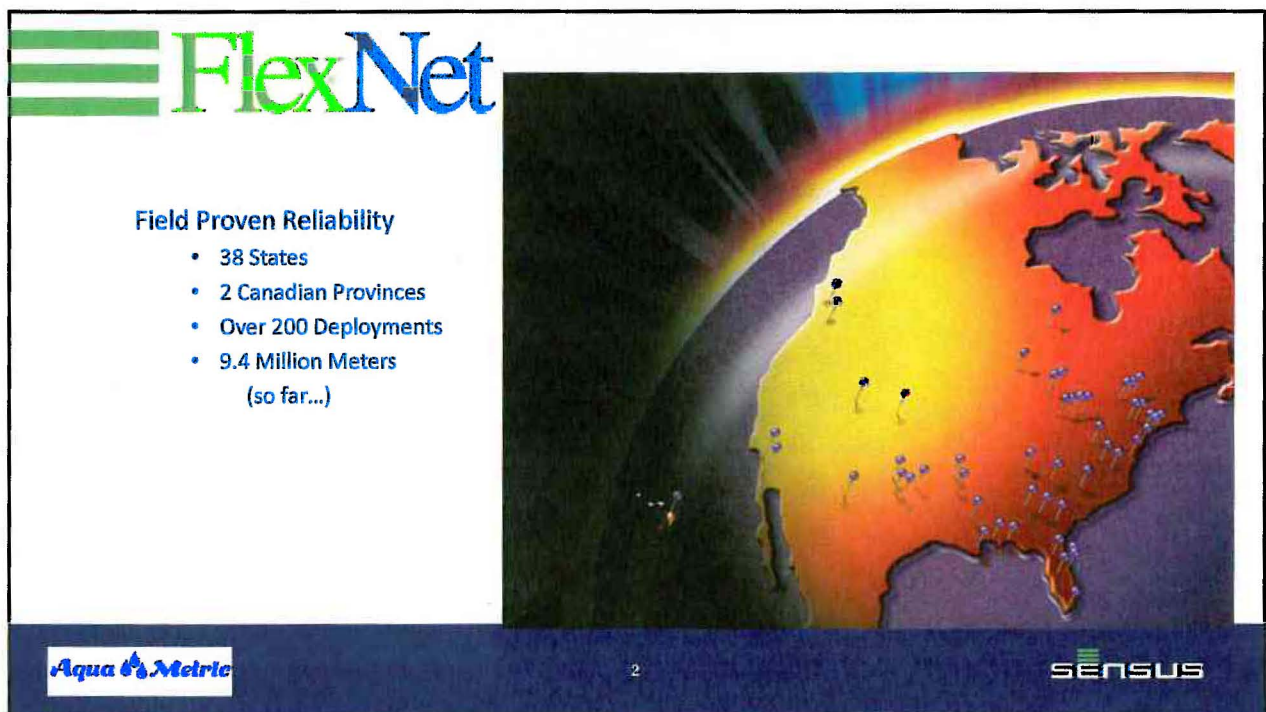
Average cost per resident

\$0.87

10









# FlexNet

## Simple Architecture

- High Power Transmitters
- Robust Network Receivers
- Intelligent Utility Interface

## Broad Features

- System Health Management
- 60-day Data Warehouse
- Web Functionality
- Utility Interface

The diagram illustrates the FlexNet architecture. It features a central water tower on a green landscape. To the left, there are three houses with red roofs. To the right, there is an office setup with a computer monitor, a laptop, a printer, and a person. A network of purple lines connects the water tower to the office equipment and the houses. The background is a blue sky with white clouds. The entire diagram is enclosed in a yellow oval.

**FlexNet**

**Primary Use Frequency**

- More Effective
- Increases Distance
- Reduces Infrastructure
- Protected by the FCC

**Typical noise levels in Unlicensed ISM Band Range from 10-40 dBm**

Your Signal

**Typical noise levels in FlexNet's Licensed Range from 1-3 dBm**

Your Signal

**AquaMetric**

4

**sensus**

## 520M Advanced Meter Interface

### ➤ Touch Coupler

- "Plug and Play" Module via Inductive Coupling
- Leak Detection & Hourly Interval Data

### ➤ Two-Watt Radio Transmitter

- Power equals Distance Range ~ Up to 10 Miles
- Transmit up to 6 times per day – Two way
- 20 Year Nationally Published Warranty



Aqua Metric

5

SENSUS

## Why Detect Leaks?

Fcs  
Water Conservation Systems



This "hidden" leak was losing 8 gallons of water per minute. That's 4.2 Million gallons per year



Some leaks cannot be seen from ground level. In this example, the soil above this leak is bone dry.

A HALMA COMPANY

Aqua Metric

6

SENSUS






A gem in the new era of water measurement, management and control...

...an intelligent water management system





*Metering Technology of the Future "TODAY"*

AquaMetric

7

SENSUS



**Capture lost revenue with unparalleled low flow sensitivity**

Average homes lose 22 gallons per day

Leaky toilets: Lose 30 – 200 gallons a day

Leaky Faucets: Lose 3,000 gallons per year

Measure ultra low flows and identify leaks

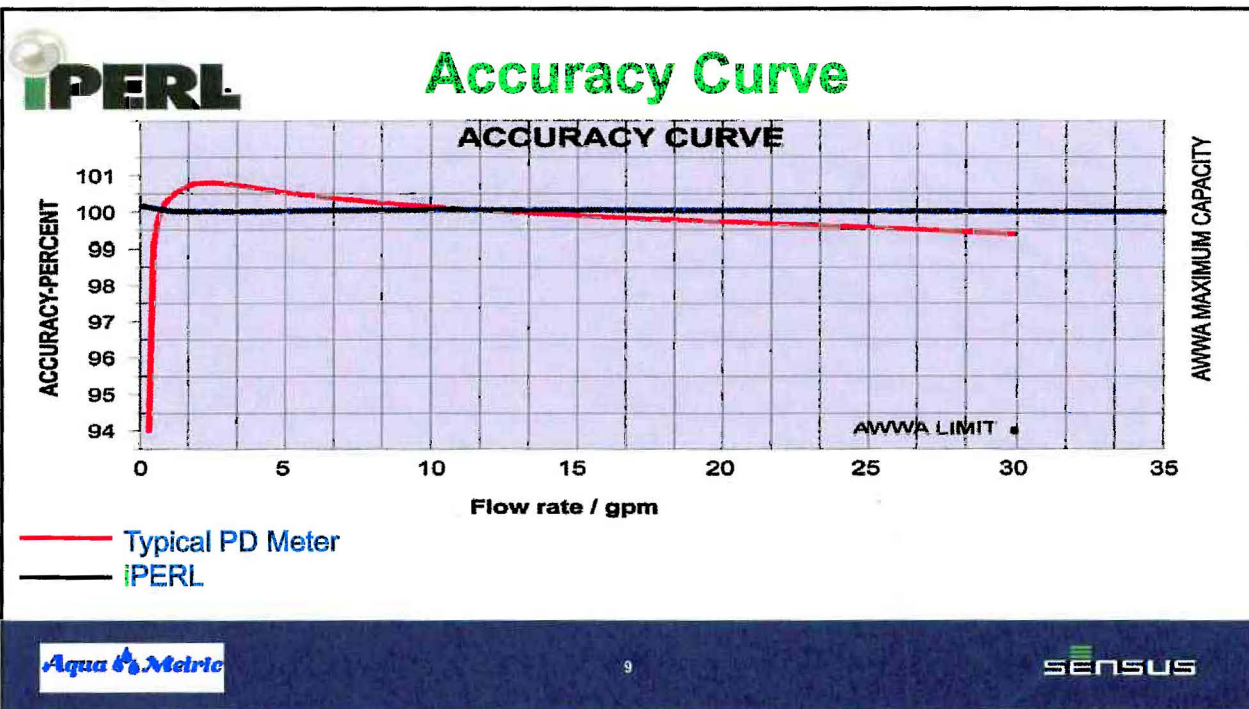



AquaMetric

8

SENSUS





**iPERL**

## Setting Environmental Standards

- Composite Body — 100% Lead Free
- LESS energy to make
- LIGHTER to ship
- EASIER to install

**Your true GREEN solution**

Logos: AquaMetric, 10, SENSUS



## Turnkey Cost

- Current Pricing (1,254 Meters) - ~~\$428,387~~
- New Discounted Pricing - \$375,000 (Budget)
  - ROI - 7 ½ Years
- Additional Savings - **\$ 45,387**

A graphic featuring a blue water droplet on the left, a large water droplet in the center with the text 'Flex Net' and 'AMI' overlaid, and a smaller water droplet on the right. The background is a mix of green and blue with horizontal green bars at the bottom. The word 'Water' is repeated in a light, stylized font across the background.

Flex  
Net  
AMI

Questions?



## Council Agenda Item

Budget Account Code:	Meeting Date: November 1, 2011
Budgeted Amount:	Department/ Requestor:
Fund Balance-before expenditure:	Prepared by: Interim City Adm Flanigan
Estimated Cost:	Date Prepared: October 26, 2011
Exhibits:	1)

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ECONOMIC DEVELOPMENT- ECONOMIC DEVELOPMENT PROPOSAL FROM THE WARNER GROUP REGARDING PORTIONS OF THE UNDEVELOPED PROPERTY NORTH OF PARKER ROAD TO THE NORTHERN CITY LIMITS, WEST OF FM2551, EAST OF ALLEN HEIGHTS.

### SUMMARY

### POSSIBLE ACTION

Inter - Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:	<i>by email</i>	Date:	<i>10/26/2011</i>
City Administrator:	<i>Tuffy Flanigan</i>	Date:	<i>10/28/11</i>





## Council Agenda Item

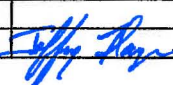
Budget Account Code:		Meeting Date:	November 1, 2011
Budgeted Amount:	\$1,500	Department/ Requestor:	Parks and Rec
Fund Balance-before expenditure:	\$1,500	Prepared by:	Joe Sterk
Estimated Cost:	\$3,300	Date Prepared:	10/26/2011
Exhibits:	1) Budget 2) Schedule		

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON UPDATES AND  
ACTIVITIES FOR THE PRESERVE PARKERFEST.

### SUMMARY

### POSSIBLE ACTION

Inter - Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:		Date:	10-28-11

# Parkerfest 2011

Type	Name	Amount
Balloon Artist	Kristie McKay	\$150.00
Bounce House	Bounce House Buddies Inc.	\$150.00
Clowns	Funny Business	\$370.00
Port-a-Potties	Blue Bonnet Waste	\$180.00
Food	Lilly's Kettle Korn	\$400.00
Food	Two Rows - Korn Dogs - 150	\$300.00
Food	Two Rows - Brats - 150	\$450.00
Food	Two Rows - Grill and Handlers	\$200.00
Food	Costco - Waters - 200	\$22.00
Food	Costco - Sodas - 400	\$112.00
Food	Two Rows - Ice	\$0.00
Band	Ian Dickson	\$400.00
Advertising - banner	Kwik Kopy	\$75.00
Advertising - Signs	Kwik Kopy - 15	\$150.00
Advertising - Posters	Kwik Kopy - 50	\$50.00
Horses	Karma Ridge	\$0.00
Tours	Joe Sterk	\$0.00
Hay Rides	Fire Department	\$0.00
Speakers	Mayor, Al, etc...	\$0.00
Agriculture	Wells Brothers	\$0.00
Recreation	Plano Cycle	\$0.00
Miscellaneous	Just in Case	\$291.00
<b>Total</b>		<b>\$3,300.00</b>

Average cost per resident

**\$0.87**

[illegible]





## Council Agenda Item

Budget Account Code:		Meeting Date:	November 1, 2011
Budgeted Amount:	-0-	Department/ Requestor:	City Council
Fund Balance-before expenditure:		Prepared by:	Fire Chief Sheff
Estimated Cost:	-0-	Date Prepared:	October 26, 2011
Exhibits:	1) None		

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A REPORT FROM FIRE CHIEF SHEFF REGARDING FIRE ENGINE 10.

### SUMMARY

At the time Council approved the purchase of Truck 1 in 2008, the fire department committed to hold the City cost to \$500,000 and to provide the remainder of the funding for the purchase from fire dept. funds, in part derived from the potential sale of Engine 10. During the budget workshops of FY 2009/10 it was reported to Council 1) that FD has raised sufficient funds to keep its part of the agreement without the sale of E10; 2) that FD had increased its membership in sufficient numbers to turnout an average of 12 firefighters for a structure fire in each of FY 2009, 2010 (and continuing into the current fiscal year) – sufficient to staff all fire apparatus including E10; and 3) that the sale of E10 would be detrimental to the safety and welfare of City residents because without E10, the firefighters who reside outside of Parker – and whom make up the majority of the department's roster – would be less likely to respond knowing the likelihood of "making an apparatus" would be diminished by 1/3<sup>rd</sup>.

Additionally, it was reported that the City's ISO Fire Protection rating would be up for review in the near future and that the retention of E10 would increase the likelihood of an improvement in such ISO rating. An improvement in the ISO rating could lower home insurance rates for certain of our residents.

### POSSIBLE ACTION

<b>Inter – Office Use</b>			
<b>Approved by:</b>			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Tiffany Harg</i>	Date:	<i>10-28-11</i>



## Council Agenda Item

Budget Account Code:	Meeting Date: November 1, 2011
Budgeted Amount:	Department/ Requestor: City Council
Fund Balance-before expenditure:	Prepared by: City Attorney Shepherd
Estimated Cost:	Date Prepared: 10/26/2011
Exhibits:	1)

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ELECTRONIC VOTING EQUIPMENT FOR THE MAY 2012 GENERAL ELECTION.

### SUMMARY

City Attorney to provide an update.

### POSSIBLE ACTION

Inter - Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:		Date:	





## Council Agenda Item

Budget Account Code:	Meeting Date: November 1, 2011
Budgeted Amount:	Department/ Requestor: Sumrow/Marshall
Fund Balance-before expenditure:	Prepared by: City Attorney Shepherd
Estimated Cost:	Date Prepared: October 26, 2011
Exhibits:	1) proposed roles and duties

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE ROLES AND DUTIES OF THE CITY BOARDS AND COMMISSIONS.

### SUMMARY

This item was tabled from the 8/29 meeting to allow Jim time to review each document.

### POSSIBLE ACTION

Inter - Office Use		
Approved by:	<i>Allison Sumrow + Z Marshall</i>	
Department Head:	<i>by email</i>	Date: <i>10/27/2011</i>
City Attorney:	<i>by email</i>	Date: <i>10/27/2011</i>
City Administrator:	<i>Tiffany Hays</i>	Date: <i>10-28-11</i>

**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. **Consider Zoning 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:**

1. Training as required by the City Council.
2. Strict compliance with Local Government Code sections 211.008 thru 211.011, and the Parker Code of Ordinances ("PCO") at sections 156.67 thru 156.68.

Nothing in this position description shall supersede the Texas LGC Sec 211.008-011, and/or the Parker Code of Ordinances, which takes primacy in any dispute or interpretation over duties of officers or members of the Zoning Board of Adjustment.

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

The primary responsibility of the Planning and Zoning Commission (P&Z) is to make recommendations to the City Council 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. Many of the duties of P&Z are defined by state law found in the Texas Local Government Code, Chapter 211, and further defined where allowed by state law by the Parker Code of Ordinances ("PCO"). For example, all actions of the P&Z are advisory in nature to the City Council. [PCO 150.02 (F)] All persons appointed to serve as P&Z commissioners should be thoroughly familiar with the following:

- a. PCO section 150.02, regarding the Parker Planning and Zoning commission.
- b. PCO. Chapter 155, regarding subdivision regulations and plats
- c. PCO. Chapter 156, regarding the Comprehensive Zoning Ordinance of the City of Parker

Examples of the duties of P&Z are:

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 recommend approval, conditional approval or disapproval of subdivision plans for the purpose of providing for the orderly and wise development of the City.
4. **Review Plats and site plans.** P&Z may review and recommend approval, approval with modifications or disapproval of plats and site plans according to standards set forth in the state law and the Parker Code of Ordinances.
5. **Official Map.** P&Z shall review and make a recommendation to the City Council to amend the Official Map of the City.
6. **Report on referred matters.** P&Z may report on all matters referred to it by the City Council, including proposed amendments to the subdivision regulations and the comprehensive zoning ordinance.
7. **Training.** Attend Training as required by the City Council.
8. **Special use 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

Nothing in this position description shall supersede LGC Sec. 211.007, and/or the provisions of the Parker Code of Ordinances, which take 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**

and subject to appropriate conditions and safeguards, a special use permit may be granted by the City Council, upon a recommendation from the commission.

**Duties of the Chair (and Vice Chair)**

- Preside at all meetings of the commission and to preserve order and enforce required commission procedures.
- Submit such recommendations and information that would be considered proper concerning the business and procedure of the commission
- Act as spokesperson for the commission
- Encourage active discussion of all items brought before the commission

**Duties of the Commissioner**

- Hear zoning cases filed by property owners and/or their representatives with respect to individual zoning cases
- Hear zoning cases at the request or approval of the City Council
- Hear, and/or recommend 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 supersede LGC Sec. 211.007, and/or the provisions of the Parker Code of Ordinances, which take 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 make recommendations to the City Council, on matters affecting the Preserve and other open spaces in Parker. The Parker Code of Ordinances sets forth the requirements, duties, and procedures of the P&R. Those considering applying for a position on the Commission, and certainly those who are appointed, should be thoroughly familiar with the Parks and Recreation Commission Ordinance which creates and regulates P&R. The Ordinance includes the following:

PCO section 97.05—Places, Alternates, and Duties of Officers

PCO section 97.06—Powers and Duties (of the commission)

PCO sections 97.07-97.10-Miscellaneous provisions.

In general, the responsibilities include recommendations to the Council on the following:

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 Commission by the Council
5. Make recommendations to the Council on operating and capital budget needs as well as fees and charges, and monitor the parks and recreation budget throughout the year.
6. Promote maximum utilization of parks, recreation facilities and programs. (this is not stated in the Code)
7. Attend training, as required by the City Council.
8. Enhance the quality of the leisure life of all county residents through parks and recreation programs and services (not stated in the Code)

**Officer Duties**

**Chairman:**

- Plan agendas
- Conduct regular meetings
- Lead annual strategic planning process

Nothing in this position description shall be intended to supersede Parker Code of Ordinance Chapter 97, 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**

- 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

**Secretary:**

- Record minutes at meetings
- Develop grant applications after the city council has approved the request
- Assist Chair and/or Co-Chair with assigned sub-committees
- Participate in planning sessions with Chair and Co-Chair

**Finance/Budget:**

- Develop Grant Applications for Council consideration
- Monitor P&R budget for City Council
- Keep Commission informed of expenses and budget items

Nothing in this position description shall be intended to supersede Parker Code of Ordinance Chapter 97, which takes primacy in any dispute or interpretation over duties of officers or members of the Parks and Recreation Commission.



**Council Agenda Item**

Budget Account Code:	Meeting Date: November 1, 2011
Budgeted Amount:	Department/ Requestor: Procedural
Fund Balance-before expenditure:	Prepared by: City Secretary Smith
Estimated Cost:	Date Prepared: October 26, 2011
Exhibits:	1) proposed Ordinance 675 2) proposed codification supplement

**AGENDA SUBJECT**

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 675  
APPROVING THE 2011 CODIFICATION SUPPLEMENT.

**SUMMARY**

This is the annual update to the Code of Ordinance. Counsel and Staff have reviewed the codification and did not find any issues.

**POSSIBLE ACTION**

Inter - Office Use		
Approved by:	<i>Carrie R. Smith</i>	Date: 10/27/2011
Department Head:		Date:
City Attorney:		Date:
City Administrator:	<i>Tuffy Hays</i>	Date: 10/28/11

**ORDINANCE NO. 675**  
*(Adoption of 2011 S-6 Codification Supplement)*

**AN ORDINANCE ENACTING AND ADOPTING THE SIXTH  
ANNUAL SUPPLEMENT TO THE CODE OF ORDINANCES  
FOR THE CITY OF PARKER, TEXAS, COLLIN COUNTY AND  
DECLARING AN EMERGENCY.**

**WHEREAS**, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the Sixth Annual supplement to the Code of Ordinances of the City of Parker, Texas, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the City of Parker; and

**WHEREAS**, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Parker Municipal Code; and

**WHEREAS**, it is the intent of the City Council to accept these updated sections in accordance with the changes of the law of the City of Parker; and

**WHEREAS**, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

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

Section 1. That the Sixth Annual supplement to the Code of Ordinances of the City of Parker as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto (Exhibit A), be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the City Secretary.

**PASSED AND ADOPTED by the City Council of the City of Parker on this 1st day of  
November, 2011.**

\_\_\_\_\_  
Mayor Joe Cordina

ATTEST:

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City Secretary Carrie L. Smith

APPROVED AS TO FORM:

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City Attorney James E. Shepherd



## CITY GOVERNMENT

Mayor	Joe Cordina
Mayor Pro-tem	Z. Marshall
Council Members	David Leamy Hleanor Evans Allison Sumrow Scott Levine

## CITY PERSONNEL

Interim City Administrator	Jeff Flanagan
City Secretary	Carrie L. Smith
City Attorney	James E. Shepherd
City Engineer	Birkoff, Hendricks and Carter
Building Official	Gary Machado
Fire Chief	Mike Sheff
Finance/H.R. Manager	Johnna Boyd
Court Clerk	Lori Newton
Police Chief	Tony Fragoso

## OTHER BOARDS & COMMISSIONS

Planning and Zoning Commission  
 Zoning Board of Adjustments  
 Parks and Recreation Commission  
 Parker Beautification Committee



(B) The City Council is hereby empowered to establish, by its own resolution, rules and regulations as are necessary to effect and achieve the intents and purposes of this section, and to provide for and establish penalties, not to exceed \$100 for each offense or violation of these rules and regulations and of this section.

(C) It shall, from and after the effective date of this section, be unlawful for any person, company, corporation, or entity to engage in or provide solid waste collection service within the corporate limits of the city without first obtaining a permit or license from the City Council, as it shall in its discretion issue.

(Ord. 185, passed 12-17-1974; Penalty, see § 53-99)

#### § 53-04 BRUSH AND BULKY ITEMS.

Revised per Ord 666

(A) It is a violation of this section to place or store:

(1) Brush items (including trees, tree limbs, plants, and/or leaves) less than 25 feet from the edge of the surface of the road more than 12 days prior to the date such items are scheduled to be removed by the city solid waste service.

(2) Bulky items (including appliances, and other trash items too large to be contained in the residential trash bin) less than 25 feet from the edge of the surface of the road more than 7 days prior to the date such items are scheduled to be removed by the city solid waste service. The term "bulky items" does not include the brush items defined in division (A)(1) above.

(B) The date scheduled for collection by the city is not counted in the 7 or 12 day period. The schedule for brush and bulky item pick-up may be obtained from the city's web site, or, in the event it is not available on the web site, directly from Parker City Hall.

(Ord. 640, passed 4-7-2009; Am. Ord. 666, passed 4-19-2011) Penalty, see § 53-99

#### § 53-99 PENALTY.

(A) Any person who shall violate any provision of this chapter for which no other penalty is provided shall, upon conviction thereof, be subject to penalties as provided in § 10-99 of this code.

(B) Violators of § 53-01 of this code will be subject to a fine of up to but not to exceed \$200.  
(Ord. 102, passed 3-24-1970)

(C) Any person violating any provision of § 53-02 of this code shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined an amount of not more than \$500 for each



(3) *Time of application and issuance.* A person desiring a certificate of occupancy shall apply for it at the time that an application for a building permit is made, and the certificate of occupancy shall be issued within 10 days after the erection or structural alteration of a building or structure has been completed in conformity with the applicable ordinances of the city.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning:

**PERSON.** A person, a corporation, a nonprofit corporation, a partnership, a joint venture, an association, or any other legal entity.

(Ord. 477, passed 11-16-1999) Penalty, see § 151.99

## STRUCTURES, REGULATIONS AND RESTRICTIONS

### § 151.20 MAXIMUM STRUCTURE HEIGHT.

The maximum building height of any antenna, tower, windmill, <sup>CH 13</sup> wind turbine generator, structure, flagpole, or other object, whether constructed on site or otherwise, shall be 50 feet above ground level. Exceptions to this rule are limited to any state or federal laws which specifically exempt these structures from local height regulations, or any local, state, or federal regulations which require a maximum height of 50 feet or less.

(Ord. 510, passed 9-4-2001) Penalty, see § 151.99

### § 151.21 WIND ENERGY GENERATORS.

(A) *Special use permit.* A special use permit is not required for the installation of a single wind energy generator in accordance with this section on a single residential lot. For all other proposed installations of wind energy generators, including but not limited to installations of more than 1 wind energy generator on 1 residential lot, or installations on nonresidential lots, a special use permit is required in accordance with divisions (B) and (C) below. The installation of a single wind energy generator on a residential lot may be constructed upon applying for and receiving a building permit, subject to applicable inspections, in accordance with the provisions of divisions (C) and (D), below.

(B) *Application information required.* An applicant shall prepare and file an application for a special use permit for the construction and installation of a wind energy generator. The application shall include the information required in division (C), and shall be supplemented by additional information, if any, as requested or required by the Planning and Zoning Commission during its review of the special use permit, or the City Council, prior to or during its deliberations. Wind energy generators have a unique nature as a result of their movement, size, public safety, and noise. The City Council may deny the



application for a wind energy generator which may meet the technical requirements set forth below if the wind energy generator is proposed to be located in an area of the city which will unreasonably encroach upon the rights of the homeowners and landowners in the area.

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

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

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

(a) All manufacturer's statements and warranties of the proposed wind energy generator.

(b) The engineer's analysis of the proposed wind energy generator's safety and performance with respect to extreme weather conditions experienced in the north Texas area, including ice storms, high winds, lightning, and similar conditions.

(3) Plans and specifications for any necessary related equipment, buildings, wiring, or other construction necessary or ancillary to the proposed wind energy generator.

(4) The applicant is also to pay all legal, engineering, and building inspection fees incurred in the review and construction of the wind energy generator, if any. If the special use permit is approved, the applicant pays applicable building and inspection fees.

(D) *Minimum and maximum requirements for wind energy generators.* A wind energy generator shall comply with the following requirements:

(1) The maximum mast height is 60 feet above grade (ground level).

(2) If it is a roof mounted wind energy generator, the maximum mast height shall not exceed 60 feet above grade.

(3) The rotors may not extend lower than 20 feet above ground level when operating.

(4) There may not be more than 1 wind energy generator per acre of land.

(5) The setback is not less than 1.25 times the height of the generating structure and rotor at its highest point from all boundary lines or easements on the property. The wind energy generator may not be located in the front yard (between the front building line and the front property line) of any lot.



(6) Wind energy generators may not create noise greater than that permitted by the nuisance ordinance (§§ 94.01 *et seq.*) as measured on the dB(A) scale at the boundary lines of the tract, at any wind velocity, and must otherwise comply with the nuisance ordinance.

(7) Wind energy generators may not have lights, reflective features, or paint that is not expressly required by FAA regulations for warning or notice to air traffic. Those features which are required, if any, shall meet the minimum FAA requirements. Subject to FAA regulations, strobe lights, reflective paint, and "warning" paint schemes, such as red and white stripes, are prohibited. Subject to receiving a permit from the city for another color, all wind energy generator masts and towers shall be dull gray or dull green in color.

(8) Wind energy generators must be secured and protected to prohibit access or climbing by unauthorized persons.

(9) Wind energy generators must be in compliance with all state and federal law, including those regulations of the State Public Utility Commission, Federal Aviation Administration, and the Federal Communications Commission. It must also be in compliance with the building and electrical codes, and local ordinances and construction codes adopted by the city.

(10) Wind energy generators must be for the purpose of generation of electrical power for use on the tract or lot on which the wind energy generator is constructed only. Transmission of electrical power across the property lines of the tract or lot shall constitute commercial use, requiring a zoning change, and

(11) Wind energy generators must comply with those additional requirements in the special use permit (if required by this section) as may be required by the City Council as necessary to preserve and protect the health, safety, and welfare of the citizens of the city.  
(Ord. 667, passed 5-3-2011) Penalty, see § 151.99

## § 151.22 BROADCAST TOWERS.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**BROADCAST TOWER.** Any tower supporting 1 or more antennae that transmit or receive any portion of an electromagnetic spectrum for which a federal communication license is required for its operation.

(B) *Building and special use permits required.* No broadcast tower may be erected within the city limits of the city without the owner or erector of the tower first obtaining a building permit from the city and obtaining the granting of a special use permit for the tower.



## Parker - Parallel References

<i>Ord. No</i>	<i>Date Passed</i>	<i>2005 Code</i>
661	9-21-2010	Adopting Ordinance
666	4-19-2011	53.04, 53.99
667	5-3-2011	151.21, 151.99





## Council Agenda Item

Budget Account Code:	Meeting Date: November 1, 2011
Budgeted Amount:	Department/ Requestor: Procedural
Fund Balance-before expenditure:	Prepared by: City Secretary Smith
Estimated Cost:	Date Prepared: October 26, 2011
Exhibits:	1) Resolution 2011-353 2) Proposed annual contract

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2011-352 ADOPTING THE OFFICIAL CITY NEWSPAPER.

### SUMMARY

LGC Sec. 52.004. OFFICIAL NEWSPAPER. (a) As soon as practicable after the beginning of each municipal year, the governing body of the municipality shall contract, as determined by ordinance or resolution, with a public newspaper of the municipality to be the municipality's official newspaper until another newspaper is selected.

### POSSIBLE ACTION

Move to approve Resolution 2011-352 as written.

Inter – Office Use			
Approved by:		Date:	
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Jeffrey Hays</i>	Date:	10-28-11



**RESOLUTION NO. 2011-352**  
*(Designating Official Newspaper)*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF PARKER FOR THE FISCAL YEAR 2011-2012, AND RATIFYING THE DESIGNATION OF DALLAS MORNING NEWS FOR THE PRIOR YEAR.**

**WHEREAS,** the City Council finds that *Dallas Morning News* is a paper of general circulation within the City of Parker; and

**WHEREAS,** the City Council finds that *Dallas Morning News*:

1. devotes not less than 25% of its total column lineage to general interest items;
2. is published at least once each week;
3. is entered as 2<sup>nd</sup> class postal matter in the county where published; and
4. has been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice; and

**WHEREAS,** the City Council finds that *Dallas Morning News* is a publication that meets all of the criteria legally required of an officially designated newspaper for the City of Parker; and

**NOW THEREFORE, be it resolved by the City Council of the City of Parker, Collin County, Texas, as follows:**

1. *Dallas Morning News* is designated as the official newspaper for the City of Parker for the Fiscal Year 2011-2012, commencing October 1, 2011. The use of the newspaper prior to the date of this resolution is ratified by Council.
2. The Mayor is authorized and directed to execute a contract with *Dallas Morning News* establishing the applicable rates for publication of City notices.
3. Until September 30, 2012, and thereafter until changed by resolution of City Council, the City of Parker shall continue to publish in *Dallas Morning News* each resolution, notice or other matter required to be published by law.
4. Should any word, phrase, paragraph, section or portion of this resolution be held to be illegal, invalid or unenforceable, the legality, validity and enforceability of the remaining portions of the resolution shall not be affected thereby, and each such illegal, invalid or unenforceable word, phrase, paragraph, section or portion shall not affect the resolution as a whole.
5. This Resolution is effective immediately upon passage.

**PASSED & APPROVED** by the City Council on this, the 1st day of November, 2011.

**APPROVED:**

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Joe Cordina, Mayor

**ATTESTED:**

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Carrie L. Smith, City Secretary

**APPROVED AS TO FORM:**

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James E. Shepherd, City Attorney

# The Dallas Morning News

## CLASSIFIED Advertising Contract

Contract

Date \_\_\_\_\_

☐

Automotive

☐

Real Estate

☐

Recruitment

☐

Merchandise

☒

Legal

### City of Parker #100069579

Hereinafter referred to as Advertiser hereby contracts with *THE DALLAS MORNING NEWS* for consumption of not less than

**\$5,000.00 (Five Thousand Dollars)**

of advertising, through the use of classified advertising (all publications – The Dallas Morning News, Quick, Al Dia), to be published within **twelve (12) months**, such advertising to pertain solely to the business of the Advertiser as now conducted, for which the Advertiser agrees to pay at the office of The Dallas Morning News at Dallas, Texas, in accord with the attached schedule of rates. The term of this agreement is for the period beginning **October 1, 2011** and ending **September 30, 2012**.

Dallas Morning News - Classified Legal Rates - 2011			
Dollar Volume Contracts	DallasNews		
Legal DVC	TDMN	Online	Al Dia
DVC \$5,000 /annually	4.10	25.00 Liner/35.00 Displ	0.91
* All liners and display ads will be posted online at DallasNews.com for 7 days.			

The Dallas Morning News will provide Advertiser with monthly revenue updates summarizing the advertising revenue spent by Advertiser. If during the Contract Period, Advertiser does not achieve the contracted dollar volume level specified above, Advertiser will be billed and agrees to pay the difference between the amount billed at the discounted rate for the contracted dollar volume level and amount that would have been billed at the rate for the actual dollar volume level. For example, if the contracted dollar volume level is \$500,000 Dollars and Advertiser's actual dollar volume is \$400,000, Advertiser would be charged the difference between the discounted rate charged at the \$500,000 dollar volume level and the rate charged for the \$400,000 Dollar volume level based upon actual advertising volume. Such amount will be due and payable immediately upon receipt of the invoice.

The Dallas Morning News may, during the term of this Agreement, offer different discount programs, designate new Dollar Volume Levels and frequency requirements for advertising. These changes will not be applicable to this Agreement. Rather, the rates and discounts described in this Agreement will apply to the entire Contract Period, except as provided in the Further Conditions attached hereto. In the event any tax is imposed on advertising, Advertiser agrees to pay all such taxes, fees and surcharges.

This Agreement and the attached Further Conditions represents the only Agreement between the parties and may not be modified except in writing signed by both parties. Upon termination of this Agreement, the terms of this Agreement will not be renewable except by written agreement of the parties. The Dallas Morning News is under no obligation to provide the same discount programs or to continue any discounting upon termination of this Agreement.

Upon expiration of the contract term specified above, the contract will continue on a month-to-month basis at Publisher's then current advertising rates. Either party may terminate the month-to-month contract with thirty days' written notice to the other party.

The Display rates of Publisher are based upon the volume or number of inches used by its advertisers. The rates specified herein are to apply only in the event the number of insertions contracted for is used by the Advertiser. An insertion refers to advertising space used on a specific day. Multiple advertisements used in one day are considered one insertion.

The entire contract is expressed on the face hereof and in the additional Further Conditions attached hereto and no verbal agreements, provisions or conditions exist with respect thereto.

**Signed:**

**The Dallas Morning News**  
**508 Young Street**  
**Dallas, TX 75202-4808**

**City of Parker, Texas**  
**5700 E. Parker Road**  
**Parker, Texas 75002**

BY: \_\_\_\_\_

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_



### FURTHER CONDITIONS OF THIS CONTRACT

1. The Publisher reserves the right to edit or reject any advertising tendered under this contract.
2. Payment by Advertiser must be made in Dallas, Texas, and shall be made not later than the 15th of the month for space billed in the preceding calendar month. The Publisher and Advertiser agree that this contract is performable in Dallas County, Texas. Any amount not paid in full by the due date will be considered overdue and incur interest at a rate of 1.5% per month or the maximum amount permitted by law, whichever is less.
3. The rates of Publisher as set forth in this Agreement are based upon an assumed classification for the advertising being placed. If at any time the Publisher determines that the advertising being placed does not qualify for the rates set forth, then Publisher shall notify Advertiser that any further inserts run pursuant to this agreement shall be run at a revised rate. Advertiser agrees to pay to Publisher the revised rate for any insertions run after Advertiser has received notice that the rate has been revised and has been advised of the amount of the revised rate. If the advertiser chooses not to pay the revised rate, then the Advertiser must so advise Publisher before any additional insertions are run. If the Advertiser gives notice to Publisher that Advertiser will not pay the revised rate, then this Agreement shall be terminated and the parties shall have no further liability to each other except for amounts owing for advertising run prior to Publisher's receipt of such notice from Advertiser. Upon contract termination, all advertising will be billed at the appropriate rate card rates.
4. Advertisements are to be inserted in accordance with the Publisher's rules of composition, position, and shape.
5. If the Advertiser specifies position, then the Advertiser agrees to pay the rate for such specific position provided the desired position is available. The Publisher does not agree to accommodate a request for a specified position. If a specified position requested by an Advertiser is not available, then the Publisher may position the copy in any position according to the Publisher's rules of composition, position and shape unless the Publisher is notified in writing by the Advertiser that the copy is to be printed only in the specified position and the Advertiser agrees to pay the applicable rate of any copy printed in other than the specified position.
6. In the event the Advertiser fails to make payment as agreed, the Publisher and Advertiser agree that Publisher may at any time discontinue the advertising of Advertiser and cancel this contract. Cancellation of the contract shall in no way affect the obligation of the Advertiser to pay amounts due at the time of cancellation.
7. In case of omission or error in an advertisement as presented, the Publisher shall not be liable for damages, but in such event the Advertiser's sole remedy shall be that the Advertiser shall not be liable for the entire cost of the advertisement. The publisher will determine the % of effective cost due to error and reduce the entire cost of the ad by this % amount. Publisher is the sole judge.
8. Advertising running consecutively will be carried until new copy is furnished or the advertising is ordered suspended. All orders changing copy or suspending an advertisement must be made in writing.
9. In the event of default or other breach of the Advertiser in the undertaking herein, and suit thereon, Advertiser agrees to pay all attorneys fees and costs incurred by Publisher.
10. While this contract is in effect, should any conditions arise which affect the cost of newspaper operation such as, imposition by the Government of a sales tax or increased material or production costs, the Publisher reserves the right to increase the advertising rates named on the reverse side hereof or incorporated, herein by reference. In such event, however, the Publisher must give the Advertiser at least thirty (30) days' notice thereof and if such increase is not satisfactory to the Advertiser, then the Advertiser shall have the privilege of canceling this contract.
11. Advertiser represents and warrants that the material provided by Advertiser for publication in accordance with this Agreement is true, accurate, and correct. Advertiser agrees to indemnify and hold harmless Belo and its directors, officers, agent and employees against and from all claims, exposure, liability, loss, or damage, including reasonable attorney's fees, alleged to be caused by or arising wholly or in part out of the publication of advertiser's material hereunder.
12. This contract made and entered into under Publisher's current published schedule of rates in effect on the date hereof, and by reference such schedule is expressly made a part hereof. Advertiser assumes responsibility for acquainting Advertiser with such current published schedule of rates and Advertiser agrees that Advertiser shall be deemed to know such current published schedule of rates.
13. Advertiser agrees to submit to Publisher in writing, all claims of errors in the statement of account submitted by Publisher within thirty (30) days of billing date. All such claims not submitted shall be considered waived.
14. In the event that Publisher's form "Application for Credit" has been completed and submitted by Advertiser in connection with this contract, Advertiser warrants that the information contained therein is true and correct, and agrees that the making of any false statements therein constitutes a material breach of this agreement.
15. Any Application for Credit executed by Advertiser is hereby made a part of this Contract and incorporated herein fully by reference.
16. The Advertiser, and the person signing in Advertiser's behalf if any, warrants they have the authority to make and sign this agreement.
17. The Advertiser agrees to assume liability for and make payment for all advertising published pursuant hereto in the event the Advertiser's business is sold, merged or otherwise transferred, until such time as a contract is entered into between Publisher and the new owner.
18. Space contracts and frequency contracts are automatically renewed for successive periods of one (1) year rates in effect at time of renewal. Either party may decline such renewal by written notice to the other thirty days prior to the expiration date of the current contract. One-time frequency contracts will not be renewed automatically.





## Council Agenda Item

Budget Account Code:	N/A	Meeting Date:	November 1, 2011
Budgeted Amount:	N/A	Department/ Requestor:	Human Resources Johnna Boyd
Fund Balance-before expenditure:	N/A	Prepared by:	J Boyd
Estimated Cost:	None	Date Prepared:	10/26/2011
Exhibits:	1) Proposed Resolution		

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2011-  
**353** APPROVING A 457 DEFERRED COMPENSATION RETIREMENT BENEFIT  
FOR CITY EMPLOYEES

### SUMMARY

Resolution required by Nationwide before application can be accepted and plan documents completed.

### POSSIBLE ACTION

Inter - Office Use			
<b>Approved by:</b>			
Department Head:	<i>Johnna Boyd</i>	Date:	10-26-11
City Attorney:		Date:	
City Administrator:	<i>Duffy Dancy</i>	Date:	10-28-11

### **Certificate of Secretary**

I, Carrie Smith, City Secretary of the City of Parker, Collin County, Texas do hereby certify that the following Resolution No. 2011-353, proposed by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, was duly passed and adopted by the Council of the City of Parker, Collin County, Texas at a regular meeting thereof assembled on the 1<sup>st</sup> of November, 2011 by the following vote to wit:

AYES: Council members: Z Marshall  
Scott Levine  
Eleanor Evans  
Allison Sumrow  
David Leamy

NAYES: None

ABSENT: None

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Carrie Smith, City Secretary

Seal of the City

**RESOLUTION NO. 2011-353**  
*(U.S. Conference of Mayors Deferred Compensation Program)*  
*(I.R.C. 457 Plan)*

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY,  
TEXAS, REGARDING THE UNITED STATES CONFERENCE OF  
MAYORS DEFERRED COMPENSATION PROGRAM**

**WHEREAS**, the City has considered the establishment of a Deferred Compensation Plan to be made available to all eligible city employees, elected officials, and independent contractors pursuant to Federal legislation permitting such Plans; and

**WHEREAS**, certain substantial tax benefits could accrue to employees participating in said Deferred Compensation Plan; and

**WHEREAS**, such benefits will act as incentives to City employees to voluntarily set aside and invest portions of their current income to meet their future financial requirements and supplement their City retirement and Social Security (if applicable), at no cost to the City; and

**WHEREAS**, The U.S. Conference of Mayors, as Plan Administrator, agrees to hold harmless and indemnify the City, its appointed and elected officers and participating employees from any loss resulting from the U.S. Conference of Mayors or its Agent's failure to perform its duties and services pursuant to the U.S. Conference of Mayors Program;

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

**SECTION 1.** The City Council hereby adopts the U.S. Conference of Mayors Deferred Compensation Program and its attendant investment options and hereby establishes The City of Parker Deferred Compensation Plan for the voluntary participation of all eligible city employees.

**SECTION 2.** The Mayor is hereby authorized to execute for the City, individual participation agreements with each said employee requesting same, and for the Manager of the Finance Department of the City to act as the Administrator of the Plan representing the City, and to execute such agreements and contracts as are necessary to implement the Program. It is implicitly understood that other than the incidental expenses of collecting and disbursing the employee's deferrals and other minor administrative matters, that there is to be no cost to the City for the Program.

**SECTION 3.** This resolution shall be effective upon its passage.

**PASSED AND ADOPTED** this 1<sup>st</sup> day of November, 2011.

**APPROVED:  
CITY OF PARKER**

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**Joe Cordina, Mayor**

**ATTEST:**

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**Carrie L. Smith, City Secretary**

**APPROVED AS TO FORM:**

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**James E. Shepherd, City Attorney**



**Council Agenda Item**

Budget Account Code:	Meeting Date: November 1, 2011
Budgeted Amount:	Department/ Requestor:
Fund Balance-before expenditure:	Prepared by: J Flanigan
Estimated Cost:	Date Prepared: 10/26/2011
Exhibits:	1)

**AGENDA SUBJECT**

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2011-354 APPROVING AN EMERGENCY MANAGEMENT SUCCESSION PLAN.

**SUMMARY**

The purpose of this plan is to decide who has the authority to execute contracts on the behalf of the City, during a declared emergency and the EOC is activated.

This item was tabled from last meeting for legal review. See attached resolution prepared by Jim Shepherd.

**POSSIBLE ACTION**

Inter - Office Use			
<b>Approved by:</b>			
Department Head:		Date:	
City Attorney:	<i>email to C'Sec</i>	Date:	<i>10/26/2011</i>
City Administrator:	<i>Jeffy Flanigan</i>	Date:	<i>10/28/11</i>

**RESOLUTION NO. 2011-354**  
*(Local Emergency Management Plan)*  
*(Succession Plan)*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, REGARDING EMERGENCY MANAGEMENT UNDER THE LOCAL EMERGENCY MANAGEMENT PLAN OF THE CITY OF PARKER PURSUANT TO THE TEXAS DISASTER ACT OF 1975, BY PROVIDING A PLAN FOR THE CONTINUITY OF FUNCTIONS OF THE CITY IN THE EVENT OF A DISASTER DECLARED BY THE PRESIDENT OF THE UNITED STATES OF AMERICA, OR THE GOVERNOR OF THE STATE OF TEXAS, OR, DURING ANOTHER CATASTROPHIC EVENT.

**WHEREAS**, the City of Parker has created an emergency management plan for the coordination of personnel, equipment, and other resources during a disaster or other catastrophe; and

**WHEREAS**, the City of Parker by resolution may provide for a succession plan, including rules for meetings and of the city council during emergencies;

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

**SECTION 1.** The Texas Disaster Act of 1975 (the "Act") provides that the governing body of the City of Parker may adopt a plan for the continuity of functions of the political subdivision to be carried out during the disaster declared as provided by law by the President of the United States of America, or the Governor of the State of Texas, or, during another catastrophic event.

**SECTION 2.** Therefore, pursuant to the act, in the event of a declared disaster or other catastrophic event, the city council provides the following:

1. Those powers, duties, and authority provided to the Mayor of the City of Parker pursuant to the Act are not modified by this resolution.
2. The authority of the Mayor Pro Tem to assume the duties of the mayor in the event of the mayor's absence during an emergency are confirmed by this resolution.

**SECTION 3.** In the event of the absence of both the mayor, and the mayor pro tem, the city administrator may assume the administrative, as differentiated from executive or legislative powers necessary to perform the essential functions of the city. All actions are subject to the review and approval of the governing body of the city to make decisions, even when less than a quorum is available, subject to the provisions of Section 4 below.

**SECTION 4.** Pursuant to the Act, the governing body may meet in numbers less than a quorum and make decisions during an emergency. Pursuant to the Act, and notwithstanding any other law, a quorum is not required for the city council of the City of Parker to act if:

1. The City of Parker's jurisdiction is wholly or partly located in the area of the disaster declared by the President of the United States of America or the Governor of the State of Texas; and
2. The majority of the members of the city council are unable to be present at a meeting of the governing body as a result of the disaster. During such emergency, and pursuant to the Act, any two or more members of the city council may meet, preferably with or if necessary without the available members of the emergency management team, and make such legislative or executive decisions as may be necessary to respond to the emergency. In the event additional members of the city council are available via any mode of telecommunications, they will be considered present and voting members of the council. All legislative and executive actions of the city administrator, in the absence of the mayor and the mayor pro tem, are subject to the review and approval of the city council.

**SECTION 5.** Pursuant to the provisions of the Act, this resolution does not provide for the delegation of any duties that the city council, Mayor, Mayor Pro Tem, or other city official is required to perform by the Texas Constitution.

**SECTION 6.** This resolution shall be effective upon its passage.

**PASSED AND APPROVED** this 1st day of November, 2011.

**APPROVED:**  
**CITY OF PARKER**

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Joe Cordina, Mayor

**ATTEST:**

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Carrie L. Smith, City Secretary

**APPROVED AS TO FORM:**

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James E. Shepherd, City Attorney



GOVERNMENT CODE

TITLE 4. EXECUTIVE BRANCH

SUBTITLE B. LAW ENFORCEMENT AND PUBLIC PROTECTION

CHAPTER 418. EMERGENCY MANAGEMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 418.001. SHORT TITLE. This chapter may be cited as the Texas Disaster Act of 1975.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

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Sec. 418.1101. PLAN FOR CONTINUITY OF FUNCTIONS. (a) The governing body of a political subdivision may at any time adopt a plan for the continuity of functions of the political subdivision to be carried out during a disaster declared as provided by law by the president of the United States or the governor or during another catastrophic event.

(b) The plan may provide for:

(1) delegating any administrative duty of the governing body of the political subdivision or any official or employee of the political subdivision to another appropriate person;

(2) establishing orders of succession for performing essential functions of the political subdivision; and

(3) establishing meeting procedures for the governing body of the political subdivision.

(c) The plan may not provide for the delegation of a duty that the governing body or official is required to perform by the Texas Constitution.

Added by Acts 2007, 80th Leg., R.S., Ch. 338, Sec. 1, eff. June 15, 2007.

Renumbered from Government Code, Section 418.111 by Acts 2009, 81st Leg., R.S., Ch. 87, Sec. 27.001(26), eff. September 1, 2009.

Sec. 418.1102. EXCEPTION TO QUORUM REQUIREMENTS. (a) This section applies to a local governmental entity created and operating under the laws of this state, including a political subdivision, school district, or special district or authority.

(b) Notwithstanding any other law, a quorum is not required for the governing body of a local governmental entity to act if:

(1) the entity's jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and

(2) a majority of the members of the governing body are unable to be present at a meeting of the governing body as a result of the disaster.

Added by Acts 2007, 80th Leg., R.S., Ch. 338, Sec. 1, eff. June 15, 2007.

Renumbered from Government Code, Section 418.112 by Acts 2009, 81st Leg., R.S., Ch. 87, Sec. 27.001(27), eff. September 1, 2009.