



AGENDA

CITY COUNCIL MEETING MAY 22, 2012 @ 6:00 PM

Notice is hereby given the City Council for the City of Parker will meet in a Special Meeting on Tuesday, May 22, 2012 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

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.

ELECTION CANVASS AND PRESENTATIONS

1. RECOGNITION OF ELECTION WORKERS.
2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-369 CANVASSING THE 2012 PARKER CITY COUNCIL ELECTION.
3. NEWLY ELECTED OFFICIALS TAKE THE OATH OF OFFICE.
4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON APPOINTING A MAYOR PRO TEM.
5. RECOGNITION OF THE OUTGOING ELECTED OFFICIALS.
6. BREAK FOR A BRIEF RECEPTION.

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

INDIVIDUAL CONSIDERATION ITEMS

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FROM APRIL 17, 2012.
8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012 - 372 DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S ("ATMOS MID-TEX") REQUESTED RATE CHANGE.
9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AN EASEMENT AGREEMENT WITH CO-SERV GAS.
10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012- 371 APPROVING AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY SHERIFF'S DEPARTMENT FOR ACCESS TO THE TEXAS LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (TLETS), THE TEXAS CRIME INFORMATION CENTER (TCIC), AND THE NATIONAL CRIME INFORMATION CENTER (NCIC).
11. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012 – 373 DESIGNATING THE FIRST TUESDAY IN OCTOBER AS "NATIONAL NIGHT OUT".
12. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ADVERTISING FOR AUDITOR SERVICES.
13. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ACCEPTING A MONETARY DONATION FROM A RESIDENT.

ROUTINE ITEMS

14. FUTURE AGENDA ITEM REQUESTS.
15. UPDATES
 - a. DEPARTMENT REPORTS – ANIMAL CONTROL, POLICE, BUILDING, FIRE, FINANCE, WEBSITE
 - b. COUNCIL CALENDAR

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.

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

- a. 551.074 Personnel—process and selection of an appointee to the vacancy created by Mayor Pro tem Marshall elected as Mayor.
- b. 551.071 Legal advice---legal issues arising from development plans in the ETJ, with regard to annexation, zoning and plat review of plans not conforming to the city comprehensive plan.

17. RECONVENE REGULAR MEETING.

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

19. 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 May 18, 2012 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: May 22, 2012
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: C Smith
Estimated Cost:	Date Prepared: 5/17/2012
Exhibits:	

AGENDA SUBJECT

RECOGNITION OF ELECTION WORKERS.

SUMMARY

In Grateful Appreciation of our Election Worker's Outstanding Service and Dedication to the Citizens and the City of Parker, I would like to present each of them with a Certificate of our Appreciation.

Early Voting Poll Workers

Frank Guynn
Sandy Waites

Kim Guynn
Travis Ann Dorough

Election Day Poll Workers

Judge Chuck Molyneaux
Stephanie Casson

Alt Judge Cindy Meyer

Inter – Office Use			
Approved by:			
Department Head:	Carrie Smith	Date:	5/17/2012
City Attorney:		Date:	
City Administrator:	Jeffrey Hay	Date:	5-17-12



Council Agenda Item

Budget Account Code:	Meeting Date: May 22, 2012
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: C Smith
Estimated Cost:	Date Prepared: 5/17/2012
Exhibits:	1. Resolution 2012-369

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-369 CANVASSING THE 2012 GENERAL PARKER CITY COUNCIL ELECTION.

SUMMARY

In accordance with the Election Code, official election results must be canvassed by the Council.

ACTION

Approve Resolution 2012-369 as written.

Inter – Office Use			
Approved by:			
Department Head:	<i>Carrie Smith</i>	Date:	5/17/2012
City Attorney:	<i>by email</i>	Date:	5/18/2012
City Administrator:	<i>Jeffrey Hay</i>	Date:	5-18-12

RESOLUTION NO. 2012-369

(Canvass May 12, 2012 General Election)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS;
CANVASSING THE ELECTION RETURNS AND DECLARATION OF RESULTS OF AN
ELECTION HELD IN THE CITY OF PARKER, TEXAS ON MAY 12, 2012.**

WHEREAS, the City Council of the City of Parker, Texas called an election to be held in the City on May 12, 2012 for the purpose of electing a Mayor and two City Councilmembers, caused notice thereof to be given in the manner and time provided for by law; and

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

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

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

FOR MAYOR:

Joe Cordina	316
Z Marshall	550

FOR CITY COUNCIL:

Scott Levine	560
Lee Pettle	434
Ed Standridge	329

It appearing that Z Marshall received the majority vote for the office of Mayor and he is hereby declared to be elected to the office to serve after qualifying for said term commencing immediately.

It appearing that Scott Levine and Lee Pettle received the majority vote for the office of City Councilmember and they are hereby declared to be elected to the office to serve after qualifying for said term commencing immediately.

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

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

RESOLVED this 22nd day of May, 2012.

APPROVED:

Mayor Joe Cordina

ATTEST:

City Secretary Carrie L. Smith

APPROVED AS TO FORM:

City Attorney James E. Shepherd

RESOLUTION NO. 2012-369

(Canvass May 12, 2012 General Election)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS;
CANVASSING THE ELECTION RETURNS AND DECLARATION OF RESULTS OF AN
ELECTION HELD IN THE CITY OF PARKER, TEXAS ON MAY 12, 2012.**

WHEREAS, the City Council of the City of Parker, Texas called an election to be held in the City on May 12, 2012 for the purpose of electing a Mayor and two City Councilmembers, caused notice thereof to be given in the manner and time provided for by law; and

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

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

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

FOR MAYOR:

Joe Cordina	316
Z Marshall	550

FOR CITY COUNCIL:

Scott Levine	560
Lee Pettle	434
Ed Standridge	329

It appearing that Z Marshall received the majority vote for the office of Mayor and he is hereby declared to be elected to the office to serve after qualifying for said term commencing immediately.

It appearing that Scott Levine and Lee Pettle received the majority vote for the office of City Councilmember and they are hereby declared to be elected to the office to serve after qualifying for said term commencing immediately.

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

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

RESOLVED this 22nd day of May, 2012.

APPROVED:

Mayor Joe Cordina

ATTEST:

City Secretary Carrie L. Smith

APPROVED AS TO FORM:

City Attorney James E. Shepherd

STATE OF TEXAS

§

**CANVASS OF THE
CITY OF PARKER
GENERAL ELECTION**

COUNTY OF COLLIN

§

May 12, 2012

I, Sharon Rowe, the undersigned Elections Administrator of Collin County, do hereby certify that I have made an actual check and comparison of all the electronic ballots tabulated as voted with the Return Sheets, and the unused ballots as recorded on the Register of Official Ballots. I, therefore, make the following report of my findings from the May 12, 2012, City of Parker General Election that was held in Collin County, Texas.

I hereby certify the results of the electronic ballots to be a full, true and correct tabulation, audit and count of the votes cast in the said election.

WITNESS, my hand on this the 14th day of May 2012.


Sharon Rowe
Sharon Rowe
Elections Administrator
Collin County

Election Summary Report
City and Schools - Rental Contract
Summary For Jurisdiction Wide, All Counters, Parker
Combined Accumulated Totals

Date:05/15/12
 Time:11:32:37
 Page:1 of 1

Registered Voters 7788 - Cards Cast 861 11.06%

Num. Report Precinct 7 - Num. Reporting 7 100.00%

Mayor - Parker

	Total
Number of Precincts	5
Precincts Reporting	5 100.0 %
Vote For	1
Times Counted	861/2490 34.6 %
Total Votes	860
Times Blank Voted	1
Times Over Voted	0
Number Of Under Votes	0
Joe Cordina	313 36.40%
Z Marshall	547 63.60%

Councilmember-At-Large - Parker

	Total
Number of Precincts	5
Precincts Reporting	5 100.0 %
Vote For	2
Times Counted	861/2490 34.6 %
Total Votes	1315
Times Blank Voted	72
Times Over Voted	0
Number Of Under Votes	263
Scott Levine	557 42.36%
Lee Pettle	432 32.85%
Ed Standridge	326 24.79%



Council Agenda Item

Budget Account Code:	Meeting Date: May 22, 2012
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: C Smith
Estimated Cost:	Date Prepared: 5/17/2012
Exhibits:	

AGENDA SUBJECT

NEWLY ELECTED OFFICIALS TAKE THE OATH OF OFFICE.

SUMMARY

City Secretary Smith will administer the Oath of Office to the newly elected officials.

After the Oaths are complete the new officials will take their seat at the bench.

Inter – Office Use			
Approved by:			
Department Head:	<i>Carrie K. Smith</i>	Date:	<i>5/17/2012</i>
City Attorney:		Date:	
City Administrator:	<i>Tiffay Hay</i>	Date:	<i>5-18-12</i>



Council Agenda Item

Budget Account Code:	Meeting Date: May 22, 2012
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: C Smith
Estimated Cost:	Date Prepared: 5/17/2012
Exhibits:	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON APPOINTING A MAYOR PRO TEM.

SUMMARY

Office of Mayor Pro Tem

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

Local Government Code

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

ACTION

Council to nominate a Councilmember to serve as the Mayor Pro Tem and take a vote.

Inter – Office Use			
Approved by:	<i>Carrie D. Smith</i>		5/17/2012
Department Head:		Date:	

City Attorney:		Date:	
City Administrator:		Date:	5-18-12



Council Agenda Item

Budget Account Code:	Meeting Date: May 22, 2012
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: C Smith
Estimated Cost:	Date Prepared: 5/17/2012
Exhibits:	

AGENDA SUBJECT

RECOGNITION OF ELECTION WORKERS.

SUMMARY

Inter -- Office Use			
Approved by:			
Department Head:	<i>Carrie R. Smith</i>	Date:	5/18/2012
City Attorney:		Date:	
City Administrator:	<i>Terry Ray</i>	Date:	5-18-12



Council Agenda Item

Budget Account Code:	Meeting Date: May 22, 2012
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: C Smith
Estimated Cost:	Date Prepared: 5/17/2012
Exhibits:	1. Meeting Minutes

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES
FROM APRIL 17, 2012.

SUMMARY

Please review the attached meeting minutes. I will contact you prior to the meeting for any changes or comments.

Carrie

ACTION

Approve Meeting Minutes as written or amended.

Inter – Office Use			
Approved by:			
Department Head:	<i>Carrie S. Smith</i>	Date:	5/17/2012
City Attorney:		Date:	
City Administrator:	<i>Jeffrey Flory</i>	Date:	5-18-12

MINUTES

CITY COUNCIL MEETING

APRIL 17, 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 7:00 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/H.R. Manager Johnna Boyd, Police Chief Tony Fragoso and Fire Chief Mike Sheff.

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Mayor Cordina led the pledge.

TEXAS PLEDGE: Finance/H.R. Manager Boyd 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.

No comments.

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FROM APRIL 3, 2012.

MOTION: Councilmember Leamy moved to approve the minutes subject to correcting page 3, Item 4 motion to read “Councilmember Sumrow seconded”. Councilmember Sumrow seconded with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012- 360 APPROVING A CONTRACT WITH SENSUS METERING FOR THE PURCHASE OF WATER METER EQUIPMENT.

City Attorney Shepherd reported new information regarding the contract.

- a) The City received the company's letter of credit and found Aquametric is an assumed name and the corporation company is out of Ontario, California. The contract will need to be amended to show both company names.
- b) If Council desires, the project could be completed in installments, which would change the project timeline.
 - a. Install and test the base station at City Hall.
 - b. Install and test meters for one water route.
 - c. If all is working properly install meters in the remaining water routes.
- c) Mr. Shepherd received product warranty clarification prior to the meeting.
 - a. The base station's warranty is one (1) year from date of shipment.
 - b. Flex Net Radio's warranty is twenty (20) years.
 - c. Accuracy of the meter's warranty is twenty (20) years.
 - d. The outercase/housing of the meter, which is plastic, has no warranty.

Council discussion ensued.

MOTION: Councilmember Levine moved to table this item to allow for additional research. Councilmember Evans seconded with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 678 APPROVING REALLOCATION OF FUNDS WITHIN THE GENERAL BUDGET FOR MUNICIPAL PURPOSES. POLICE: GAS, OIL, PROPANE AND ELECTRIC; ANIMAL CONTROL; VEHICLE REPAIRS AND MAINTENANCE; INSURANCE; TUITION REIMBURSEMENT; TRAINING. FIRE DEPARTMENT: CAPITAL EQUIPMENT; MEDICAL SUPPLIES; DISPATCH SERVICES; INSURANCE – LIABILITY; VEHICLE MAINTENANCE. BUILDING AND CODE: VEHICLE EXPENSE; COMPUTER EXPENSE. PUBLIC WORKS: MOWER AND FUEL; STREET MAINTENANCE AND REPAIR. ADMINISTRATION: CODIFICATION SERVICES; PERSONNEL CONTINGENCY; ADMINISTRATION CONTINGENCY; SALARIES AND WAGES; NEWSLETTER EXPENSE.

MOTION: Councilmember Levine moved to approve Ordinance 678. Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-367 APPROVING AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY FOR JAIL SERVICES.

MOTION: Councilmember Leamy moved to approve Resolution 2012-367. Mayor Pro Tem Marshall seconded with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

5. PRESENTATION, CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PARKS AND RECREATION QUARTERLY REPORT.

Parks and Recreation Chair Joe Sterk and Vice-Chair Phyllis Houx reviewed the quarterly report. (See Exhibit 5A)

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-368 AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.

MOTION: Councilmember Leamy moved to approve Resolution 2012-368.

Councilmember Evans seconded with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

ROUTINE ITEMS

7. FUTURE AGENDA ITEM REQUESTS.
 - a. Water Contract
8. ADJOURN

Mayor Cordina adjourned the meeting at 8:18 p.m.

APPROVED:

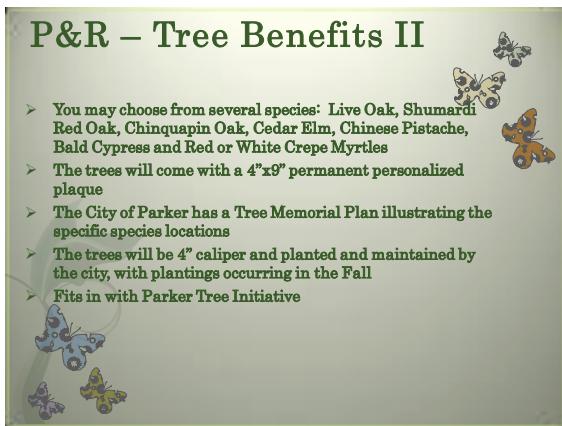
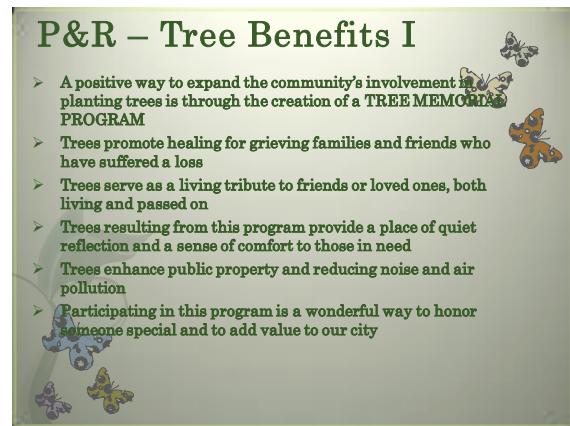
Joe Cordina
Mayor

ATTESTED:

Carrie L. Smith, TRMC, CMC
City Secretary

APPROVED on the _____ day of
_____, 2012.

**INSERT
EXHIBIT 5A – P&R Report**



P&R – Tree Plaque Example



P&R – KPB Benefits

- Access to KTB's partner agencies and to our network of more than 360 community affiliates
- Access to grant funding opportunities designated specifically for KTB affiliates and/or environmental programs
- Use of the KTB logo and assistance with marketing and promotion of local events with informational mailings regarding pertinent deadlines, events and funding opportunities
- Free supplies, signs and volunteer incentives for affiliate cleanup events
- Statewide recognition for active affiliates
- An official KTB affiliate road sign
- Committee made up of staff, government agencies, peers, and board members working on affiliates' behalf.
- Get our Youth involved in the Community



P&R – KPB Responsibilities

- An annual \$100 membership fee
- Organize a local citizen committee or board
- Complete a brief annual report
- Attend one KTB training session annually
- Participate in one KTB-endorsed local community activity annually



P&R – KPB Goals

- Increase an affiliate's interest in litter prevention, waste reduction and beautification
- Enable affiliates already involved in the KTB program to fulfill their commitment
- Encourage and assist affiliates applying for Keep America Beautiful (KAB) certification

P&R – Scout Projects

- Split Rail Fence
- Trash Receptacles
- Barn Cleanup
- More to come



Parks & Recreation

Thank you!





Council Agenda Item

Budget Account Code:	Meeting Date: May 22, 2012
Budgeted Amount:	Department/ Requestor: ACSC
Fund Balance-before expenditure:	Prepared by: ACSC
Estimated Cost:	Date Prepared: 5/17/2012
Exhibits:	Resolution 2012-372

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-372 DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S ("ATMOS MID-TEX") REQUESTED RATE CHANGE.

SUMMARY

Atmos Energy
Mid-Tex Division
2012 Rate Case
May 2012

- On January 31, 2012, Mid-Tex Division of Atmos Energy filed a rate case with 441 cities for a system-wide increase in rates of \$53.7 million (\$49.1 million in the affected cities).
- Cities passed a suspension resolution to extend rate implementation deadline until June 4, 2012 to allow for the cities to review the case and work with the Company on an agreed on settlement.
- The statutory timeline requires that cities take action by the deadline or rates will go in effect as filed by operation of law.
- The Company voluntarily extended the jurisdictional deadline from June 4 to June 11 in an attempt to facilitate settlement.
- At this time, a negotiated settlement has not been reached and the parties have agreed to move forward with a denial of the case by the cities and an appeal to the Railroad Commission.

- The Company requests that the city approve a resolution to deny the rate case prior to the June 11, 2012 statutory deadline in order to avoid the rates being approved as filed by operation of law pursuant to the Texas Utilities Code.
- While on appeal, the Company will continue to pursue an agreed upon settlement of this case and the re-establishment of a Rate Review Mechanism for the future.

ACTION

Approve Resolution 2012-372 as prepared by ACSC.

Inter – Office Use			
Approved by:			
Department Head:	<i>Carrie Smith</i>	Date:	<i>5/17/2012</i>
City Attorney:	<i>by email</i>	Date:	<i>5/16/2012</i>
City Administrator:	<i>Teffy Lang</i>	Date:	<i>5-18-12</i>

RESOLUTION NO. 2012-372
(Atmos Rate Case)

**RESOLUTION OF THE CITY OF PARKER DENYING
ATMOS ENERGY CORP., MID-TEX DIVISION'S
("ATMOS MID-TEX") REQUESTED RATE CHANGE;
REQUIRING THE COMPANY TO REIMBURSE THE
CITY'S REASONABLE RATEMAKING EXPENSES;
FINDING THAT THE MEETING AT WHICH THIS
RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS
REQUIRED BY LAW; REQUIRING NOTICE OF THIS
RESOLUTION TO THE COMPANY AND ACSC'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 is a regulatory authority under the Gas Utility Regulatory Act ("GURA") and under Chapter 104, §104.001 et seq. of GURA, has exclusive original jurisdiction over Atmos Mid-Tex's rates, operations, and services within the City; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of over 150 similarly situated cities served by the Company that have joined together to facilitate the review and response to natural gas issues affecting rates charged in the Atmos Mid-Tex Division; and

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

WHEREAS, ACSC and the Company agreed to extend the RRM process in reaching a settlement in 2010 on the third RRM filing; and

WHEREAS, in 2011, ACSC and the Company engaged in good faith negotiations regarding the continuation of the RRM process, but were unable to come to ultimate agreement; and

WHEREAS, on or about January 31, 2012, the Company filed a Statement of Intent with the cities retaining original jurisdiction within its Mid-Tex service division to increase rates by approximately \$49 million; and

WHEREAS, Atmos Mid-Tex proposed March 6, 2012, as the effective date for its requested increase in rates; and

WHEREAS, the City suspended the effective date of Atmos Mid-Tex's proposed rate increase for the maximum period allowed by law and thus extended the City's jurisdiction until June 4, 2012; and

WHEREAS, on April 25, 2012, the Company extended the effective date for its proposed rates by one week, which similarly extended the City's jurisdiction until June 11, 2012; and

WHEREAS, the ACSC Executive Committee hired and directed legal counsel and consultants to prepare a common response to the Company's requested rate increase and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, ACSC's consultants conducted a review of the Company's requested rate increase and found justification that the Company's rates should be decreased; and

WHEREAS, ACSC and the Company have engaged in settlement discussions but will be unable according to Company representations to reach settlement in sufficient time for cities to act before June 11, 2012; and

WHEREAS, failure by ACSC members to take action before June 11, 2012 would allow the Company the right to impose its full request on residents of said ACSC members; and

WHEREAS, the ACSC Settlement Committee recommends denial of the Company's proposed rate increase in order to continue settlement discussions pending the Company's appeal of cities' denials to the Railroad Commission of Texas; and

WHEREAS, the GURA § 103.022 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the rates proposed by Atmos Mid-Tex to be recovered through its gas rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

2. That the Company shall continue to charge its existing rates to customers within the City and that said existing rates are reasonable.

3. That the City's reasonable rate case expenses shall be reimbursed by the Company.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Atmos Mid-Tex, care of David Park, Vice President Rates & Regulatory Affairs, at Atmos Energy Corporation, Mid-Tex Division, 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 _____ day of _____, 2012.

Mayor Z Marshall

ATTEST:

City Secretary Carrie L. Smith

APPROVED AS TO FORM:

City Attorney James E. Shepherd



Council Agenda Item

Budget Account Code:	Meeting Date: May 22, 2012
Budgeted Amount:	Department/ Requestor: Public Works
Fund Balance-before expenditure:	Prepared by: J Flanigan
Estimated Cost:	Date Prepared: 5/18/2012
Exhibits:	

AGENDA SUBJECT

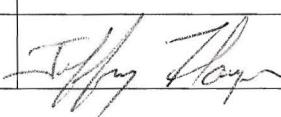
CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AN EASEMENT AGREEMENT WITH CO-SERV GAS.

SUMMARY

On April 3, 2012, council approved entering into an encroachment agreement with Coserv Gas subject to 4 (four items). Mr. Shepherd prepared an agreement using their template, Coserv made changes to their agreement and Mr. Shepherd has contacted Coserv should have final revisions by Tuesday night.

POSSIBLE ACTION

- Authorize
- Table
- Deny

Inter – Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:		Date:	5-12-12



Council Agenda Item

Budget Account Code:		Meeting Date: May 22, 2012
Budgeted Amount:		Department/ Requestor: Police Department/Collin County Sheriff's Office
Fund Balance-before expenditure:		Prepared by: T Fragoso/J Shepherd
Estimated Cost:		Date Prepared: 5/17/2012
Exhibits:	Resolution 2012-371	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-371 APPROVING AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY SHERIFF'S DEPARTMENT FOR ACCESS TO THE TEXAS LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (TLETS), THE TEXAS CRIME INFORMATION CENTER (TCIC), AND THE NATIONAL CRIME INFORMATION CENTER (NCIC).

SUMMARY

This is an Interlocal agreement with Collin County Sheriff's Office for access to information concerning the collection, storage, processing, retrieval, dissemination, and exchange of information for criminal justice purposes

ACTION

Approve Resolution as written.

Inter – Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:	by email	Date:	5/17/2012
City Administrator:		Date:	5-18-12

RESOLUTION NO. 2012-371

(Parker Police Department Agreement with Collin County Sheriff's Office)

A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, PROVIDING FOR THE EXECUTION OF A NON-TERMINAL AGENCY AGREEMENT WITH THE COLLIN COUNTY SHERIFF'S OFFICE FOR ACCESS TO THE TEXAS LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM AND TEXAS AND NATIONAL CRIME INFORMATION CENTERS.

WHEREAS, the City of Parker desires to contract with the Collin County Sheriff's Office concerning the collection, storage, processing, retrieval, dissemination, and exchange of information for criminal justice purposes; and

WHEREAS, the City of Parker, by and through its Police Department, agrees to comply with the rules, policies and procedures of the Texas Law Enforcement Telecommunications System (TLETS), the Texas Crime Information Center (TCIC), and the National Crime Information Center (NCIC), and the National Law Enforcement Telecommunications System (NLETS);

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

SECTION 1. The Parker City Council does authorize the Mayor and the Chief of Police to execute the NON-TERMINAL AGENCY AGREEMENT with the Collin County Sheriff's Office for access to the Texas Law Enforcement Telecommunications System and the Texas and National Crime Information Centers as set forth in said Agreement. A copy of the Agreement is attached to this Resolution as Exhibit A.

SECTION 2. This resolution shall be effective upon its passage.

APPROVED AND ADOPTED this _____ day of May, 2012.

APPROVED:
CITY OF PARKER

Z Marshall, Mayor

ATTEST:

Carrie L. Smith, City Secretary

Resolution No. _____-

(Parker Police Department Agreement with Collin County Sheriff's Office)

APPROVED AS TO FORM:

James E. Shepherd, City Attorney

Resolution No. _____-_____
(Parker Police Department Agreement with Collin County Sheriff's Office)

NON-TERMINAL AGENCY AGREEMENT

This document constitutes an agreement between Collin County Sheriff's Office hereinafter called the Terminal Agency, and Parker Police Department hereinafter called the Non-Terminal Agency.

The Terminal Agency agrees to provide the Non-Terminal Agency with access to the Texas Law Enforcement Telecommunications System (TLETS), the Texas Crime Information Center (TCIC), and the National Crime Information Center (NCIC), and associated systems on a 24-hour, 7 day per week basis.

The Non-Terminal Agency agrees to abide by all laws of the United States and the state of Texas, and all present or hereafter approved rules, policies and procedures of TLETS, NLETS, TCIC, NCIC and any other systems now or in the future associated with TLETS concerning the collection, storage, processing, retrieval, dissemination and exchange of information for criminal justice purposes.

The Terminal Agency reserves the right to suspend service to the Non-Terminal Agency, which may include canceling of records entered for the Non-Terminal Agency, when applicable policies are violated. The Terminal Agency may reinstate service following such instances upon receipt of satisfactory assurances that such violations have been corrected.

In order to comply with NCIC policies established by the NCIC Advisory Policy Board, the Non-Terminal Agency agrees to maintain accurate records of all TCIC/NCIC entries made through the Terminal Agency and to immediately notify the Terminal Agency of any changes in the status of those reports, to include the need for cancellation, additions, deletion or modification of information. The Terminal Agency agrees to enter, update and remove all records for the Non-Terminal agency on a timely basis, as defined by NCIC.

In order to comply with NCIC hit confirmation requirement the agencies agreed to the following:

If wanted person records are to be entered with the Terminal Agency's ORI, the Non-Terminal Agency **must** deliver to the Terminal Agency the original warrants to be held on file until such time as the record is cancelled/cleared.

If property and missing person records are to be entered with the Terminal Agency's ORI, the Non-Terminal Agency must deliver case reports to the Terminal Agency to be held on file until such time as the records is cancelled/cleared.

If the records are to be entered with the Non-Terminal Agency's ORI, the Terminal Agency agrees to immediately forward all request for hit confirmation that might be received at the terminal to the Non-Terminal Agency. The Non-Terminal Agency agrees to comply with the NCIC hit confirmation policy.

If the Non-Terminal Agency is a non-24 hour agency, the records must be entered with the Terminal Agency's ORI, and case reports and original warrants must be held at the Terminal Agency for hit confirmation purposes.

In order to comply with NCIC Validation requirements, the Non-Terminal Agency agrees to perform all validation procedures as required by NCIC on all records entered through the Terminal Agency.

Criminal History information obtained from the TLETS terminal of the Terminal Agency will be handled according to TCIC/NCIC guidelines by the Non-Terminal Agency.

Either the Terminal Agency or the Non-Terminal Agency may, upon thirty days written notice, discontinue this agreement. The Non-Terminal Agency agrees to indemnify and save harmless the Terminal Agency as well as the DPS, its director and employees from and against all claims, demands, actions and suits, including but not limited to any liability for damages by reason of or arising out of any false arrests or imprisonment or any cause of the Non-Terminal Agency or its employees in the exercise of the enjoyment of this Agreement.

The Terminal Agency agrees to make available to the Non-Terminal Agency all TLETS/NLETS and TCIC/NCIC publications and policies as are available to it so that the Non-Terminal Agency may comply with the policies of TLETS/NLETS and TCIC/NCIC.

This agreement becomes effective on the _____ day of _____, 20_____.

In witness whereof, the parties hereto cause this agreement to be executed by the proper officers and officials.

Terminal Agency

By: _____

Title: _____

Date: _____

Non-Terminal Agency

By: _____

Title: City of Parker, Mayor Z Marshall

Date: May 22, 2012



Council Agenda Item

Budget Account Code:	Meeting Date: May 22, 2012
Budgeted Amount:	Department/ Requestor: Police Department
Fund Balance-before expenditure:	Prepared by: C Smith
Estimated Cost:	Date Prepared: 5/17/2012
Exhibits:	Resolution 2012-373

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012 – 373 DESIGNATING THE FIRST TUESDAY IN OCTOBER AS "NATIONAL NIGHT OUT".

SUMMARY

The proposed Resolution formally designates October 2nd as the City's National Night Out.

At the March 20, 2012 Council Meeting

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON NATIONAL NIGHT OUT 2012.

NNO has proven to be an effective, inexpensive and enjoyable program to promote neighborhood spirit and police-community partnerships.

Council discussed participation in NNO, which will be held October 2, 2012. There has been minimal participation throughout the City in the past due to the date conflicting with regular Council meeting days. Staff will promote participation by having notices in the newsletter, webpage and the use of banners. It was recommended to increase participation by having the Police Department and Council judge events and food for a little friendly competition.

ACTION

Approve Resolution 2012-373 as presented.

Inter – Office Use			
Approved by:	<i>MC Tigar</i>		
Department Head:	<i>Carrie S. Smith</i>	Date:	5/18/2012
City Attorney:		Date:	
City Administrator:	<i>Tiffy Tigar</i>	Date:	5-18-12

RESOLUTION 2012-373

(National Night Out 2012)

A RESOLUTION FOR THE CITY OF PARKER, TEXAS DESIGNATING THE FIRST TUESDAY IN OCTOBER AS "NATIONAL NIGHT OUT".

WHEREAS, the National Association of Town Watch (NATW) and TARGET are sponsoring a unique, nationwide crime, drug and violence prevention program on October 2nd entitled "National Night Out"; and

WHEREAS, the "29th Annual National Night Out" provide a unique opportunity for the City of Parker to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, Parker Police Department plays a vital role in assisting the sheriff's department and other local police departments through joint crime, drug and violence prevention efforts in Parker and is supporting "National Night Out 2012" locally; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program;

NOW, THEREFORE I/WE, Mayor and City Councilmembers, do hereby call upon all citizens of Parker to join the Parker police department, the National Association of Town Watch and TARGET in supporting "29th Annual National Night Out" on October 2nd.

FURTHER, LET IT BE RESOLVED THAT, by the City Council of the City of Parker that the first Tuesday in October be designated as "National Night Out".

APPROVED by the City Council the City of Parker _____ day of _____, 2012.

Mayor

Mayor Pro Tem

Councilmember

Councilmember

Councilmember

Councilmember



Council Agenda Item

Budget Account Code:		Meeting Date: May 22, 2012
Budgeted Amount:		Department/ Requestor: Finance Manager
Fund Balance-before expenditure:		Prepared by: J Boyd
Estimated Cost:		Date Prepared: 5/17/2012
Exhibits:	Resolution 2012-373	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ADVERTISING FOR AUDITOR SERVICES.

SUMMARY

ACTION

Approval for staff to prepare a request for qualifications (RFQ) for auditing firms to perform the 2011-2012 City Audit.

Inter – Office Use			
Approved by:			
Department Head:	by email	Date:	5/17/2012
City Attorney:		Date:	
City Administrator:	<i>Terry Hays</i>	Date:	5-18-12



Council Agenda Item

Budget Account Code:	Meeting Date: May 22, 2012
Budgeted Amount:	Department/ Requestor: Police Department
Fund Balance-before expenditure:	Prepared by: T Fragoso
Estimated Cost:	Date Prepared: 5/17/2012
Exhibits:	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ACCEPTING A MONETARY DONATION FROM A RESIDENT.

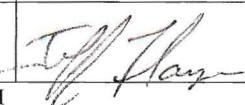
SUMMARY

Mr. and Mrs. Jaime Turrentine would like to donate \$500 to the Parker Police Department for the department's use to purchase equipment. The Turrentine's hold an annual event in April or May at their home on Estates Lane usually as a fund raiser for assorted charities. This last year it was for Autism. The Turrentine's would like to donate the money due to the Police Department's assistance and support for the events.

Mr. Turrentine was advised that all donations to the City will be deposited in the City's general fund.

ACTION

Approve or Deny accepting the donation.

Inter – Office Use			
Approved by:			
Department Head:	Tony Fragoso	Date:	May 18, 2012
City Attorney:		Date:	
City Administrator:		Date:	5/18/12