

## MINUTES

### CITY COUNCIL MEETING

FEBRUARY 21, 2012

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

The Parker City Council met in a regular scheduled 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, Marshall, Evans and Levine present. A quorum was present.

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

#### **EXECUTIVE SESSION 6:00 – 7:00 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 551.071 and 551.074— Confidential legal advice regarding modification of employee benefits.”

Mayor Cordina recessed the regular meeting into executive session at 6:00 p.m.

2. RECONVENE REGULAR MEETING.

Mayor Cordina reconvened the regular meeting at 7:06 p.m.

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

No action was taken.

#### **PLEDGE OF ALLEGIANCE**

AMERICAN PLEDGE: Ed Standridge led the pledge.

TEXAS PLEDGE: Lee Pettle led the pledge.

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

Ed Standridge, 4807 Shady Knolls – He thanked and complimented Building Official Gary Machado for going out of his way to assist Corinth Presbyterian Church with a drainage issue.

**INDIVIDUAL CONSIDERATION ITEMS**

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FROM FEBRUARY 7, 2012.

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 RESOLUTION 2012-365 APPROVING A CONTRACT WITH COLLIN COUNTY FOR ELECTION SERVICES FOR THE MAY 12, 2012 GENERAL ELECTION.

City Secretary Smith noted the contract for services with Collin County is for the lease of voting equipment, programming and assistance with tabulations. The contract price is \$1,714.22.

MOTION: Councilmember Leamy moved to approve Resolution 2012-365 as written. Councilmember Evans seconded with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-366 SUSPENDING THE PROPOSED EFFECTIVE DATE OF THE PROPOSED RATE SCHEDULES FOR ATMOS ENERGY.

Atmos Mid-Tex filed a Statement of Intent on January 31, 2012, seeking to increase system-wide base rates (which exclude the cost of gas) by approximately \$49 million or 11.94%. However, the Company is requesting an increase of 13.6%, excluding gas costs, for its residential customers. Additionally, the application would change the way that rates are collected, by increasing the residential fixed-monthly (or customer) charge from \$7.50 to \$18.00 and decreasing the consumption charge from \$0.25 per 100 cubic feet ("ccf") to \$0.07 per ccf.

The law provides that a rate request made by a gas utility cannot become effective until at least 35 days following the filing of the application to change rates. Atmos has proposed an effective date of March 6, 2012. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action regarding the filing before the effective date, Atmos' rate request is deemed administratively approved.

would attend meetings with City Administrator Flanigan at NTMWD. This liaison will be the Parker advocate for conservation and hopefully will inspire other communities to follow his lead.

After a brief discussion it was agreed that Councilmember Leamy would serve as the liaison.

No formal action was taken.

## **ROUTINE ITEMS**

### **10. FUTURE AGENDA ITEM REQUESTS.**

### **11. UPDATES**

- a. Lucas Wal-mart – See Exhibit 11A.
- b. Department Reports: Animal Control, Police Department, Building Department and website

### **12. ADJOURN**

Mayor Cordina adjourned the meeting at 8:15 p.m.



APPROVED:

  
Joe Cordina  
Mayor

ATTESTED:

  
Carrie L. Smith, TRMC, CMC  
City Secretary

APPROVED on the 20<sup>th</sup> day of  
March, 2012.

The purpose of the resolution is to extend the effective date of Atmos Mid-Tex's proposed rate increase to give the City time to review the rate-filing package. The resolution suspends the March 6, 2012 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the other ACSC cities, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy to pursue, including settlement and ultimately to approve reasonable rates.

MOTION: Mayor Pro Tem Marshall moved to approve Resolution 2012-366 as written. Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

**7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION AS A RESULT OF DAMAGE TO THE TRAILS FROM RECENT FLOODING.**

This item was tabled from the February 7 meeting to acquire engineering review, and bids for repairs on the trail; Councilmember Levine contacted Jeff Durham with Collin County Special Projects requesting an extension of the existing trail grant to fall of 2012 or spring of 2013.

On February 10, 2012; City Engineer Birkhoff, Public Works Supervisor Mooney and City Administrator Flanigan walked, measured, and discussed the trail and appropriate action to make repairs from recent flooding.

Bids for the repairs to the trail were received from three companies ranging from \$23K to \$28K. Geronimo Concrete's bid was \$23,000. The City has worked with Geronimo on other projects as well. \$12,500 will be expended from the Parks and Recreation Trails Fund and the balance will be expended from City Council Contingency Fund.

MOTION: Councilmember Evans moved to approve and accept Geronimo Concretes bid of \$23,000 for the repair of the trail; \$12,500 from the Parks and Recreation Trails fund and balance from City Council Contingency fund; a letter to be sent to Collin County, requesting an extension on current grant. Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

**8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE PROCEDURE FOR APPOINTING BOARD OFFICERS.**

Resolution 2011-348 section 5 was reviewed by Council. It was agreed no changes were required at this time.

No action was taken.

**9. CONSIDERATION OF AN APPOINTMENT OF A COUNCIL MEMBER AS A LIAISON TO THE NTMWD, AND THE ROLE OF THE LIAISON.**

Mayor Cordina had recently attended a TML training and water conservation was a main area of discussion. He requested a councilmember be appointed as a liaison that

**Lucas/Parker Meeting  
WalMart  
February 15, 2012**

**1. Who is actual Developer?**

**a. Contacts**

*The owner of the 28-acre tract is WalMart. That includes three pad sites on the southern boundary of the property. Lucas is not aware of any immediate proposals for the sale or rental of those pad sites.*

**2. Status of Development**

**a. Projected Start**

*March 2012*

**b. Desired Completion**

*Spring 2013*

**3. Infrastructure Considerations**

**a. Water**

*Lucas officials indicate that the WalMart is projected to use less water than a 28-acre residential development.*

**b. Sewer**

*Sanitary sewer services would be provided by Lucas under a plan already approved.*

**c. Roadways**

*Allen has entered into a development agreement with WalMart providing for improvement of the roads within the City of Allen. We have that agreement and can provide a copy to each of you. For 2551, north and south of Lucas Road, additional turn lanes would be provided as provided in the agreement. The City of Lucas plans to have West Lucas Road east of the intersection of 2551, to be widened to three lanes, with a turning lane. The work on this is preliminary, and could be modified later. The length of the three-lane configuration would be for the length of the WalMart project as it abuts Lucas Road. No right-of-way is being requested from the City of Parker. The "bar" ditch configuration remains. The projected trip figure for East Lucas Road is 10,000 per day upon completion of the development. The current traffic count was not available at the meeting. Lucas Road east of the 2551 intersection is something that is within the control of Lucas and Parker. Lucas is not requesting any assistance from the City of Parker to accomplish these improvements.*

**d. Traffic Handling**

**i. Detours and Alternate Routing**

*The traffic-handling normal construction guidelines would apply for any road-widening project. (See Parker City Engineer Report – attached)*

**e. Noise**

*During construction there will be noise, as there would be with the development of a new subdivision. Lucas regulates all of the issues of construction activity primarily by limiting the construction hours to 7am to 7pm, Monday through Friday; 8am to 5pm, Saturday; and none on Sunday. Exceptions, such as continuous concrete pours during the summer, could start substantially earlier than 7am.*

f. Hours of Construction Operations

*(See e. above)*

g. Lighting During Construction

*Lucas does not regulate lighting during construction. (See e. above)*

h. Runoff Evacuation

*A large detention pond area is incorporated into the entire east side of the 28-acre tract. The detention ponds are approximately 1,200 feet long. They will be turfed, which also serves as a filtration for the water, prior to it draining from the site. Storm water is directed down the north bar ditch of West Lucas Road, to the east, to the large culverts directing the water into the creek on the Bolin property. The system is designed to allow no storm water from the WalMart area to flow into the P.L.E. storm water system.*

4. County Impact

*Lucas has not found it necessary to request assistance from the county.*

a. County Participation on Roadway Improvement

i. Submission and Evaluation

ii. Approval Cycle

1. Affected Tri-Cities Participation

b. WalMart Financial Participation on Temporary and Permanent Roadway Improvements

i. Plan and Time table for Improvements

ii. Traffic Handling Support – Parker/Lucas/Allen

1. Security and Cost

*WalMart is paying the City of Allen up to \$300,000 for improvement of roads within Allen city limits (2551). WalMart is paying Lucas an impact fee of over \$750,000, which Lucas intends to use, in part, for improvements to West Lucas Road.*

5. Plat Review

a. Retail Entities

i. How Many?

*4 (including WalMart)*

ii. Anticipated Types

*(Commercial business zoning)*

iii. Lucas Selection and Preferences

*The use on the pad sites would be limited to the Lucas zoning district known as CB Commercial Business District. Restaurants would need a special-use permit either for outside dining, or drive-in services of any type. Lucas officials indicate they have no requirements as to whether the three pad sites face north, to the interior of the tract, or face south to Lucas Road. They indicate that there would be no more driveways allowed between the entrance shown on the site plan to the WalMart parking lot, and the intersection of Lucas Road and Bethany Road.*

*Parker would want to consider the differences for P.L.E. in facing the front of the three pad sites, or the rear of the three buildings on the pad sites. As Lucas does not regulate the orientation, there is room for negotiation with WalMart.*

b. Parking and Maneuvering

i. Natural Settings/Considerations

1. Watering and Drought

*15% parking lot landscaping*

ii. Lot Sharing

*Each of the 4 tracts is required to meet all development rules, including parking.*

iii. In/Out Traffic Patterns

*Only one entrance to the development from Lucas Road*

iv. Long-Term Maintenance

c. Sound Barriers

i. Lucas Road Side Buffer

*If the 3 pad sites have the buildings face north, a 6-8 foot wall is required to screen the rear of the buildings, adjacent to Lucas Road. A 4-foot hedge, or substitute, is required around parking lots.*

ii. 2551 Buffer

*4-foot hedge*

6. Construction Monitoring

a. Communication on Progress-to-Plan

*Lucas puts updates in their newsletter. Parker can do the same.*

i. Citizen Bodies

1. Homeowners and Associations

ii. Environmental Entities

iii. Surrounding Businesses

b. Private Security

*WalMart will have it. The plan is to detain the accused until the Sheriff's Department (rather than Parker PD) comes to transport them to the Collin County jail.*