



**AGENDA**  
**CITY COUNCIL REGULAR MEETING**  
**FEBRUARY 21, 2023 @ 6:00 PM**

Notice is hereby given the City Council for the City of Parker will meet on Tuesday, February 21, 2023, at 6:00 P.M. at the Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002. The City Council meeting will be open to the public and live streamed.

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

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

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

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

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

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

Government Code Section 551.071(2) – Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter (Open Meetings Act).

RECONVENE REGULAR MEETING.

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

**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 to speak to the Council. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

**ITEMS OF COMMUNITY INTEREST**

i. PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, MARCH 8, 2023, 5 PM  
THURSDAY, APRIL 6, 2023 - LAST DAY TO REGISTER TO VOTE FOR THE MAY 6, 2023, GENERAL ELECTION ([IMPORTANT 2023 ELECTION DATES](#))

CANDIDATES NIGHT – THURSDAY, APRIL 13, 2023, 7 PM – VICTORY CHURCH – 6301 E. PARKER ROAD

NATIONAL PRESCRIPTION DRUG TAKE BACK - SATURDAY, APRIL 22, 2023, 10AM-2PM

**REMINDER – MAY 6, 2023 – GENERAL ELECTION (EV AND ED INFO)**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Apr 23	Apr 24 Early Voting 8am to 5pm	Apr 25 Early Voting 8am to 5pm	Apr 26 Early Voting 8am to 5pm	Apr 27 Early Voting 8am to 5pm	Apr. 28 Early Voting 8am to 5pm	Apr. 29 Early Voting 8am to 5pm
Apr 30	May 1 Early Voting 7am to 7pm	May 2 Early Voting 7am to 7pm	May 3	May 4	May 5	May 6 Election Day 7am to 7pm

**CONSENT AGENDA** Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.

1. APPROVAL OF MEETING MINUTES FOR JANUARY 11, 2023 [MUNICIPAL COMPLEX WORKSHOP, 5:30 PM – 7:30 PM]. {*Removed from the February 7, 2023 CC Meeting agenda for changes/discrepancies.*}
2. APPROVAL OF MEETING MINUTES FOR FEBRUARY 7, 2023 [COUNCIL MEETING, 6 PM].

**INDIVIDUAL CONSIDERATION ITEMS**

**3. TEMPORARY MORATORIUM EXTENSION:**

PUBLIC HEARING REGARDING EXTENSION OF THE TEMPORARY MORATORIUM ON THE ACCEPTANCE, REVIEW, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, OR CONSTRUCTION WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF PARKER.

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 839 EXTENDING THE TEMPORARY MORATORIUM ENACTED BY ORDINANCE NO.'S 833, 824, 815 & 812 ON THE ACCEPTANCE, REVIEW, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, OR CONSTRUCTION WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF PARKER.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION, ACCEPTING THE 2022 RACIAL PROFILING REPORT AND THE 2022 PARKER PD ANNUAL REPORT.
5. PRESENTATION AND DISCUSSION ON A CONTEMPLATED DONATION(S) TO THE PARKER POLICE DEPARTMENT FROM THE BERKSHIRE FECHT QUAIL CONSERVANCY, AND THE FECHT FAMILY.
6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON KING'S CROSSING PHASE 5 PRELIMINARY PLAT.

**ROUTINE ITEMS**

**7. UPDATE(S):**

- FM 2551
- MONTHLY/QUARTERLY REPORTS

[January 2023 - Building Permit/Code Report](#)

[January 2023 – Court Report](#)

[January 2023 – Finance \(monthly financials\) Report](#)

[Investment 4th Qtr. Report 2022](#)

[January 2023 – Police Report](#)

[January 2023 – Website \(PIWIK\) Report](#)

## DONATION(S)

### 8. ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$500)

Jerry Dorough donated \$100 cash to the Parker Fire Department.

Yingyan Katherine Li donated assorted chips, a 12 pk Green Tea and a 12 pk of Strawberries and Cream Dr. Pepper valued at approximately \$36.00 to the Parker Police Department.

Alyssa Aguilar donated chips and Gatorade valued at approximately \$30.00.

## FUTURE AGENDA ITEMS

### 9. FUTURE AGENDA ITEMS

## WORKSHOP

### 10. WATER RATE

## 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 or before February 17, 2023, 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).

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.

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Date Notice Removed

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Patti Scott Grey  
City Secretary

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## Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey
Estimated Cost:	Date Prepared:	February 13, 2023
Exhibits:	<b><u>None</u></b>	

### AGENDA SUBJECT

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, MARCH 8, 2023, 5:00 PM

THURSDAY, APRIL 6, 2023 - LAST DAY TO REGISTER TO VOTE FOR THE MAY 6, 2023, GENERAL ELECTION (**IMPORTANT 2023 ELECTION DATES**)

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### SUMMARY

Please review information provided.

#### Inter – Office Use

<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/16/2023
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/16/2023 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	02/17/2023



## Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	City Secretary
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey
Estimated Cost:	Date Prepared:	February 13, 2023
Exhibits:	<ul style="list-style-type: none"> <li>• <a href="#">Proposed Minutes</a></li> </ul>	

### AGENDA SUBJECT

APPROVAL OF MEETING MINUTES FOR JANUARY 11, 2023 [MUNICIPAL COMPLEX WORKSHOP, 5:30 PM – 7:30 PM]. *{Removed from the February 7, 2023 CC Meeting agenda for changes/discrepancies.}*

### SUMMARY

Please review the attached minutes. If you have any questions, comments, and/or corrections, please contact the City Secretary at [PGrey@parkertexas.us](mailto:PGrey@parkertexas.us) prior to the City Council meeting.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/16/2023
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/16/2023 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	02/17/2023



**MINUTES**  
**CITY COUNCIL MEETING**  
**JANAURY 11, 2023**

**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 Lee Pettle called the meeting to order at 5:31 p.m. Mayor Pro Tem Michael Slaughter and Councilmembers Diana M. Abraham, Terry Lynch, Cindy Meyer and Jim Reed were present.

Staff Present: City Administrator Luke Olson, Asst. City Administrator/City Secretary Patti Scott Grey, Finance/Human Resources Director Grant Savage, City Attorney Trey Lansford, Public Works Director Gary Machado, and Assistant Police Chief Kenneth Price

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

Ed Standridge, 3607 Hogge Drive, expressed concern that a portion of Council and residents do not understand the process to get a Municipal Complex. The City Council needs to get a BOND approved. There would be time to work on the details.

Elvis Nelson, 5802 Corinth Chapel Road, said he struggled with the methodology used to secure a Municipal Complex.

Councilmember Lynch asked Amanda Noe to come forward and speak. Amanda Noe, 4307 Springhill Estates Drive, reviewed information (not provided) regarding, issues she had with the Municipal Complex.

Lynette Ammar, 6903 Audubon Drive, said the Municipal Complex is “about the money” and Council/Employee/Resident needs, not wants.

**WORKSHOP**

**MUNICIPAL COMPLEX**

Mayor Pettle asked City Administrator Olson to pull up the last rendition of the Municipal Complex as he reviewed price point information. Council and Residents discussed the rendition and other aspects of the Municipal Complex project, agreeing it was about money and not size or square footage. [See Exhibit 1 –Last Rendition, City of Parker - City Hall & Admin Building (Conceptual Estimate) 09202022 and City of Parker - Police Station (Conceptual Estimate) 09132022.]

Council asked Finance/Human Resources Director Grant Savage to gather financial information on the City’s debt capacity without including future growth. Mr. Savage said he thought he could get the information for Council by the end January.

**ADJOURN**

Mayor Lee Pettle adjourned the meeting at 7:02 p.m.

APPROVED:

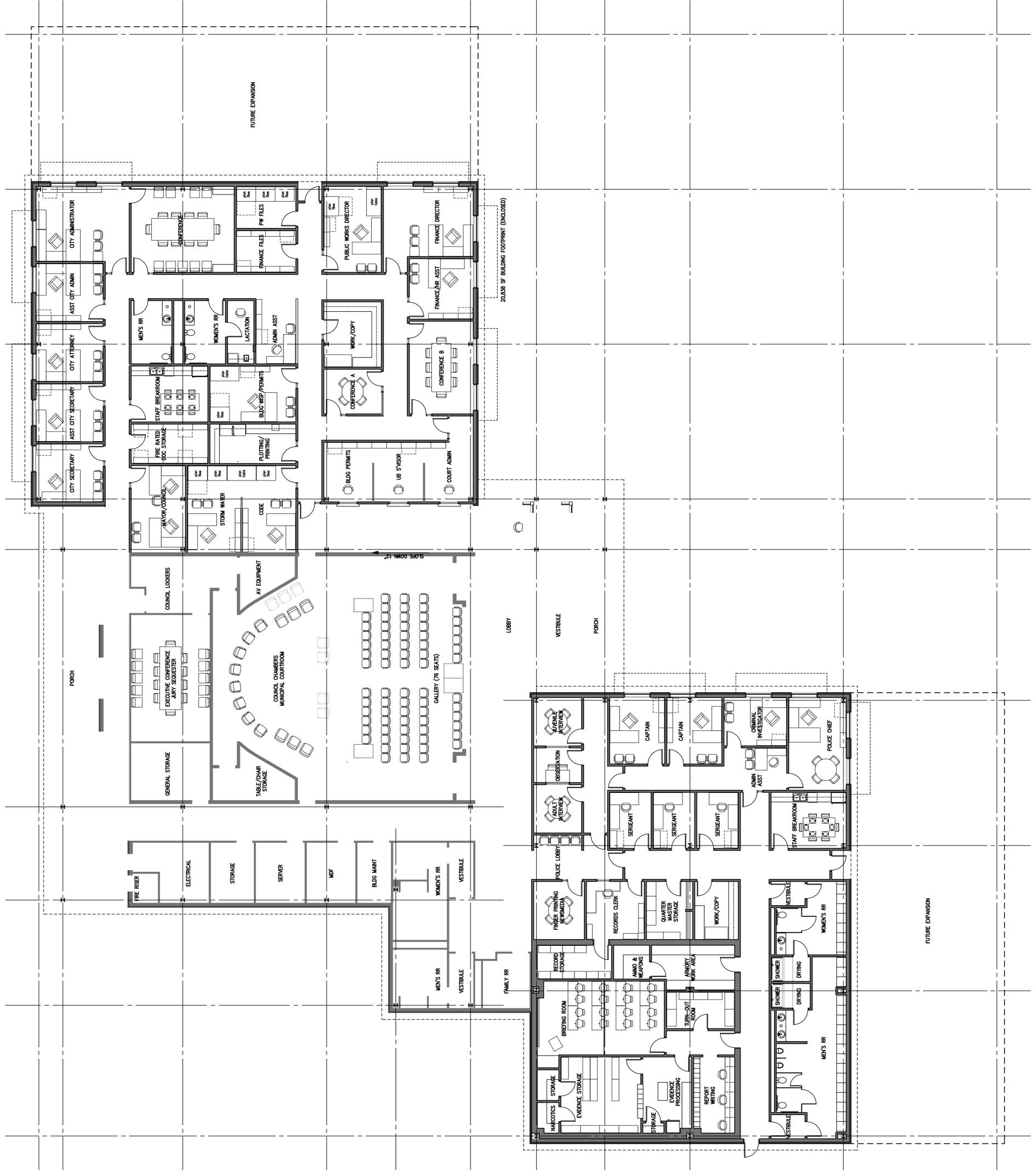
\_\_\_\_\_  
Mayor Lee Pettle

ATTESTED:

Approved on the 21st day  
of February, 2023.

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

PROPOSED



**OPTIONAL CITY HALL FLOOR PLAN**

**City of Parker - Police Station (Addition & Remodel)**  
 5700 East Parker Rd  
 Parker  
 Texas  
 75002

Enclosed Area	Bldg Area
Existing Building - Renovation -	4,567 sf
New Building - Addition -	2,831 sf
	<u>7,398 sf</u>

**City of Parker**  
 5700 East Parker Rd  
 Parker, TX 75002  
 972-442-6811  
 Luke Olson

**CES - Computerized Estimating Services**  
 2823 VZ County Road 1222  
 Grand Saline, TX 75140  
 309-981-9285  
 Daniel Blanchard

No.	Conceptual Estimate	Total Cost	\$/sf	% of Total	Site	Building
<b>Section A Substructure</b>						
024113	Selective Site Demolition	27,435	\$3.71	0.84%	27,435	0
024300	Selective Building Demolition	52,747	\$7.13	1.61%	0	52,747
031100	Site Concrete	296,937	\$40.14	9.04%	296,937	0
071000	Wp, Dp & Joint Sealants	10,893	\$1.47	0.33%	10,893	0
310000	Mass Excavation	50,156	\$6.78	1.53%	50,156	0
313116	Soil Treatment for Termite Control	2,639	\$0.36	0.08%	0	2,639
321700	Pavement Markings	178	\$0.02	0.01%	178	0
329300	Landscaping & Irrigation	33,000	\$4.46	1.01%	33,000	0
330000	Site Utilities	103,400	\$13.98	3.15%	103,400	0
<b>Section B Shell or Superstructure</b>						
033100	Building Concrete	63,553	\$8.59	1.94%	0	63,553
033511	Concrete Floor Finishes	3,153	\$0.43	0.10%	0	3,153
042000	Unit Masonry	52,201	\$7.06	1.59%	0	52,201
051000	Structural Steel & Metal Decking	84,147	\$11.38	2.56%	0	84,147
054000	Cold-Formed Metal Framing	68,358	\$9.24	2.08%	0	68,358
061000	Rough Carpentry	46,481	\$6.28	1.42%	0	46,481
071000	Wp, Dp & Joint Sealants	2,589	\$0.35	0.08%	0	2,589
072000	Building Insulation	3,081	\$0.42	0.09%	0	3,081
072100	Thermal Insulation	3,252	\$0.44	0.10%	0	3,252
075000	Roofing	38,279	\$5.17	1.17%	0	38,279
076200	Sheet Metal Flashing & Trim	37,208	\$5.03	1.13%	0	37,208
077200	Roof Accessories	14,622	\$1.98	0.45%	0	14,622
080800	Labor to Install Drs, Frms & Hardware	1,113	\$0.15	0.03%	0	1,113
081113	Hollow Metal Doors & Frames - Mat'ls FOB Jobsite	3,780	\$0.51	0.12%	0	3,780
084213	Aluminum Entrance Doors	6,160	\$0.83	0.19%	0	6,160
084313	Aluminum-Framed Storefront	35,280	\$4.77	1.07%	0	35,280
087100	Finish Hardware - Mat'ls FOB Jobsite	1,890	\$0.26	0.06%	0	1,890
099113	Exterior Painting	3,962	\$0.54	0.12%	0	3,962
<b>Section C Interiors</b>						
061000	Rough Carpentry	2,940	\$0.40	0.09%	0	2,940
062000	Finish Carpentry	2,100	\$0.28	0.06%	0	2,100
080800	Labor to Install Drs, Frms & Hardware	12,054	\$1.63	0.37%	0	12,054
081113	Hollow Metal Doors & Frames - Mat'ls FOB Jobsite	21,854	\$2.95	0.67%	0	21,854
081416	Flush Wood Doors - Mat'ls FOB Jobsite	14,112	\$1.91	0.43%	0	14,112
087100	Finish Hardware - Mat'ls FOB Jobsite	22,078	\$2.98	0.67%	0	22,078
088300	Mirrors	1,295	\$0.18	0.04%	0	1,295
092116	Gypsum Board Assemblies	87,446	\$11.82	2.66%	0	87,446
092216	Interior Metal Wall Framing	83,769	\$11.32	2.55%	0	83,769
093000	Ceramic Tile	69,167	\$9.35	2.11%	0	69,167
096510	Luxury Vinyl Tile	72,697	\$9.83	2.21%	0	72,697
096813	Tile Carpeting	14,214	\$1.92	0.43%	0	14,214
096500	Resilient Base & Flooring	3,914	\$0.53	0.12%	0	3,914
099123	Interior Painting	56,288	\$7.61	1.71%	0	56,288
101400	Identification Devices	2,996	\$0.41	0.09%	0	2,996
101419	Dimensional Letters/Signage	6,300	\$0.85	0.19%	0	6,300
102113.16	Plastic-Laminate-Clad Toilet Compartments	15,015	\$2.03	0.46%	0	15,015
102601	Wall Protection & Corner Guards	1,365	\$0.18	0.04%	0	1,365
102800	Toilet Accessories	4,879	\$0.66	0.15%	0	4,879
104400	Fire Protection Specialties	4,235	\$0.57	0.13%	0	4,235
105100	Lockers	18,200	\$2.46	0.55%	0	18,200
<b>Section D Services</b>						
210000	Fire Protection	31,691	\$4.28	0.97%	0	31,691
220000	Plumbing	72,496	\$9.80	2.21%	0	72,496
230000	HVAC	134,635	\$18.20	4.10%	0	134,635
260000	Electrical	118,267	\$15.99	3.60%	19,880	98,387
280000	Fire Alarm & Security System	10,874	\$1.47	0.33%	0	10,874
<b>Section E Equipment &amp; Furnishings</b>						
064100	Architectural Wood Casework	9,555	\$1.29	0.29%	0	9,555
125100	Office Furniture - by Owner	0	\$0.00	0.00%	0	0
122400	Window Shades - not shown on dwgs	0	\$0.00	0.00%	0	0
	Subtotal -	1,950,483	\$263.67	59.40%	551,434	1,399,049
	General Conditions -	336,146	\$45.44	10.24%	95,034	241,112
	Testing & Inspection -	16,417	\$2.22	0.50%	4,641	11,776
	Building Permit Fee -	by owner	\$0.00	0.00%	by owner	by owner
	Escalation to Mid-point Construction -	103,637	\$14.01	3.16%	29,300	74,337
	20% Contingency -	410,824	\$55.54	12.51%	116,147	294,677
	Subtotal -	2,817,508	\$380.87	85.81%	796,556	2,020,952
	General Liability Insurance -	14,634	\$1.98	0.45%	4,137	10,497
	Builder's Risk Insurance -	6,231	\$0.84	0.19%	1,762	4,469
	8% Overhead -	227,070	\$30.70	6.92%	64,196	162,873
	6% Fee -	183,927	\$24.86	5.60%	51,999	131,927
	Subtotal -	3,249,369	\$439.25	98.96%	918,651	2,330,719
	General Contractor's Bond -	34,120	\$4.61	1.04%	9,646	24,474
	<b>Conceptual Estimate -</b>	<b>\$ 3,283,490</b>	<b>\$ 443.86</b>	<b>100.00%</b>	<b>\$ 928,297</b>	<b>\$ 2,355,193</b>

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## Exclusions

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- 1 Accent pavement or pavers
- 2 Artwork is not included in estimate
- 3 Athletics equipment
- 4 Banners
- 5 Booster pump for fire protection system
- 6 Building directory
- 7 Building permit cost is excluded from this estimate
- 8 Building plaque
- 9 Drilled piers were not included in this estimate
- 10 Fire lane striping or fire lane stencil
- 11 Fixed furniture and equipment
- 12 Food service equipment
- 13 Graphics
- 14 Hazardous material removal and disposal
- 15 Hazardous material survey
- 16 Maintenance equipment
- 17 Marker & tackboards
- 18 Metal storage shelving
- 19 Postal specialties
- 20 Pro-rata fees
- 21 Removal of existing trees or existing materials onsite not shown on drawings
- 22 Removal of unforeseen objects
- 23 Rock excavation
- 24 Rugs and mats
- 25 Sales Taxes or Remodeling Sales Taxes
- 26 Security system including CCTV system
- 27 Site embellishment such as benches, and bicycle racks.
- 28 Smoke vents
- 29 Sprayed fireproofing
- 30 Subcontractors' bonds
- 31 Telephone equipment and system other than outlets with pullstrings
- 32 Temporary drill pier casing
- 33 Traffic signals
- 34 Trash receptacles not included in estimate
- 35 Turning lanes and deceleration lanes
- 36 Utilities beyond the property lines
- 40 Utility company surcharges and Pro-Rata
- 41 Window treatment

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## Clarifications

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- 1 Allowance provided for electrical
- 2 Allowance provided for fire alarm & security
- 3 Allowance provided for fire protection (sprinkler system)
- 4 Allowance provided for HVAC
- 5 Allowance provided for plumbing
- 6 Area of 4in sidewalk assumed
- 7 Building foundation assumed to be structural slab on carton forms
- 8 Casework & countertops only in the breakroom
- 9 Ceilings assumed to be 9ft tall
- 10 Existing roof structures (sloped & domed) are assumed. No information found on any data provided.
- 11 Exterior wall construction assembly assumed (8in cold formed metal framing)
- 12 Exterior wall construction assembly assumed (batt& thermal insulation)
- 13 Exterior wall construction assembly assumed (facebrick to match existing building)
- 14 Fire protection specialties assumed
- 15 Handicap parking count assumed
- 16 Handicap ramp count assumed
- 17 Lightpole based count assumed
- 18 Lockers allowance provided
- 19 Mass excavation based on information found onsite during site visit.
- 20 Site works based on site master plan which does not include all required data
- 21 Structural steel was assumed, and not based on engineering data
- 22 Toilet accessories count & type assumed
- 23 Utilization of existing building not recommended
- 24 Window count and sizes assumed
- 25 Window sills are assumed to be wood trim

**City of Parker - Police Station (Addition & Remodel)**  
 Conceptual Estimate

Enclosed Building Area  
 Existing Building - Renovation - 4,567 sf  
 New Building - Addition - 2,831 sf  
 7,398 sf

Duration - 12 Months  
 52 Weeks

Description	Qty	Unit	Labor Unit	Mat'l Unit	Sub Unit	Labor Price	Mat'l Price	Sub Price	Total Price
<b>Field Administration</b>									
Senior Project Manager - 25% time	3	mo	13,000	0	0	39,000	0	0	39,000
Project Superintendent	12	mo	10,500	0	0	126,000	0	0	126,000
Contract Admin. - 10% time	1.2	mo	6,000	0	0	7,200	0	0	7,200
<b>Field Engineering</b>									
Initial Survey	1	ls	0	0	1,000	0	0	1,000	1,000
Closing Survey	1	ls	0	0	1,000	0	0	1,000	1,000
<b>Subsistence</b>									
Job Staff Travel	52	trips	0	16.00	0	0	832	0	832
Main Office Travel	26	trips	0	16.00	0	0	416	0	416
<b>Temporary Structures</b>									
Field Trailer	12	mo	0	750	0	0	9,000	0	9,000
Move in & out expense	1	ls	300	200	0	300	200	0	500
Temporary Toilets (2ea)	12	mo	0	160	0	0	1,920	0	1,920
Construction Fence	200	lf	0	1.85	0	0	370	0	370
Project Sign	1	ea	200	300	0	200	300	0	500
Temporary Walks/ Steps	1	ls	125	125	0	125	125	0	250
Barricades	1	ea	100	100	0	100	100	0	200
<b>Safety</b>									
First Aid Equipment	1	ls	0	300	0	0	300	0	300
Fire Safety Equipment	1	ls	0	475	0	0	475	0	475
<b>Temporary Electrical</b>									
Construction Power	12	mo	0	300	0	0	3,600	0	3,600
Temporary Water	12	mo	0	150	0	0	1,800	0	1,800
Construction Water	12	mo	0	150	0	0	1,800	0	1,800
<b>Temporary Gas</b>									
Heating Building	1	mo	0	200	0	0	200	0	200
Space Heaters	2	ea	0	475	0	0	950	0	950
<b>Temporary Services</b>									
Progress Photos	12	mo	0	80	0	0	960	0	960
<b>Communications</b>									
Cellular phones (2ea)	12	mo	0	325	0	0	3,900	0	3,900
<b>Office Furniture &amp; Supplies</b>									
Office Furniture per Trailer	12	mo	0	100	0	0	1,200	0	1,200
MIS Assessment /computer	12	mo	0	250	0	0	3,000	0	3,000
Office Supplies	12	mo	0	100	0	0	1,200	0	1,200
Delivery service/postage	12	mo	0	250	0	0	3,000	0	3,000
<b>General Clean-Up</b>									
Daily Cleaning	52	wks	250	0	0	13,000	0	0	13,000
Dumpster	12	mo	0	150	0	0	1,800	0	1,800
Dump Permits	26	load	0	25	0	0	650	0	650
Trash Haul Service	26	load	0	300	0	0	7,800	0	7,800
<b>Final Clean-Up</b>									
Building Area	7,398	sf	0.15	0	0	1,110	0	0	1,110
Toilet Rooms	6	ea	100	0	0	600	0	0	600
Exterior Glass	630	sf	0.20	0	0	126	0	0	126
Mirrors	60	sf	0.25	0	0	15	0	0	15
Site Area	52	wks	300	0	0	15,600	0	0	15,600
<b>Testing &amp; Inspection</b>									
Concrete Design Mix	1	ls	0	500	0	0	500	0	500
<b>General Equipment</b>									
Pick-up Truck	12	mo	0	900	0	0	10,800	0	10,800
Auto	12	mo	0	900	0	0	10,800	0	10,800
Level - rent to the Job	12	mo	0	80	0	0	960	0	960
Misc. Small Tools	12	mo	0	75	0	0	900	0	900
Minor Repairs	1	ls	0	500	0	0	500	0	500
Gas & Oil	12	mo	0	100	0	0	1,200	0	1,200
						203,376	69,758	2,000	275,134
30% Fringe Benefits -						61,013			61,013
8.25% Sales Tax -							exempted		exempted
						264,388	69,758	2,000	336,146

City of Parker - Police Station (Addition & Remodel)  
Conceptual Estimate

Section A Substructure

No.	Item of Work	Qty	Unit	Unit Cost	Cost	
024113	<u>Selective Site Demolition</u>					\$ 27,435
	Saw cut concrete pavement	120	lf	16.80	2,016	
	Remove existing concrete pavement	20,341	sf	0.70	14,239	
	Remove concrete sidewalk	3,402	sf	0.70	2,381	
	Saw cut concrete curb	2	ea	56.00	112	
	Remove existing concrete curb	275	lf	7.00	1,925	
	Remove existing concrete equipment pads on rear of existing building	60	sf	0.70	42	
	Remove existing tree	4	ea	1,680.00	6,720	
024300	<u>Selective Building Demolition</u>					\$ 52,747
	Exterior demolition of existing building					
	Electrical make safe	1	ls	1,400.00	1,400	
	Roof demolition (shingle roofing) - assume 6/12 pitch at existing roof	5,129	sf	2.10	10,771	
	Roof demolition (domed roofing - secondard structure) - <i>assumed not confirmed</i>	4,567	sf	2.45	11,189	
	Exterior wall demolition					
	Saw cut & remove exterior façade	1,650	sf	3.50	5,775	
	Saw cut & remove backup exterior façade	1,650	sf	2.10	3,465	
	Remove existing single exterior door frames	5	ea	119.00	595	
	Interior wall demolition					
	Remove existing interior walls	500	lf	5.25	2,625	
	Remove existing floor coverings	4,567	sf	1.33	6,074	
	Remove existing ceilings	4,567	sf	1.61	7,353	
	Remove existing interior finishes - allowance	1	ls	3,500.00	3,500	
031100	<u>Site Concrete</u>					\$ 296,937
	5in concrete pavement (parking)	5,277	sf	8.75	46,175	
	6in concrete pavement (fire lane)	15,659	sf	12.25	191,823	
	4in concrete sidewalk - allowance, not shown	5,000	sf	7.84	39,200	
	6in integral concrete curb - allowance, not shown	1,000	lf	14.00	14,000	
	Handicap ramps - allowance, not shown	1	ea	700.00	700	
	Lightpole bases - allowance, not shown	6	ea	840.00	5,040	
071000	<u>Wp, Dp &amp; Joint Sealants</u>					\$ 10,893
	4in concrete sidewalks	5,000	sf	0.42	2,100	
	5in concrete pavement	5,277	sf	0.42	2,216	
	6in concrete pavement	15,659	sf	0.42	6,577	
310000	<u>Mass Excavation</u>					\$ 50,156
	Install, maintain & remove temporary silt fence	1,050	lf	1.89	1,985	
	Strip & stockpile on site topsoil +30% swell ( <i>excludes excavation under pavement</i> )	927	cy	6.65	6,163	
	Cut & fill +30% swell to properly drain ( <i>excludes excavation under pavement</i> )	927	cy	7.35	6,812	
	Excavate under pavement +30% swell	504	cy	9.42	4,749	
	Backfill & compact behind curbs or edge of pavement	1,000	lf	4.20	4,200	
	Scarify & re-compact subsoil 6in deep	37,497	sf	0.70	26,248	
313116	<u>Soil Treatment for Termite Control</u>					\$ 2,639
	Subgrade termite control	2,900	sf	0.91	2,639	
321700	<u>Pavement Markings</u>					\$ 178
	Handicap parking stalls	2	ea	7.00	14	
	Handicap logos	2	ea	42.00	84	
	Handicap crosshatching	2	sf	1.40	3	
	Standard parking stalls	11	ea	7.00	77	
329300	<u>Landscaping &amp; Irrigation</u>					\$ 33,000
	Irrigation - allowance	1	ls	15,000.00	15,000	
	Landscaping allowance	1	ls	18,000.00	18,000	
330000	<u>Site Utilities</u>					\$ 103,400
	Site utilities - allowance	1	ls	35,000.00	35,000	
	in sanitary sewer line	200	lf	42.00	8,400	
	Private aerobic system - allowance	1	ls	50,000.00	50,000	
	Aerobic septic system - allowance	1	ls	10,000.00	10,000	
					577,385	

City of Parker - Police Station (Addition & Remodel)  
 Conceptual Estimate

Section B Shell or Superstructure

No.	Item of Work	Qty	Unit	Unit Cost	Cost
033100	<u>Building Concrete</u>				\$ 63,553
	5in concrete slab on carton forms w/ vapor retarder	2,900	sf	9.59	27,811
	Perimeter grade beams (assumed 2ft wide x 2ft 4in tall)	755	cf	25.20	19,033
	Interior grade beams (assumed 1ft 4in wide x 2ft 4in tall)	407	cf	25.20	10,250
	Interior connection grade beams (assumed 1ft wide x 2ft 4in tall)	256	cf	25.20	6,459
033511	<u>Concrete Floor Finishes</u>				\$ 3,153
	Sealed concrete flooring	450	sf	7.00	3,153
042000	<u>Unit Masonry</u>				\$ 52,201
	Field brick	2,445	sf	21.35	52,201
051000	<u>Structural Steel &amp; Metal Decking</u>				\$ 84,147
	Structural steel roof framing at 2.5# per square foot	9.25	tns	9,100.00	84,147
054000	<u>Cold-Formed Metal Framing</u>				\$ 68,358
	8in metal studs @ 16in o.c. at exterior walls	1,838	lf	11.90	21,876
061000	<u>Rough Carpentry</u>				\$ 46,481
	Wood decking at asphalt roofing	7,812	sf	5.95	46,481
071000	<u>Wp, Dp &amp; Joint Sealants</u>				\$ 2,589
	Building joint sealants	7,398	sf	0.35	2,589
072000	<u>Building Insulation</u>				\$ 3,081
	Batt insulation at exterior wall	2,445	sf	1.26	3,081
072100	<u>Thermal Insulation</u>				\$ 3,252
	Thermal insulation at exterior wall	2,445	sf	1.33	3,252
075000	<u>Roofing</u>				\$ 38,279
	Asphalt shingle roofing	78	sq	490.00	38,279
076200	<u>Sheet Metal Flashing &amp; Trim</u>				\$ 37,208
	Finished roof edge flashing	354	lf	105.00	37,208
077200	<u>Roof Accessories</u>				\$ 14,622
	Prefinished metal gutters	354	lf	33.60	11,906
	Prefinished metal downspouts	60	lf	42.00	2,520
	Splashblocks	4	ea	49.00	196
080800	<u>Labor to Install Drs, Frms &amp; Hardware</u>				\$ 1,113
	3ft x 7ft single door frame	3	ea	91.00	273
	Insulated flush panel 3ft x 7ft HM single door	3	ea	91.00	273
	Single hardware set	3	ea	189.00	567
081113	<u>Hollow Metal Doors &amp; Frames - Mat'ls FOB Jobsite</u>				\$ 3,780
	3ft x 7ft single door frame	3	ea	490.00	1,470
	Insulated flush panel 3ft x 7ft HM single door	3	ea	770.00	2,310
084213	<u>Aluminum Entrance Doors</u>				\$ 6,160
	Double exterior aluminum doors & hardware	2	ea	3,080.00	6,160
084313	<u>Aluminum-Framed Storefront</u>				\$ 35,280
	Aluminum-framed storefront system - allowance	150	sf	56.00	8,400
	Aluminum-framed window system - allowance	480	sf	56.00	26,880
087100	<u>Finish Hardware - Mat'ls FOB Jobsite</u>				\$ 1,890
	Single exterior hardware set	3	ea	630.00	1,890
099113	<u>Exterior Painting</u>				\$ 3,962
	Paint Exterior HM Doors & Frames				
	3ft x 7ft HM single door frame	3	ea	77.00	231
	Insulated flush panel 3ft x 7ft HM single door	3	ea	77.00	231
	Exterior paint - allowance	1	ls	3,500.00	3,500
					422,627

City of Parker - Police Station (Addition & Remodel)  
Conceptual Estimate

Section C Interiors

No.	Item of Work	Qty	Unit	Unit Cost	Cost	
061000	<u>Rough Carpentry</u> Interior fire treated wood blocking	1	ls	2,940.00	2,940	\$ 2,940
062000	<u>Finish Carpentry</u> Misc finish carpentry (window sills, etc)	1	ls	2,100.00	2,100	\$ 2,100
080800	<u>Labor to Install Drs. Frms &amp; Hardware</u> 3ft x 7ft HM single door frame 3ft x 7ft HM single door 3ft x 7ft SC wood doors Single hardware set	38 6 32 38	ea ea ea ea	84.00 84.00 70.00 161.00	3,192 504 2,240 6,118	\$ 12,054
081113	<u>Hollow Metal Doors &amp; Frames - Mat'ls FOB Jobsite</u> 3ft x 7ft HM single door frame 3ft x 7ft HM single door	38 6	ea ea	490.00 539.00	18,620 3,234	\$ 21,854
081416	<u>Flush Wood Doors - Mat'ls FOB Jobsite</u> 3ft x 7ft SC wood doors	32	ea	441.00	14,112	\$ 14,112
087100	<u>Finish Hardware - Mat'ls FOB Jobsite</u> Single hardware set	38	ea	581.00	22,078	\$ 22,078
088300	<u>Mirrors</u> Frameless mirrors in restrooms	5	ea	259.00	1,295	\$ 1,295
092116	<u>Gypsum Board Assemblies</u> 5/8in suspended gypsum board ceiling Interior walls - 5/8in gypsum board Interior walls - 5/8in gypsum board moisture resistant Exterior walls - 5/8in gypsum board	7,398 21,412 2,334 5,348	sf sf sf sf	7.35 1.12 1.33 1.12	54,372 23,981 3,104 5,989	\$ 87,446
092216	<u>Interior Metal Wall Framing</u> 3-5/8in metal studs at 16in o.c. to wall height (assumed 9ft) 3-5/8in metal studs at 16in o.c. to wall height (assumed 18ft average)	403 463	lf lf	63.00 126.00	25,389 58,380	\$ 83,769
093000	<u>Ceramic Tile</u> Ceramic floor tile Ceramic wall base Ceramic wall tile - 9ft tall	1,315 363 3,263	sf lf sf	14.00 14.00 14.00	18,403 5,077 45,687	\$ 69,167
096510	<u>Luxury Vinyl Tile</u> LVT flooring	3,245	sf	22.40	72,697	\$ 72,697
096813	<u>Tile Carpeting</u> Carpet tile flooring	254	sy	56.00	14,214	\$ 14,214
096500	<u>Resilient Base &amp; Flooring</u> 6in rubber base	1,597	lf	2.45	3,914	\$ 3,914
099123	<u>Interior Painting</u> Paint Interior HM Frames 3ft x 7ft HM single door frame 3ft x 7ft HM single door Stain Interior Wood Doors 3ft x 7ft SC wood doors Paint Ceilings TBFT & paint 2ea coats paint gyp bd clgs Paint Interior Partitions Tape, bed & float drywall partitions Texture & paint drywall partitions	38 6 32 7,398 29,093 29,093	ea ea ea sf sf sf	63.00 63.00 105.00 2.10 0.35 0.84	2,394 378 3,360 15,535 10,183 24,438	\$ 56,288
101400	<u>Identification Devices</u> ADA restroom signage Room identification	6 26	ea ea	105.00 91.00	630 2,366	\$ 2,996

City of Parker - Police Station (Addition & Remodel)  
Conceptual Estimate

Section C Interiors (Continues)

No.	Item of Work	Qty	Unit	Unit Cost	Cost	
101419	<u>Dimensional Letters/Signage</u> Exterior building signage - allowance	1	ls	6,300.00	6,300	\$ 6,300
102113.16	<u>Plastic-Laminate-Clad Toilet Compartments</u> Handicap toilet partition Standard toilet partition Wall mounted urinal screen	2 3 2	ea ea ea	2,625.00 2,345.00 1,365.00	5,250 7,035 2,730	\$ 15,015
102601	<u>Wall Protection &amp; Corner Guards</u> Cornerguards in high traffic locations	13	ea	105.00	1,365	\$ 1,365
102800	<u>Toilet Accessories</u> 36in grab bar 42in grab bar Twin toilet tissue dispenser Paper towel dispenser Wall mounted soap dispenser Baby changing station - surface mounted Sanitary napkin disposal - surface mounted Mop holder	6 6 9 6 8 2 4 1	ea ea ea ea ea ea ea ea	77.00 91.00 105.00 105.00 77.00 490.00 70.00 420.00	462 546 945 630 616 980 280 420	\$ 4,879
104400	<u>Fire Protection Specialties</u> Knox box Recessed fire extinguisher cabinets Fire extinguishers Wall mounted fire extinguisher in MEP areas	1 9 9 4	ea ea ea ea	980.00 231.00 84.00 105.00	980 2,079 756 420	\$ 4,235
105100	<u>Lockers</u> Dual tier lockers - allowance	52	ea	350.00	18,200	\$ 18,200
					516,918	

Section D Services

No.	Item of Work	Qty	Unit	Unit Cost	Cost	
210000	<u>Fire Protection</u> New pipe fire protection system to 5ft outside of bldg.	7,398	sf	4.28	31,691	\$ 31,691
220000	<u>Plumbing</u> Plumbing - allowance	7,398	sf	9.80	72,496	\$ 72,496
230000	<u>HVAC</u> HVAC - allowance	7,398	sf	18.20	134,635	\$ 134,635
260000	<u>Electrical</u> Site Area light poles (materials & installation) Other site electrical requirements Building electrical - allowance	6 1 7,398	ea ls sf	2,730.00 3,500.00 13.30	16,380 3,500 98,387	\$ 118,267 \$ 19,880 \$ 98,387
280000	<u>Fire Alarm &amp; Security System</u> Fire alarm & security - allowance	7,398	sf	1.47	10,874	\$ 10,874
					367,962	

Section E Equipment & Furnishings

No.	Item of Work	Qty	Unit	Unit Cost	Cost	
064100	<u>Architectural Wood Casework</u> Breakroom 24in x 34in plastic laminated base cabinet 15in x 30in plastic laminated upper cabinet 24in plastic laminated countertop w/ 4in backsplash	15 15 15	lf lf lf	350.00 210.00 77.00	5,250 3,150 1,155	\$ 9,555
125100	<u>Office Furniture - by Owner</u>					\$ -
122400	<u>Window Shades - not shown on dwgs</u>					\$ -
					9,555	

**City of Parker - Police Station (Addition & Remodel)**  
 Conceptual Estimate

007200 General Conditions

No.	Item of Work	Qty	Unit	Unit Cost	Cost
	General Conditions (Refer to breakdown)	1	ls	336,146	336,146
					336,146

012119 Testing & Inspection

No.	Item of Work	Qty	Unit	Unit Cost	Cost
	Testing & inspection	1	ls	16,417	16,417
					16,417

014126 Building Permit Fee

No.	Item of Work	Qty	Unit	Unit Cost	Cost
	Building permit		ls	-	0
	Demolition permit		ls	-	0
	Plan review		ls	-	0

*by owner*

**City of Parker - City Council & Admin Building**  
 5700 East Parker Rd  
 Parker  
 Texas  
 75002

**Enclosed Area**      **Bldg Area**  
 New Building -      14,545 sf  
 Old Fire Station -      3,600 sf  
 Old Public Works Building -      1,200 sf  
 19,345 sf

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 September 20, 2022

**City of Parker**  
 5700 East Parker Rd  
 Parker, TX 75002  
 972-442-6811  
 Luke Olson

**CES - Computerized Estimating Services**  
 2823 VZ County Road 1222  
 Grand Saline, TX 75140  
 309-981-9285  
 Daniel Blanchard

No.	Conceptual Estimate	Total Cost	\$/sf	% of Total	Site	Building
<b>Section A Substructure</b>						
024113	Selective Site Demolition	16,800	\$1.16	0.15%	16,800	0
031100	Site Concrete	1,061,201	\$72.96	10.89%	1,061,201	0
071000	Wp, Dp & Joint Sealants	38,859	\$2.67	0.40%	38,859	0
310000	Mass Excavation	241,786	\$16.62	2.48%	241,786	0
313116	Soil Treatment for Termite Control	13,236	\$0.91	0.14%	13,236	0
321700	Pavement Markings	2,737	\$0.19	0.03%	2,737	0
329300	Landscaping & Irrigation	62,000	\$4.26	0.64%	62,000	0
330000	Site Utilities	183,400	\$12.61	1.88%	183,400	0
<b>Section B Shell or Superstructure</b>						
033100	Building Concrete	347,834	\$23.91	3.57%	0	347,834
033511	Concrete Floor Finishes	9,640	\$0.66	0.10%	0	9,640
042000	Unit Masonry	158,222	\$10.88	1.62%	0	158,222
051000	Structural Steel & Metal Decking	231,625	\$15.93	2.38%	0	231,625
054000	Cold-Formed Metal Framing	66,308	\$4.56	0.68%	0	66,308
061000	Rough Carpentry	106,315	\$7.31	1.09%	0	106,315
071000	Wp, Dp & Joint Sealants	5,091	\$0.35	0.05%	0	5,091
072000	Building Insulation	9,338	\$0.64	0.10%	0	9,338
072100	Thermal Insulation	9,856	\$0.68	0.10%	0	9,856
075000	Roofing	87,553	\$6.02	0.90%	0	87,553
076200	Sheet Metal Flashing & Trim	63,000	\$4.33	0.65%	0	63,000
077200	Roof Accessories	33,999	\$2.34	0.35%	0	33,999
080800	Labor to Install Drs, Frms & Hardware	1,113	\$0.08	0.01%	0	1,113
081113	Hollow Metal Doors & Frames - Mat's FOB Jobsite	3,780	\$0.26	0.04%	0	3,780
084213	Aluminum Entrance Doors	12,320	\$0.85	0.13%	0	12,320
084313	Aluminum-Framed Storefront	108,293	\$7.45	1.11%	0	108,293
087100	Finish Hardware - Mat's FOB Jobsite	1,890	\$0.13	0.02%	0	1,890
099113	Exterior Painting	3,962	\$0.27	0.04%	0	3,962
107113	Exterior Sun Control Devices	144,900	\$9.96	1.49%	0	144,900
<b>Section C Interiors</b>						
033511	Concrete Floor Finishes	8,887	\$0.61	0.09%	0	8,887
061000	Rough Carpentry	8,400	\$0.58	0.09%	0	8,400
062000	Finish Carpentry	4,900	\$0.34	0.05%	0	4,900
080800	Labor to Install Drs, Frms & Hardware	14,672	\$1.01	0.15%	0	14,672
081113	Hollow Metal Doors & Frames - Mat's FOB Jobsite	27,603	\$1.90	0.28%	0	27,603
081416	Flush Wood Doors - Mat's FOB Jobsite	21,168	\$1.46	0.22%	0	21,168
084213	Aluminum Entrance Doors	6,160	\$0.42	0.06%	0	6,160
084313	Aluminum-Framed Storefront	37,372	\$2.57	0.38%	0	37,372
087100	Finish Hardware - Mat's FOB Jobsite	27,174	\$1.87	0.28%	0	27,174
088300	Mirrors	1,813	\$0.12	0.02%	0	1,813
092116	Gypsum Board Assemblies	156,190	\$10.74	1.60%	0	156,190
092216	Interior Metal Wall Framing	137,748	\$9.47	1.41%	0	137,748
093000	Ceramic Tile	64,824	\$4.46	0.66%	0	64,824
096510	Luxury Vinyl Tile (LVT)	99,658	\$6.85	1.02%	0	99,658
096813	Tile Carpeting	44,137	\$3.03	0.45%	0	44,137
096500	Resilient Base & Flooring	7,515	\$0.52	0.08%	0	7,515
099123	Interior Painting	89,284	\$6.14	0.92%	0	89,284
101400	Identification Devices	3,983	\$0.27	0.04%	0	3,983
101419	Dimensional Letter/Signage	9,520	\$0.65	0.10%	0	9,520
102113.16	Plastic-Laminate-Clad Toilet Compartments	18,900	\$1.30	0.19%	0	18,900
102601	Wall Protection & Corner Guards	2,625	\$0.18	0.03%	0	2,625
102800	Toilet Accessories	6,356	\$0.44	0.07%	0	6,356
104400	Fire Protection Specialties	6,440	\$0.44	0.07%	0	6,440
105113	Metal Lockers	8,470	\$0.58	0.09%	0	8,470
<b>Section D Services</b>						
210000	Fire Protection	62,310	\$4.28	0.64%	0	62,310
220000	Plumbing	142,539	\$9.80	1.46%	0	142,539
230000	HVAC	264,715	\$18.20	2.72%	0	264,715
260000	Electrical	274,925	\$18.90	2.82%	81,480	193,445
280000	Fire Alarm & Security System	21,381	\$1.47	0.22%	0	21,381
<b>Section E Equipment &amp; Furnishings</b>						
064100	Architectural Wood Casework	213,866	\$14.70	2.19%	0	213,866
122400	Window Shades - not shown on dwgs	0	\$0.00	0.00%	0	0
125100	Office Furniture - by Owner	0	\$0.00	0.00%	0	0
125219	Upholstered Seating - Allowance	101,080	\$6.95	1.04%	0	101,080
	Subtotal -	4,919,673	\$254.32	50.47%	1,701,500	3,218,173
	General Conditions -	540,892	\$37.19	5.55%	187,071	353,821
	Testing & Inspection -	48,743	\$3.35	0.50%	16,858	31,885
	Building Permit Fee -	by owner	\$0.00	0.00%	by owner	by owner
	Escalation to Mid-point Construction -	610,095	\$41.95	6.26%	211,005	399,090
	20% Contingency -	2,207,815	\$151.79	22.65%	763,587	1,444,228
	Subtotal -	8,327,219	\$572.52	85.42%	2,880,021	5,447,198
	General Liability Insurance -	43,252	\$2.97	0.44%	14,959	28,293
	Builder's Risk Insurance -	18,415	\$1.27	0.19%	6,369	12,046
	8% Overhead -	671,111	\$46.14	6.88%	232,108	439,003
	6% Fee -	543,600	\$37.37	5.58%	188,007	355,592
	Subtotal -	9,603,596	\$660.28	98.51%	3,321,464	6,282,132
	General Contractor's Bond -	145,054	\$9.97	1.49%	50,168	94,886
	<b>Conceptual Estimate -</b>	<b>\$ 9,748,650</b>	<b>\$ 670.25</b>	<b>100.00%</b>	<b>\$ 3,371,632</b>	<b>\$ 6,377,018</b>
	Alternate - No. 1 - Demolition of Old Fire Station -	158,071	\$8.17	1.58%		
	Alternate - No. 2 - Demolition of Old Public Works Bldg. -	117,019	\$6.05	1.17%		
	<b>Conceptual Estimate (including Alternates) -</b>	<b>\$ 10,023,740</b>	<b>\$ 518.16</b>	<b>100.00%</b>		

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## Exclusions

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- 1 Accent pavement or pavers
- 2 Artwork is not included in estimate
- 3 Athletics equipment
- 4 Banners
- 5 Booster pump for fire protection system
- 6 Building directory
- 7 Building permit cost is excluded from this estimate
- 8 Building plaque
- 9 Drilled piers were not included in this estimate
- 10 Fire lane striping or fire lane stencil
- 11 Fixed furniture and equipment
- 12 Food service equipment
- 13 Graphics
- 14 Hazardous material removal and disposal
- 15 Hazardous material survey
- 16 Maintenance equipment
- 17 Marker & tackboards
- 18 Metal storage shelving
- 19 Postal specialties
- 20 Pro-rata fees
- 21 Removal of existing trees or existing materials onsite not shown on drawings
- 22 Removal of unforeseen objects
- 23 Rock excavation
- 24 Rugs and mats
- 25 Sales Taxes or Remodeling Sales Taxes
- 26 Security system including CCTV system
- 27 Site embellishment such as benches, and bicycle racks.
- 28 Smoke vents
- 29 Sprayed fireproofing
- 30 Subcontractors' bonds
- 31 Telephone equipment and system other than outlets with pullstrings
- 32 Temporary drill pier casing
- 33 Traffic signals
- 34 Trash receptacles not included in estimate
- 35 Turning lanes and deceleration lanes
- 36 Utilities beyond the property lines
- 37 Utility company surcharges and Pro-Rata
- 38 Window treatment

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## Clarifications

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- 1 Allowance provided for electrical
- 2 Allowance provided for fire alarm & security
- 3 Allowance provided for fire protection (sprinkler system)
- 4 Allowance provided for HVAC
- 5 Allowance provided for plumbing
- 6 Area of 4in sidewalk assumed
- 7 Building foundation assumed to be structural slab on carton forms
- 8 Casework & countertops only in location called out on estimate.
- 9 Ceilings assumed to be 10ft tall
- 10 Exterior wall construction assembly assumed (8in cold formed metal framing)
- 11 Exterior wall construction assembly assumed (batt& thermal insulation)
- 12 Exterior wall construction assembly assumed (facebrick to match existing building)
- 13 Fire protection specialties assumed
- 14 Handicap parking count assumed
- 15 Handicap ramp count assumed
- 16 Lightpole based count assumed
- 17 Lockers allowance provided
- 18 Mass excavation based on information found onsite during site visit.
- 19 Site works based on site master plan which does not include all required data
- 20 Structural steel was assumed, and not based on engineering data
- 21 Toilet accessories count & type assumed
- 22 Window count and sizes assumed

**City of Parker - City Council & Admin Building**

Conceptual Estimate  
Base Bid - General Conditions

Enclosed Building Area  
First Floor - 14,545 sf  
14,545 sf

Duration - 14 Months  
61 Weeks

Description	Qty	Unit	Labor Unit	Mat'l Unit	Sub Unit	Labor Price	Mat'l Price	Sub Price	Total Price
<b>Field Administration</b>									
Senior Project Manager	14	mo	13,000	0	0	182,000	0	0	182,000
Project Superintendent	14	mo	10,000	0	0	140,000	0	0	140,000
Contract Admin. - 10% time	1.4	mo	6,000	0	0	8,400	0	0	8,400
<b>Field Engineering</b>									
Initial Survey	1	ls	0	0	500	0	0	500	500
Closing Survey	1	ls	0	0	500	0	0	500	500
<b>Subsistence</b>									
Job Staff Travel	61	trips	0	16.00	0	0	971	0	971
Main Office Travel	30	trips	0	16.00	0	0	485	0	485
<b>Temporary Structures</b>									
Construction Fence	200	lf	0	1.85	0	0	370	0	370
Project Sign	1	ea	200	300	0	200	300	0	500
Barricades	1	ea	100	100	0	100	100	0	200
<b>Safety</b>									
First Aid Equipment	1	ls	0	300	0	0	300	0	300
Fire Safety Equipment	1	ls	0	475	0	0	475	0	475
<b>Temporary Electrical</b>									
Construction Power	14	mo	0	300	0	0	4,200	0	4,200
Temporary Water	14	mo	0	150	0	0	2,100	0	2,100
Construction Water	14	mo	0	150	0	0	2,100	0	2,100
Temporary Services	14	mo	0	80	0	0	1,120	0	1,120
<b>Progress Photos</b>									
Communications	14	mo	0	325	0	0	4,550	0	4,550
Cellular phones (2ea)	14	mo	0	325	0	0	4,550	0	4,550
<b>Office Furniture &amp; Supplies</b>									
Office Supplies	14	mo	0	100	0	0	1,400	0	1,400
Delivery service/postage	14	mo	0	250	0	0	3,500	0	3,500
<b>General Clean-Up</b>									
Daily Cleaning	61	wks	250	0	0	15,167	0	0	15,167
Dumpster	14	mo	0	150	0	0	2,100	0	2,100
Dump Permits	30	load	0	25	0	0	758	0	758
Trash Haul Service	30	load	0	300	0	0	9,100	0	9,100
<b>Final Clean-Up</b>									
Building Area	14,545	sf	0.15	0	0	2,182	0	0	2,182
Toilet Rooms	6	ea	100	0	0	600	0	0	600
Exterior Glass	3,868	sf	0.20	0	0	774	0	0	774
Interior Glass	1,373	sf	0.20	0	0	275	0	0	275
Mirrors	84	sf	0.25	0	0	21	0	0	21
Site Area	61	wks	300	0	0	18,200	0	0	18,200
<b>Testing &amp; Inspection</b>									
Concrete Design Mix	1	ls	0	500	0	0	500	0	500
<b>General Equipment</b>									
Pick-up Truck	14	mo	0	900	0	0	12,600	0	12,600
Auto	14	mo	0	900	0	0	12,600	0	12,600
Level - rent to the Job	14	mo	0	80	0	0	1,120	0	1,120
Misc. Small Tools	14	mo	0	75	0	0	1,050	0	1,050
Minor Repairs	1	ls	0	500	0	0	500	0	500
Gas & Oil	14	mo	0	100	0	0	1,400	0	1,400
						367,918			430,517
						110,375			110,375
							exempted		exempted
						478,293	61,599	1,000	540,892

**City of Parker - City Council & Admin Building**  
Conceptual Estimate

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## Section A Substructure

No.	Item of Work	Qty	Unit	Unit Cost	Cost	
024113	<u>Selective Site Demolition</u> Remove existing tree & existing brush	1	ea	16,800.00	16,800	\$ 16,800
031100	<u>Site Concrete</u> 5in concrete pavement (parking) 6in concrete pavement (fire lane) 4in concrete sidewalk - allowance, not shown 4in concrete sidewalk (walking trail) 6in integral concrete curb - allowance, not shown Handicap ramps - allowance, not shown Lightpole bases - allowance, not shown	24,188 51,457 4,151 12,726 4,347 6 26	sf sf sf sf lf ea ea	8.75 12.25 7.84 7.84 14.00 700.00 840.00	211,644 630,344 32,545 99,774 60,855 4,200 21,840	\$1,061,201
071000	<u>Wp, Dp &amp; Joint Sealants</u> 4in concrete sidewalks 5in concrete pavement 6in concrete pavement	16,877 24,188 51,457	sf sf sf	0.42 0.42 0.42	7,089 10,159 21,612	\$ 38,859
310000	<u>Mass Excavation</u> Install, maintain & remove temporary silt fence Strip & stockpile on site topsoil +30% swell ( <i>excludes excavation under pavement</i> ) Cut & fill +30% swell to properly drain ( <i>excludes excavation under pavement</i> ) Excavate under pavement +30% swell Backfill & compact behind curbs or edge of pavement Scarify & re-compact subsoil 6in deep	2,500 4,681 4,681 1,821 4,347 194,445	lf cy cy cy lf sf	1.89 6.65 7.35 9.42 4.20 0.70	4,725 31,129 34,406 17,158 18,256 136,112	\$ 241,786
313116	<u>Soil Treatment for Termite Control</u> Subgrade termite control	14,545	sf	0.91	13,236	\$ 13,236
321700	<u>Pavement Markings</u> Handicap parking stalls Handicap logos Handicap crosshatching Standard parking stalls	16 16 850 109	ea ea sf ea	7.00 42.00 1.40 7.00	112 672 1,190 763	\$ 2,737
329300	<u>Landscaping &amp; Irrigation</u> Irrigation - allowance Landscaping allowance	1 1	ls ls	25,000.00 37,000.00	25,000 37,000	\$ 62,000
330000	<u>Site Utilities</u> Site utilities - allowance 4in sanitary sewer line Private aerobic system - allowance Aerobic septic system - allowance	1 200 1 1	ls lf ls ls	85,000.00 42.00 75,000.00 15,000.00	85,000 8,400 75,000 15,000	\$ 183,400
					1,620,020	

## Section B Shell or Superstructure

No.	Item of Work	Qty	Unit	Unit Cost	Cost	
033100	<u>Building Concrete</u> 5in concrete slab on carton forms w/ vapor retarder Perimeter grade beams (assumed 2ft wide x 2ft 4in tall) Interior grade beams (assumed 1ft 4in wide x 2ft 4in tall)	16,013 2,742 4,968	sf cf cf	9.59 25.20 25.20	153,563 69,089 125,182	\$ 347,834
033511	<u>Concrete Floor Finishes</u> Sealed concrete flooring	1,377	sf	7.00	9,640	\$ 9,640

**City of Parker - City Council & Admin Building**  
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## Section B Shell or Superstructure (Continues)

No.	Item of Work	Qty	Unit	Unit Cost	Cost	
042000	<u>Unit Masonry</u> Field brick	7,411	sf	21.35	158,222	\$ 158,222
051000	<u>Structural Steel &amp; Metal Decking</u> Structural steel roof framing at 3.5# per square foot	25.45	tns	9,100.00	231,625	\$ 231,625
054000	<u>Cold-Formed Metal Framing</u> 8in metal studs @ 16in o.c. at exterior walls (assumed 16ft walls)	5,572	lf	11.90	66,308	\$ 66,308
061000	<u>Rough Carpentry</u> Wood decking at asphalt roofing	17,868	sf	5.95	106,315	\$ 106,315
071000	<u>Wp, Dp &amp; Joint Sealants</u> Building joint sealants	14,545	sf	0.35	5,091	\$ 5,091
072000	<u>Building Insulation</u> Batt insulation at exterior wall	7,411	sf	1.26	9,338	\$ 9,338
072100	<u>Thermal Insulation</u> Thermal insulation at exterior wall	7,411	sf	1.33	9,856	\$ 9,856
075000	<u>Roofing</u> Asphalt shingle roofing (assumed 4/12 pitch)	179	sq	490.00	87,553	\$ 87,553
076200	<u>Sheet Metal Flashing &amp; Trim</u> Finished roof edge flashing	600	lf	105.00	63,000	\$ 63,000
077200	<u>Roof Accessories</u> Prefinished metal gutters Prefinished metal downspouts Splashblocks	240 600 15	lf lf ea	33.60 42.00 49.00	8,064 25,200 735	\$ 33,999
080800	<u>Labor to Install Drs, Frms &amp; Hardware</u> 3ft x 7ft single door frame (exterior) Insulated flush panel 3ft x 7ft HM single door (exterior) Single hardware set	3 3 3	ea ea ea	91.00 91.00 189.00	273 273 567	\$ 1,113
081113	<u>Hollow Metal Doors &amp; Frames - Mat'ls FOB Jobsite</u> Exterior 3ft x 7ft single door frame Insulated flush panel 3ft x 7ft HM single door	3 3	ea ea	490.00 770.00	1,470 2,310	\$ 3,780
084213	<u>Aluminum Entrance Doors</u> Double exterior aluminum doors & hardware	4	ea	3,080.00	12,320	\$ 12,320
084313	<u>Aluminum-Framed Storefront</u> Aluminum-framed storefront system - allowance (assumed 10ft tall) Aluminum-framed window system - allowance (assumed 4ft tall)	1,522 412	sf sf	56.00 56.00	85,221 23,072	\$ 108,293
087100	<u>Finish Hardware - Mat'ls FOB Jobsite</u> Single exterior hardware set	3	ea	630.00	1,890	\$ 1,890

**City of Parker - City Council & Admin Building**  
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## Section B Shell or Superstructure (Continues)

No.	Item of Work	Qty	Unit	Unit Cost	Cost	
099113	<u>Exterior Painting</u>					\$ 3,962
	Exterior paint - allowance	1	ls	3,500.00	3,500	
	Paint Exterior HM Doors & Frames					
	3ft x 7ft HM single door frame	3	ea	77.00	231	
	Insulated flush panel 3ft x 7ft HM single door	3	ea	77.00	231	
107113	<u>Exterior Sun Control Devices</u>					\$ 144,900
	Exterior canopies - allowance	690	sf	210.00	144,900	
					1,405,040	

## Section C Interiors

No.	Item of Work	Qty	Unit	Unit Cost	Cost	
061000	<u>Rough Carpentry</u>					\$ 8,400
	Interior fire treated wood blocking	1	ls	8,400.00	8,400	
062000	<u>Finish Carpentry</u>					\$ 4,900
	Misc finish carpentry (window sills, etc)	1	ls	4,900.00	4,900	
033511	<u>Concrete Floor Finishes</u>					\$ 8,887
	Sealed concrete flooring	1,270	sf	7.00	8,887	
080800	<u>Labor to Install Drs, Frms &amp; Hardware</u>					\$ 14,672
	3ft x 7ft HM single door frame	24	ea	84.00	2,016	
	4ft 3in x 7ft HM single door frame w/ sidelite	20	ea	84.00	1,680	
	6ft x 7ft double door frame	2	ea	91.00	182	
	3ft x 7ft SC wood doors	48	ea	70.00	3,360	
	Single hardware set	44	ea	161.00	7,084	
	Double interior hardware set	2	ea	175.00	350	
081113	<u>Hollow Metal Doors &amp; Frames - Mat'ls FOB Jobsite</u>					\$ 27,603
	3ft x 7ft HM single door frame	24	ea	490.00	11,760	
	4ft 3in x 7ft HM single door frame w/ sidelite	20	ea	694.17	13,883	
	6ft x 7ft double door frame	2	ea	980.00	1,960	
081416	<u>Flush Wood Doors - Mat'ls FOB Jobsite</u>					\$ 21,168
	3ft x 7ft SC wood doors	48	ea	441.00	21,168	
084213	<u>Aluminum Entrance Doors</u>					\$ 6,160
	Double interior aluminum doors & hardware	2	ea	3,080.00	6,160	
084313	<u>Aluminum-Framed Storefront</u>					\$ 37,372
	Aluminum-framed storefront system - allowance (assumed 10ft tall)	387	sf	53.20	20,572	
	Aluminum-framed window system - allowance (assumed 10ft tall)	300	sf	56.00	16,800	
087100	<u>Finish Hardware - Mat'ls FOB Jobsite</u>					\$ 27,174
	Single hardware set	44	ea	581.00	25,564	
	Double interior hardware set	2	ea	805.00	1,610	
088300	<u>Mirrors</u>					\$ 1,813
	Frameless mirrors in restrooms	7	ea	259.00	1,813	

City of Parker - City Council & Admin Building  
Conceptual Estimate

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## Section C Interiors (Continues)

No.	Item of Work	Qty	Unit	Unit Cost	Cost	
092116	<u>Gypsum Board Assemblies</u>					\$ 156,190
	5/8in suspended gypsum board ceiling	14,545	sf	7.35	106,904	
	Interior walls - 5/8in gypsum board (assumed 10ft tall)	26,183	sf	1.12	29,324	
	Interior walls - 5/8in gypsum board moisture resistant (assumed 15ft tall)	7,013	sf	1.33	9,328	
	Exterior walls - 5/8in gypsum board (assumed 15ft tall)	9,495	sf	1.12	10,634	
092216	<u>Interior Metal Wall Framing</u>					\$ 137,748
	3-5/8in metal studs at 16in o.c. to wall height (assumed 10ft)	1,384	lf	70.00	96,898	
	3-5/8in metal studs at 16in o.c. to wall height (assumed 15ft average)	389	lf	105.00	40,850	
093000	<u>Ceramic Tile</u>					\$ 64,824
	Ceramic floor tile	867	sf	14.00	12,137	
	Ceramic wall base	376	lf	14.00	5,269	
	Ceramic wall tile - 9ft tall	3,387	sf	14.00	47,418	
096510	<u>Luxury Vinyl Tile (LVT)</u>					\$ 99,658
	LVT flooring	4,449	sf	22.40	99,658	
096813	<u>Tile Carpeting</u>					\$ 44,137
	Carpet tile flooring	788	sy	56.00	44,137	
096500	<u>Resilient Base &amp; Flooring</u>					\$ 7,515
	6in rubber base	3,067	lf	2.45	7,515	
099123	<u>Interior Painting</u>					\$ 89,284
	Paint Interior HM Frames					
	3ft x 7ft HM single door frame	24	ea	63.00	1,512	
	4ft 3in x 7ft HM single door frame w/ sidelite	20	ea	63.00	1,260	
	6ft x 7ft double door frame	2	ea	63.00	126	
	Stain Interior Wood Doors					
	3ft x 7ft SC wood doors	48	ea	105.00	5,040	
	Paint Ceilings					
	TBFT & paint 2ea coats paint gyp bd clgs	14,545	sf	2.10	30,544	
	Paint Interior Partitions					
	Tape, bed & float drywall partitions	42,691	sf	0.35	14,942	
	Texture & paint drywall partitions	42,691	sf	0.84	35,860	
101400	<u>Identification Devices</u>					\$ 3,983
	ADA restroom signage	5	ea	105.00	525	
	Room identification	38	ea	91.00	3,458	
101419	<u>Dimensional Letter/Signage</u>					\$ 9,520
	Exterior building signage - allowance	1	ls	9,520.00	9,520	
102113.16	<u>Plastic-Laminate-Clad Toilet Compartments</u>					\$ 18,900
	Handicap toilet partition	4	ea	2,625.00	10,500	
	Standard toilet partition	3	ea	2,345.00	7,035	
	Wall mounted urinal screen	1	ea	1,365.00	1,365	
102601	<u>Wall Protection &amp; Corner Guards</u>					\$ 2,625
	Cornerguards in high traffic locations	25	ea	105.00	2,625	

**City of Parker - City Council & Admin Building**  
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## Section C Interiors (Continues)

No.	Item of Work	Qty	Unit	Unit Cost	Cost
102800	<u>Toilet Accessories</u>				\$ 6,356
	36in grab bar	4	ea	77.00	308
	42in grab bar	4	ea	91.00	364
	Twin toilet tissue dispenser	8	ea	105.00	840
	Paper towel dispenser	5	ea	105.00	525
	Wall mounted soap dispenser	7	ea	77.00	539
	Baby changing station - surface mounted	6	ea	490.00	2,940
	Sanitary napkin disposal - surface mounted	6	ea	70.00	420
	Mop holder	1	ea	420.00	420
104400	<u>Fire Protection Specialties</u>				\$ 6,440
	Knox box	1	ea	980.00	980
	Recessed fire extinguisher cabinets	15	ea	231.00	3,465
	Fire extinguishers	15	ea	84.00	1,260
	Wall mounted fire extinguisher in MEP areas	7	ea	105.00	735
105113	<u>Metal Lockers</u>				\$ 8,470
	Lockers, steel, baked enamel, double tier box	11	ea	770.00	8,470
					903,446

## Section D Services

No.	Item of Work	Qty	Unit	Unit Cost	Cost
210000	<u>Fire Protection</u>				\$ 62,310
	New pipe fire protection system to 5ft outside of bldg.	14,545	sf	4.28	62,310
220000	<u>Plumbing</u>				\$ 142,539
	Plumbing - allowance	14,545	sf	9.80	142,539
230000	<u>HVAC</u>				\$ 264,715
	HVAC - allowance	14,545	sf	18.20	264,715
260000	<u>Electrical</u>				\$ 274,925
	Site				\$ 81,480
	Area light poles (materials & installation)	26	ea	2,730.00	70,980
	Other site electrical requirements	1	ls	10,500.00	10,500
	Building electrical - allowance	14,545	sf	13.30	193,445
280000	<u>Fire Alarm &amp; Security System</u>				\$ 21,381
	Fire alarm & security - allowance	14,545	sf	1.47	21,381
					765,869

## Section E Equipment &amp; Furnishings

No.	Item of Work	Qty	Unit	Unit Cost	Cost
064100	<u>Architectural Wood Casework</u>				\$ 213,866
	Family Restroom				
	Plastic laminated knee-panel	5	lf	189.00	898
	24in plastic laminated countertop w/ 4in backsplash	5	lf	77.00	366
	Men's Restroom				
	Plastic laminated knee-panel	6	lf	189.00	1,040
	24in plastic laminated countertop w/ 4in backsplash	6	lf	77.00	424
	Women's Restroom				
	Plastic laminated knee-panel	6	lf	189.00	1,040
	24in plastic laminated countertop w/ 4in backsplash	6	lf	77.00	424

**City of Parker - City Council & Admin Building**  
Conceptual Estimate

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## Section E Equipmnet &amp; Furnishings (Continues)

No.	Item of Work	Qty	Unit	Unit Cost	Cost
	Men's Restroom				
	Plastic laminated knee-panel	5	If	189.00	945
	24in plastic laminated countertop w/ 4in backsplash	5	If	77.00	385
	Women's Restroom				
	Plastic laminated knee-panel	5	If	189.00	945
	24in plastic laminated countertop w/ 4in backsplash	5	If	77.00	385
	Lactation				
	24in x 34in plastic laminated base cabinet	6	If	350.00	1,925
	15in x 30in plastic laminated upper cabinet	6	If	210.00	1,155
	24in plastic laminated countertop w/ 4in backsplash	11	If	77.00	847
	Plastic laminated knee-panel	6	If	189.00	1,040
	Staff Breakroom				
	24in x 34in plastic laminated base cabinet	13	If	350.00	4,375
	15in x 30in plastic laminated upper cabinet	16	If	210.00	3,360
	24in plastic laminated countertop w/ 4in backsplash	13	If	77.00	963
	Plotting/Printing				
	24in x 34in plastic laminated base cabinet	24	If	350.00	8,400
	15in x 30in plastic laminated upper cabinet	24	If	210.00	5,040
	24in plastic laminated countertop w/ 4in backsplash	24	If	77.00	1,848
	Work/Copy				
	24in x 34in plastic laminated base cabinet	32	If	350.00	11,025
	15in x 30in plastic laminated upper cabinet	24	If	210.00	4,935
	24in plastic laminated countertop w/ 4in backsplash	32	If	77.00	2,426
	Court Admin				
	10in transaction counter	5	If	32.08	150
	UB S\Visor				
	10in transaction counter	5	If	32.08	150
	Building Permits				
	10in transaction counter	5	If	32.08	150
	Executive Conference Sury Sequester				
	24in x 34in plastic laminated base cabinet	14	If	350.00	4,725
	15in x 30in plastic laminated upper cabinet	17	If	210.00	3,465
	24in plastic laminated countertop w/ 4in backsplash	14	If	77.00	1,040
	Courtroom Furniture - allowance	1	Is	150,000.00	150,000
122400	<u>Window Shades - not shown on dwgs</u>				\$ -
125100	<u>Office Furniture - by Owner</u>				\$ -
125219	<u>Upholstered Seating - Allowance</u>				\$ 101,080
	Courtroom seating - allowance	76	ea	1,330.00	101,080
					314,946

**City of Parker - City Council & Admin Building**  
 Conceptual Estimate

007200 General Conditions

No.	Item of Work	Qty	Unit	Unit Cost	Cost
	General Conditions (Refer to breakdown)	1	ls	540,892	540,892
					540,892

012119 Testing & Inspection

No.	Item of Work	Qty	Unit	Unit Cost	Cost
	Testing & inspection	1	ls	48,743	48,743
					48,743

014126 Building Permit Fee

No.	Item of Work	Qty	Unit	Unit Cost	Cost
	Building permit		ls	-	0
	Demolition permit		ls	-	0
	Plan review		ls	-	0
					<i>by owner</i>

**City of Parker - City Council & Admin Building**  
 Alternate - No.1 - Demolition of Old Fire Station -

No.	Item of Work	Qty	Unit	Unit Cost	Cost
	Demolish & hauloff single story Old Fire Station (assumed - 16ft tall)	57,600	cf	0.56	32,256
	Demolish & hauloff concrete slab on grade including foundation to 4ft below the surface	3,600	sf	2.10	7,560
	Removal of existing misc items onsite - allowance	1	ls	9,800.00	9,800

	Subtotal -	49,616
	General Conditions (see next page for breakdown) -	61,468
	Testing & Inspection -	790
	Building Permit Fee - <i>by owner</i>	645
	Escalation to Mid-point Construction (Construction Cost Only) -	22,504
	20% Contingency -	<u>22,504</u>
	Subtotal -	135,023
	General Liability Insurance -	701
	Builder's Risk Insurance -	299
	8% Overhead -	10,882
	6% Fee -	<u>8,814</u>
	Subtotal -	155,719
	General Contractor's Bond -	<u>2,351</u>
	<b>Add Alternate No.1 -</b>	<b><u>158,071</u></b>

**City of Parker - City Council & Admin Building**

Conceptual Estimate

Alternate - No.1 - Demolition of Old Fire Station -

September 20, 2022

Enclosed Building Area

Old Fire Station - 3,600 sf

Duration - 2 Months  
9 Weeks

Description	Qty	Unit	Labor Unit	Mat'l Unit	Sub Unit	Labor Price	Mat'l Price	Sub Price	Total Price
<b>Field Administration</b>									
Senior Project Manager - 50% time	1	mo	13,000	0	0	13,000	0	0	13,000
Project Superintendent	2	mo	10,000	0	0	20,000	0	0	20,000
<b>Field Engineering</b>									
Initial Survey	1	ls	0	0	500	0	0	500	500
Closing Survey	1	ls	0	0	500	0	0	500	500
<b>Subsistence</b>									
Job Staff Travel	9	trips	0	16.00	0	0	139	0	139
Main Office Travel	4	trips	0	16.00	0	0	69	0	69
<b>Temporary Structures</b>									
Construction Fence	200	lf	0	1.85	0	0	370	0	370
Project Sign	1	ea	200	300	0	200	300	0	500
Barricades	1	ea	100	100	0	100	100	0	200
<b>Safety</b>									
First Aid Equipment	1	ls	0	300	0	0	300	0	300
Fire Safety Equipment	1	ls	0	475	0	0	475	0	475
<b>Temporary Electrical</b>									
Construction Power	2	mo	0	300	0	0	600	0	600
<b>Temporary Water</b>									
Construction Water	2	mo	0	150	0	0	300	0	300
<b>Temporary Services</b>									
Progress Photos	2	mo	0	80	0	0	160	0	160
<b>Communications</b>									
Cellular phones (2ea)	2	mo	0	325	0	0	650	0	650
<b>Office Furniture &amp; Supplies</b>									
Office Supplies	2	mo	0	100	0	0	200	0	200
Delivery service/postage	2	mo	0	250	0	0	500	0	500
<b>General Clean-Up</b>									
Daily Cleaning	9	wks	250	0	0	2,167	0	0	2,167
Dumpster	2	mo	0	150	0	0	300	0	300
Dump Permits	4	load	0	25	0	0	108	0	108
Trash Haul Service	4	load	0	300	0	0	1,300	0	1,300
<b>Final Clean-Up</b>									
Site Area	9	wks	300	0	0	2,600	0	0	2,600
<b>Testing &amp; Inspection</b>									
Concrete Design Mix	1	ls	0	500	0	0	500	0	500
<b>General Equipment</b>									
Pick-up Truck	2	mo	0	900	0	0	1,800	0	1,800
Auto	2	mo	0	900	0	0	1,800	0	1,800
Level - rent to the Job	2	mo	0	80	0	0	160	0	160
Misc. Small Tools	2	mo	0	75	0	0	150	0	150
Minor Repairs	1	ls	0	500	0	0	500	0	500
Gas & Oil	2	mo	0	100	0	0	200	0	200
						38,067	10,981	1,000	50,048
30% Fringe Benefits -						11,420			11,420
9.695% Sales Tax -							exempted		exempted
						49,487	10,981	1,000	61,468

**City of Parker - City Council & Admin Building**  
 Alternate - No.2 - Demolition of Old Public Works Bldg. -

No.	Item of Work	Qty	Unit	Unit Cost	Cost
	Demolish & hauloff single story Old Fire Station (assumed - 16ft tall)	19,200	cf	0.56	10,752
	Demolish & hauloff concrete slab on grade including foundation to 4ft below the surface	1,200	sf	2.10	2,520
	Removal of existing misc items onsite - allowance	1	ls	7,700.00	7,700
				Subtotal -	20,972
				General Conditions (see next page for breakdown) -	61,468
				Testing & Inspection -	585
				Building Permit Fee - <i>by owner</i>	273
				Escalation to Mid-point Construction (Construction Cost Only) -	16,660
				20% Contingency -	99,957
				Subtotal -	99,957
				General Liability Insurance -	519
				Builder's Risk Insurance -	221
				8% Overhead -	8,056
				6% Fee -	6,525
				Subtotal -	115,279
				General Contractor's Bond -	1,741
				<b>Add Alternate No.2 -</b>	<b>117,019</b>

**City of Parker - City Council & Admin Building**

Conceptual Estimate

Alternate - No.2 - Demolition of Old Public Works Bldg. -

September 20, 2022

Enclosed Building Area

Old Public Works Bldg - 1,200 sf

Duration - 2 Months  
9 Weeks

Description	Qty	Unit	Labor Unit	Mat'l Unit	Sub Unit	Labor Price	Mat'l Price	Sub Price	Total Price
<b>Field Administration</b>									
Senior Project Manager - 50% time	1	mo	13,000	0	0	13,000	0	0	13,000
Project Superintendent	2	mo	10,000	0	0	20,000	0	0	20,000
<b>Field Engineering</b>									
Initial Survey	1	ls	0	0	500	0	0	500	500
Closing Survey	1	ls	0	0	500	0	0	500	500
<b>Subsistence</b>									
Job Staff Travel	9	trips	0	16.00	0	0	139	0	139
Main Office Travel	4	trips	0	16.00	0	0	69	0	69
<b>Temporary Structures</b>									
Construction Fence	200	lf	0	1.85	0	0	370	0	370
Project Sign	1	ea	200	300	0	200	300	0	500
Barricades	1	ea	100	100	0	100	100	0	200
<b>Safety</b>									
First Aid Equipment	1	ls	0	300	0	0	300	0	300
Fire Safety Equipment	1	ls	0	475	0	0	475	0	475
<b>Temporary Electrical</b>									
Construction Power	2	mo	0	300	0	0	600	0	600
<b>Temporary Water</b>									
Construction Water	2	mo	0	150	0	0	300	0	300
<b>Temporary Services</b>									
Progress Photos	2	mo	0	80	0	0	160	0	160
<b>Communications</b>									
Cellular phones (2ea)	2	mo	0	325	0	0	650	0	650
<b>Office Furniture &amp; Supplies</b>									
Office Supplies	2	mo	0	100	0	0	200	0	200
Delivery service/postage	2	mo	0	250	0	0	500	0	500
<b>General Clean-Up</b>									
Daily Cleaning	9	wks	250	0	0	2,167	0	0	2,167
Dumpster	2	mo	0	150	0	0	300	0	300
Dump Permits	4	load	0	25	0	0	108	0	108
Trash Haul Service	4	load	0	300	0	0	1,300	0	1,300
<b>Final Clean-Up</b>									
Site Area	9	wks	300	0	0	2,600	0	0	2,600
<b>Testing &amp; Inspection</b>									
Concrete Design Mix	1	ls	0	500	0	0	500	0	500
<b>General Equipment</b>									
Pick-up Truck	2	mo	0	900	0	0	1,800	0	1,800
Auto	2	mo	0	900	0	0	1,800	0	1,800
Level - rent to the Job	2	mo	0	80	0	0	160	0	160
Misc. Small Tools	2	mo	0	75	0	0	150	0	150
Minor Repairs	1	ls	0	500	0	0	500	0	500
Gas & Oil	2	mo	0	100	0	0	200	0	200
						38,067	10,981	1,000	50,048
30% Fringe Benefits -						11,420			11,420
9.695% Sales Tax -							exempted		exempted
						49,487	10,981	1,000	61,468



## Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	City Secretary
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey
Estimated Cost:	Date Prepared:	February 13, 2023
Exhibits:	<ul style="list-style-type: none"> <li>• <a href="#">Proposed Minutes</a></li> </ul>	

### AGENDA SUBJECT

APPROVAL OF MEETING MINUTES FOR FEBRUARY 7, 2023 [COUNCIL MEETING, 6 PM].

### SUMMARY

Please review the attached minutes. If you have any questions, comments, and/or corrections, please contact the City Secretary at [PGrey@parkertexas.us](mailto:PGrey@parkertexas.us) prior to the City Council meeting.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/16/2023
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/16/2023 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	02/17/2023

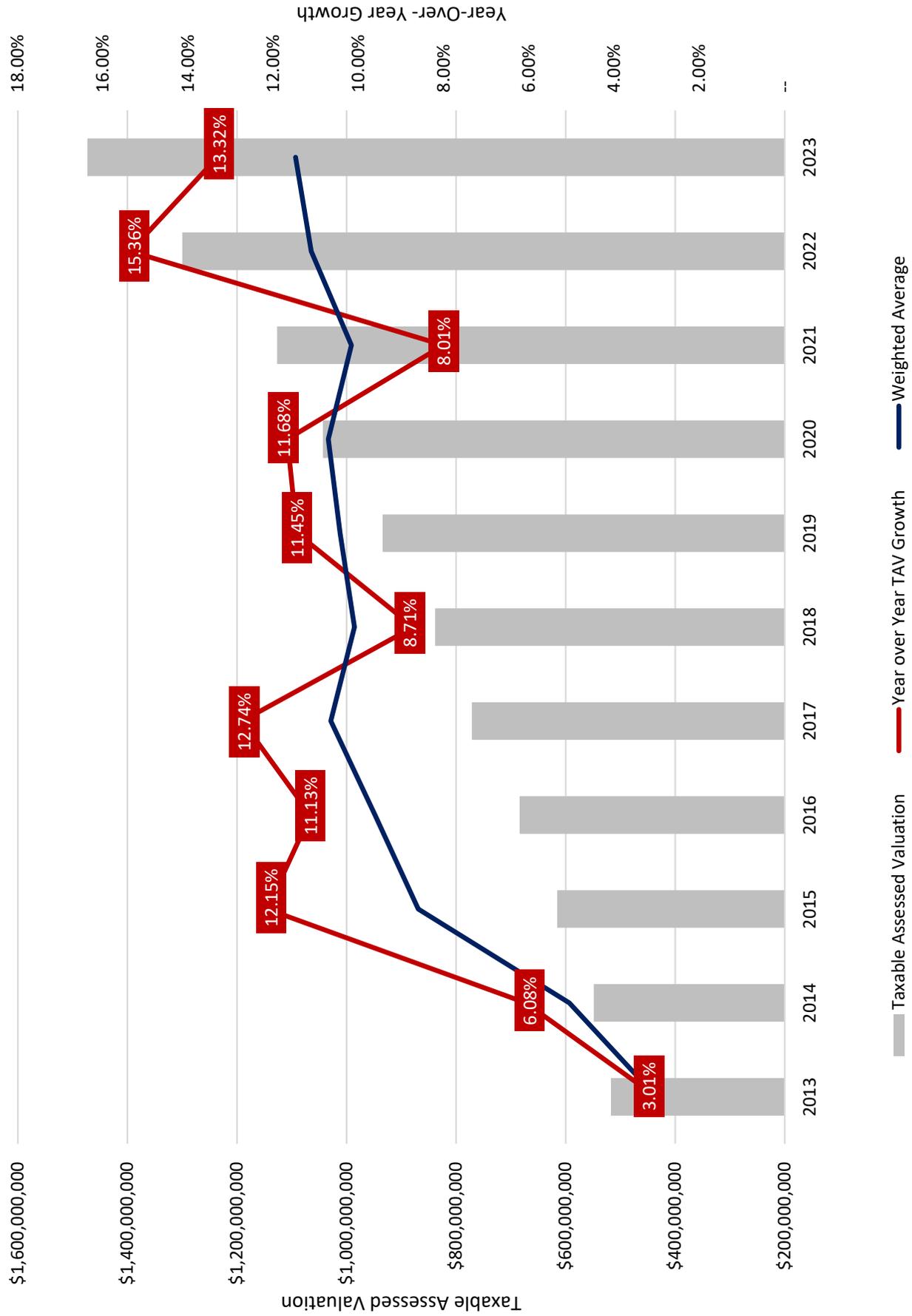


# Tax Impact Analysis February 2023



# Exhibit 1

# Historical TAV



# Historical and Assumed TAV

<u>Historical</u>			
FYE	Taxable Assessed		YOY Growth
	Valuation		
2013	517,308,211		3.01%
2014	548,739,132		6.08%
2015	615,409,117		12.15%
2016	683,932,195		11.13%
2017	771,041,828		12.74%
2018	838,230,083		8.71%
2019	934,205,804		11.45%
2020	1,043,291,538		11.68%
2021	1,126,853,462		8.01%
2022	1,299,947,992		15.36%
2023	1,473,101,048		13.32%

FYE	<u>Assumptions</u>					
	<u>Low Growth</u>			<u>High Growth</u>		
	Taxable Assessed		YOY Growth	Taxable Assessed		YOY Growth
	Valuation			Valuation		
2024	1,517,294,079		3.00%	1,620,411,153		10.00%
2025	1,547,639,961		2.00%	1,750,044,045		8.00%
2026	1,578,592,760		2.00%	1,890,047,569		8.00%
2027	1,594,378,688		1.00%	2,041,251,374		8.00%
2028	1,610,322,475		1.00%	2,204,551,484		8.00%
2029	1,626,425,699		1.00%	2,358,870,088		7.00%
2030	1,642,689,956		1.00%	2,500,402,293		6.00%
2031	1,659,116,856		1.00%	2,625,422,408		5.00%
2032	1,659,116,856		--	2,756,693,528		5.00%
2033	1,659,116,856		--	2,894,528,205		5.00%
2034	1,659,116,856		--	3,039,254,615		5.00%

**City of Parker, Texas**

**\$14.00 million Project Fund - May 2023 Bond Election**

Schedule	Project Fund	Structure	Term Length	TAV Growth	Projected Maximum I&S Tax Rate	Increase Above Current Rate at \$0.0282
1	\$ 14,000,000	Level Agg	20 Year	Low	0.0754	0.0472
2	\$ 14,000,000	Level Agg	30 Year	Low	0.0654	0.0372
3	\$ 14,000,000	Level Tax	20 Year	Low	0.0702	0.0421
4	\$ 14,000,000	Level Tax	30 Year	Low	0.0602	0.0320
1a	\$ 14,000,000	Level Agg	20 Year	High	0.0706	0.0424
2a	\$ 14,000,000	Level Agg	30 Year	High	0.0612	0.0331
3a	\$ 14,000,000	Level Tax	20 Year	High	0.0656	0.0374
4a	\$ 14,000,000	Level Tax	30 Year	High	0.0562	0.0280

**Homeowner Tax Impact (\$14.00 Million)**

-- For Illustration and Discussion Purposes Only --

**Current I&S Tax Rate (FY 2023) - \$0.0282**

Taxable Value	Scenario 1		Scenario 2		Scenario 3		Scenario 4	
	Estimated Tax Impact on \$0.0472 Tax Rate Increase Annual	Estimated Tax Impact on \$0.0372 Tax Rate Increase Monthly	Estimated Tax Impact on \$0.0421 Tax Rate Increase Annual	Estimated Tax Impact on \$0.0320 Tax Rate Increase Monthly	Estimated Tax Impact on \$0.0421 Tax Rate Increase Annual	Estimated Tax Impact on \$0.0320 Tax Rate Increase Monthly	Estimated Tax Impact on \$0.0421 Tax Rate Increase Annual	Estimated Tax Impact on \$0.0320 Tax Rate Increase Monthly
\$50,000	23.62	1.97	18.62	1.55	21.05	1.75	16.02	1.33
\$150,000	70.86	5.91	55.86	4.65	63.15	5.26	48.05	4.00
\$250,000	118.10	9.84	93.10	7.76	105.24	8.77	80.08	6.67
\$350,000	165.34	13.78	130.34	10.86	147.34	12.28	112.12	9.34
\$450,000	212.58	17.72	167.58	13.96	189.44	15.79	144.15	12.01
\$550,000	259.82	21.65	204.81	17.07	231.54	19.29	176.18	14.68
\$650,000	307.06	25.59	242.05	20.17	273.63	22.80	208.22	17.35
\$750,000	354.30	29.53	279.29	23.27	315.73	26.31	240.25	20.02



City of Parker, Texas

**\$14.00 million Project Fund - May 2023 Bond Election**  
**Aggregate Debt Service - 20 year Repayment - Low Growth**

**A B C D E F G H I J K L M**

FYE	Taxable Assessed Valuation	Growth	Existing Debt Service	Less: Utility Supported Debt Service	Existing Tax Supported Debt Service	Series 2023 - 4.299%			Less CAPI And/Or City Contribution	Aggregate Tax Supported Debt Service	Calculated I&S Tax Rate (1)	FYE
						Principal	Interest	Debt Service				
2023	\$ 1,473,101,048		\$ 968,583	\$ 549,350	\$ 419,233	\$ -	\$ -	\$ -	\$ -	\$ 419,233	0.0282	2023
2024	1,517,294,079	3.0%	890,216	555,125	335,091	210,000	575,955	785,955	-	1,121,046	0.0754	2024
2025	1,547,639,961	2.0%	856,997	554,525	302,472	250,000	567,802	817,802	-	1,120,274	0.0739	2025
2026	1,578,592,760	2.0%	654,825	552,400	102,425	465,000	555,465	1,020,465	-	1,122,890	0.0726	2026
2027	1,594,378,688	1.0%	654,200	549,700	104,500	475,000	539,344	1,014,344	-	1,118,844	0.0716	2027
2028	1,610,322,475	1.0%	653,025	551,525	101,500	495,000	522,684	1,017,684	-	1,119,184	0.0709	2028
2029	1,626,425,699	1.0%	562,100	562,100	-	615,000	503,315	1,118,315	-	1,118,315	0.0702	2029
2030	1,642,689,956	1.0%	561,400	561,400	-	640,000	481,036	1,121,036	-	1,121,036	0.0696	2030
2031	1,659,116,856	1.0%	560,100	560,100	-	665,000	457,642	1,122,642	-	1,122,642	0.0690	2031
2032	1,659,116,856	0.0%	558,200	558,200	-	690,000	432,907	1,122,907	-	1,122,907	0.0691	2032
2033	1,659,116,856	0.0%	560,600	560,600	-	715,000	406,879	1,121,879	-	1,121,879	0.0690	2033
2034	1,659,116,856	0.0%	562,200	562,200	-	740,000	379,371	1,119,371	-	1,119,371	0.0688	2034
2035	1,659,116,856	0.0%	558,100	558,100	-	770,000	349,764	1,119,764	-	1,119,764	0.0689	2035
2036	1,659,116,856	0.0%	558,300	558,300	-	805,000	317,538	1,122,538	-	1,122,538	0.0690	2036
2037	1,659,116,856	0.0%	562,600	562,600	-	840,000	282,613	1,122,613	-	1,122,613	0.0690	2037
2038	1,659,116,856	0.0%	561,000	561,000	-	875,000	245,347	1,120,347	-	1,120,347	0.0689	2038
2039	1,659,116,856	0.0%	-	-	-	915,000	205,873	1,120,873	-	1,120,873	0.0689	2039
2040	1,659,116,856	0.0%	-	-	-	955,000	164,262	1,119,262	-	1,119,262	0.0688	2040
2041	1,659,116,856	0.0%	-	-	-	1,000,000	120,418	1,120,418	-	1,120,418	0.0689	2041
2042	1,659,116,856	0.0%	-	-	-	1,045,000	74,144	1,119,144	-	1,119,144	0.0688	2042
2043	1,659,116,856	0.0%	-	-	-	1,095,000	25,185	1,120,185	-	1,120,185	0.0689	2043
2044	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2044
2045	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2045
2046	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2046
2047	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2047
2048	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2048
2049	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2049
2050	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2050
2051	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2051
2052	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2052
2053	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2053
						\$ 10,282,446	\$ 8,917,225	\$ 1,365,221	\$ -	\$ 22,832,762		
						\$ 14,260,000	\$ 7,207,541	\$ 21,467,541	\$ -	\$ 22,832,762		

Meeting Date: 02/21/2023 Item 2.

Maximum 0.0754  
 Increase Above FY 2023 0.0472

(1) Tax collection rate of 98%. Actual rate for FY 2023.



**City of Parker, Texas**  
**\$14.00 million Project Fund - May 2023 Bond Election**  
**Aggregate Debt Service - 30 year Repayment - Low Growth**

A	B	C	D	E	F	G	H	I	J	K	L	M
FYE	Taxable Assessed Valuation	Growth	Existing Debt Service	Less: Utility Supported Debt Service	Existing Tax Supported Debt Service	Principal	Interest	Debt Service	Less CAPI And/Or City Contribution	Aggregate Tax Supported Debt Service	Calculated I&S Tax Rate (1)	FYE
2023	\$ 1,473,101,048		\$ 968,583	\$ 549,350	\$ 419,233	\$ -	\$ -	\$ -	\$ -	\$ 419,233	0.0282	2023
2024	1,517,294,079	3.0%	890,216	555,125	335,091	-	707,241	707,241	(70,000)	972,332	0.0654	2024
2025	1,547,639,961	2.0%	856,997	554,525	302,472	-	707,241	707,241	(35,000)	974,712	0.0643	2025
2026	1,578,592,760	2.0%	654,825	552,400	102,425	170,000	703,900	873,900	-	976,325	0.0631	2026
2027	1,594,378,688	1.0%	654,200	549,700	104,500	175,000	697,121	872,121	-	976,621	0.0625	2027
2028	1,610,322,475	1.0%	653,025	551,525	101,500	185,000	690,038	875,038	-	976,538	0.0619	2028
2029	1,626,425,699	1.0%	562,100	562,100	-	295,000	680,449	975,449	-	975,449	0.0612	2029
2030	1,642,689,956	1.0%	561,400	561,400	-	305,000	668,298	973,298	-	973,298	0.0605	2030
2031	1,659,116,856	1.0%	560,100	560,100	-	320,000	655,531	975,531	-	975,531	0.0600	2031
2032	1,659,116,856	0.0%	558,200	558,200	-	335,000	641,936	976,936	-	976,936	0.0601	2032
2033	1,659,116,856	0.0%	560,600	560,600	-	350,000	627,534	977,534	-	977,534	0.0601	2033
2034	1,659,116,856	0.0%	562,200	562,200	-	365,000	612,227	977,227	-	977,227	0.0601	2034
2035	1,659,116,856	0.0%	558,100	558,100	-	380,000	595,758	975,758	-	975,758	0.0600	2035
2036	1,659,116,856	0.0%	558,300	558,300	-	400,000	577,847	977,847	-	977,847	0.0601	2036
2037	1,659,116,856	0.0%	562,600	562,600	-	415,000	558,507	973,507	-	973,507	0.0599	2037
2038	1,659,116,856	0.0%	561,000	561,000	-	440,000	537,789	977,789	-	977,789	0.0601	2038
2039	1,659,116,856	0.0%	-	-	-	460,000	515,692	975,692	-	975,692	0.0600	2039
2040	1,659,116,856	0.0%	-	-	-	485,000	492,300	977,300	-	977,300	0.0601	2040
2041	1,659,116,856	0.0%	-	-	-	510,000	467,498	977,498	-	977,498	0.0601	2041
2042	1,659,116,856	0.0%	-	-	-	535,000	441,239	976,239	-	976,239	0.0600	2042
2043	1,659,116,856	0.0%	-	-	-	560,000	413,451	973,451	-	973,451	0.0599	2043
2044	1,659,116,856	0.0%	-	-	-	590,000	383,978	973,978	-	973,978	0.0599	2044
2045	1,659,116,856	0.0%	-	-	-	625,000	352,629	977,629	-	977,629	0.0601	2045
2046	1,659,116,856	0.0%	-	-	-	655,000	319,410	974,410	-	974,410	0.0599	2046
2047	1,659,116,856	0.0%	-	-	-	690,000	284,235	974,235	-	974,235	0.0599	2047
2048	1,659,116,856	0.0%	-	-	-	730,000	246,851	976,851	-	976,851	0.0601	2048
2049	1,659,116,856	0.0%	-	-	-	770,000	207,212	977,212	-	977,212	0.0601	2049
2050	1,659,116,856	0.0%	-	-	-	810,000	165,381	975,381	-	975,381	0.0600	2050
2051	1,659,116,856	0.0%	-	-	-	855,000	121,215	976,215	-	976,215	0.0600	2051
2052	1,659,116,856	0.0%	-	-	-	900,000	74,575	974,575	-	974,575	0.0599	2052
2053	1,659,116,856	0.0%	-	-	-	950,000	25,318	975,318	-	975,318	0.0600	2053
			\$ 10,282,446	\$ 8,917,225	\$ 1,365,221	\$ 14,260,000	\$ 14,172,395	\$ 28,432,395	\$ (105,000)	\$ 29,692,616		

Meeting Date: 02/21/2023 Item 2.

**Maximum**      **0.0654**  
**Increase Above FY 2023**      **0.0372**

(1) Tax collection rate of 98%. Actual rate for FY 2023.



**City of Parker, Texas**  
**\$14.00 million Project Fund - May 2023 Bond Election**  
**Aggregate Debt Service - 20 year Repayment - Low Growth**

A	B	C	D	E	F	G	H	I	J	K	L	M
FYE	Taxable Assessed Valuation	Growth	Existing Debt Service	Less: Utility Supported Debt Service	Existing Tax Supported Debt Service	Principal	Interest	Debt Service	Less CAPI And/Or City Contribution	Aggregate Tax Supported Debt Service	Calculated I&S Tax Rate (1)	FYE
2023	\$ 1,473,101,048		\$ 968,583	\$ 549,350	\$ 419,233	\$ -	\$ -	\$ -	\$ -	\$ 419,233	0.0282	2023
2024	1,517,294,079	3.0%	890,216	555,125	335,091	130,000	576,652	706,652	-	1,041,743	0.0701	2024
2025	1,547,639,961	2.0%	856,997	554,525	302,472	190,000	570,990	760,990	-	1,063,461	0.0701	2025
2026	1,578,592,760	2.0%	654,825	552,400	102,425	420,000	560,471	980,471	-	1,082,896	0.0700	2026
2027	1,594,378,688	1.0%	654,200	549,700	104,500	445,000	545,636	990,636	-	1,095,136	0.0701	2027
2028	1,610,322,475	1.0%	653,025	551,525	101,500	475,000	529,835	1,004,835	-	1,106,335	0.0701	2028
2029	1,626,425,699	1.0%	562,100	562,100	-	605,000	510,986	1,115,986	-	1,115,986	0.0700	2029
2030	1,642,689,956	1.0%	561,400	561,400	-	640,000	488,884	1,128,884	-	1,128,884	0.0701	2030
2031	1,659,116,856	1.0%	560,100	560,100	-	675,000	465,310	1,140,310	-	1,140,310	0.0701	2031
2032	1,659,116,856	0.0%	558,200	558,200	-	700,000	440,210	1,140,210	-	1,140,210	0.0701	2032
2033	1,659,116,856	0.0%	560,600	560,600	-	725,000	413,811	1,138,811	-	1,138,811	0.0700	2033
2034	1,659,116,856	0.0%	562,200	562,200	-	755,000	385,829	1,140,829	-	1,140,829	0.0702	2034
2035	1,659,116,856	0.0%	558,100	558,100	-	785,000	355,634	1,140,634	-	1,140,634	0.0702	2035
2036	1,659,116,856	0.0%	558,300	558,300	-	815,000	322,899	1,137,899	-	1,137,899	0.0700	2036
2037	1,659,116,856	0.0%	562,600	562,600	-	850,000	287,550	1,137,550	-	1,137,550	0.0700	2037
2038	1,659,116,856	0.0%	561,000	561,000	-	890,000	249,740	1,139,740	-	1,139,740	0.0701	2038
2039	1,659,116,856	0.0%	-	-	-	930,000	209,605	1,139,605	-	1,139,605	0.0701	2039
2040	1,659,116,856	0.0%	-	-	-	975,000	167,214	1,142,214	-	1,142,214	0.0702	2040
2041	1,659,116,856	0.0%	-	-	-	1,015,000	122,585	1,137,585	-	1,137,585	0.0700	2041
2042	1,659,116,856	0.0%	-	-	-	1,065,000	75,519	1,140,519	-	1,140,519	0.0701	2042
2043	1,659,116,856	0.0%	-	-	-	1,115,000	25,645	1,140,645	-	1,140,645	0.0702	2043
2044	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2044
2045	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2045
2046	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2046
2047	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2047
2048	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2048
2049	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2049
2050	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2050
2051	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2051
2052	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2052
2053	1,659,116,856	0.0%	-	-	-	-	-	-	-	-	0.0000	2053
										<b>\$ 22,870,224</b>		
										<b>\$ 14,200,000</b>	<b>\$ 7,305,003</b>	<b>\$ 21,505,003</b>

Meeting Date: 02/21/2023 Item 2.

**Maximum**      **0.0702**  
**Increase Above FY 2023**      **0.0421**

(1) Tax collection rate of 98%. Actual rate for FY 2023.







City of Parker, Texas

**\$14.00 million Project Fund - May 2023 Bond Election**  
**Aggregate Debt Service - 30 year Repayment - High Growth**

**A B C D E F G H I J K L M**

FYE	Taxable Assessed Valuation	Growth	Existing Debt Service	Less: Utility Supported Debt Service	Existing Tax Supported Debt Service	Series 2023 - 5.140%			Less CAPI And/Or City Contribution	Aggregate Tax Supported Debt Service	Calculated I&S Tax Rate (1)	FYE
						Principal	Interest	Debt Service				
2023	\$ 1,473,101,048		\$ 968,583	\$ 549,350	\$ 419,233	\$ -	\$ -	\$ -	\$ -	\$ 419,233	0.0282	2023
2024	1,620,411,153	10.0%	890,216	555,125	335,091	707,241	707,241	(70,000)	972,332	972,332	0.0612	2024
2025	1,750,044,045	8.0%	856,997	554,525	302,472	707,241	707,241	(35,000)	974,712	974,712	0.0568	2025
2026	1,890,047,569	8.0%	654,825	552,400	102,425	703,900	873,900	-	976,325	976,325	0.0527	2026
2027	2,041,251,374	8.0%	654,200	549,700	104,500	697,121	872,121	-	976,621	976,621	0.0488	2027
2028	2,204,551,484	8.0%	653,025	551,525	101,500	690,038	875,038	-	976,538	976,538	0.0452	2028
2029	2,358,870,088	7.0%	562,100	562,100	-	680,449	975,449	-	975,449	975,449	0.0422	2029
2030	2,500,402,293	6.0%	561,400	561,400	-	668,298	973,298	-	973,298	973,298	0.0397	2030
2031	2,625,422,408	5.0%	560,100	560,100	-	655,531	975,531	-	975,531	975,531	0.0379	2031
2032	2,756,693,528	5.0%	558,200	558,200	-	641,936	976,936	-	976,936	976,936	0.0362	2032
2033	2,894,528,205	5.0%	560,600	560,600	-	627,534	977,534	-	977,534	977,534	0.0345	2033
2034	3,039,254,615	5.0%	562,200	562,200	-	612,227	977,227	-	977,227	977,227	0.0328	2034
2035	3,130,432,253	3.0%	558,100	558,100	-	595,758	975,758	-	975,758	975,758	0.0318	2035
2036	3,224,345,221	3.0%	558,300	558,300	-	577,847	977,847	-	977,847	977,847	0.0309	2036
2037	3,321,075,578	3.0%	562,600	562,600	-	558,507	973,507	-	973,507	973,507	0.0299	2037
2038	3,354,286,333	1.0%	561,000	561,000	-	537,789	977,789	-	977,789	977,789	0.0297	2038
2039	3,387,829,197	1.0%	-	-	-	515,692	975,692	-	975,692	975,692	0.0294	2039
2040	3,421,707,489	1.0%	-	-	-	492,300	977,300	-	977,300	977,300	0.0291	2040
2041	3,421,707,489	0.0%	-	-	-	467,498	977,498	-	977,498	977,498	0.0292	2041
2042	3,421,707,489	0.0%	-	-	-	441,239	976,239	-	976,239	976,239	0.0291	2042
2043	3,421,707,489	0.0%	-	-	-	413,451	973,451	-	973,451	973,451	0.0290	2043
2044	3,421,707,489	0.0%	-	-	-	383,978	973,978	-	973,978	973,978	0.0290	2044
2045	3,421,707,489	0.0%	-	-	-	352,629	977,629	-	977,629	977,629	0.0292	2045
2046	3,421,707,489	0.0%	-	-	-	319,410	974,410	-	974,410	974,410	0.0291	2046
2047	3,421,707,489	0.0%	-	-	-	284,235	974,235	-	974,235	974,235	0.0291	2047
2048	3,421,707,489	0.0%	-	-	-	246,851	976,851	-	976,851	976,851	0.0291	2048
2049	3,421,707,489	0.0%	-	-	-	207,212	977,212	-	977,212	977,212	0.0291	2049
2050	3,421,707,489	0.0%	-	-	-	165,381	975,381	-	975,381	975,381	0.0291	2050
2051	3,421,707,489	0.0%	-	-	-	121,215	976,215	-	976,215	976,215	0.0291	2051
2052	3,421,707,489	0.0%	-	-	-	74,575	974,575	-	974,575	974,575	0.0291	2052
2053	3,421,707,489	0.0%	-	-	-	25,318	975,318	-	975,318	975,318	0.0291	2053
						\$ 10,282,446	\$ 14,172,395	\$ 28,432,395	\$ (105,000)	\$ 29,692,616		

Meeting Date: 02/21/2023 Item 2.

(1) Tax collection rate of 98%. Actual rate for FY 2023.

Maximum	0.0612
Increase Above FY 2023	0.0331



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City of Parker, Texas

**\$14.00 million Project Fund - May 2023 Bond Election**  
**Aggregate Debt Service - 20 year Repayment - High Growth**

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FYE	Taxable Assessed Valuation	Growth	Existing Debt Service	Less: Utility Supported Debt Service	Existing Tax Supported Debt Service	Series 2023 - 4.302%			Less CAPI And/Or City Contribution	Aggregate Tax Supported Debt Service	Calculated I&S Tax Rate (1)	FYE
						Principal	Interest	Debt Service				
2023	\$ 1,473,101,048		\$ 968,583	\$ 549,350	\$ 419,233	\$ -	\$ -	\$ -	\$ 419,233	0.0282	2023	
2024	1,620,411,153	10.0%	890,216	555,125	335,091	130,000	576,652	706,652	1,041,743	0.0656	2024	
2025	1,750,044,045	8.0%	856,997	554,525	302,472	190,000	570,990	760,990	1,063,461	0.0620	2025	
2026	1,890,047,569	8.0%	654,825	552,400	102,425	420,000	560,471	980,471	1,082,896	0.0585	2026	
2027	2,041,251,374	8.0%	654,200	549,700	104,500	445,000	545,636	990,636	1,095,136	0.0547	2027	
2028	2,204,551,484	8.0%	653,025	551,525	101,500	475,000	529,835	1,004,835	1,106,335	0.0512	2028	
2029	2,358,870,088	7.0%	562,100	562,100	-	605,000	510,986	1,115,986	1,115,986	0.0483	2029	
2030	2,500,402,293	6.0%	561,400	561,400	-	640,000	488,884	1,128,884	1,128,884	0.0461	2030	
2031	2,625,422,408	5.0%	560,100	560,100	-	675,000	465,310	1,140,310	1,140,310	0.0443	2031	
2032	2,756,693,528	5.0%	558,200	558,200	-	700,000	440,210	1,140,210	1,140,210	0.0422	2032	
2033	2,894,528,205	5.0%	560,600	560,600	-	725,000	413,811	1,138,811	1,138,811	0.0401	2033	
2034	3,039,254,615	5.0%	562,200	562,200	-	755,000	385,829	1,140,829	1,140,829	0.0383	2034	
2035	3,130,432,253	3.0%	558,100	558,100	-	785,000	355,634	1,140,634	1,140,634	0.0372	2035	
2036	3,224,345,221	3.0%	558,300	558,300	-	815,000	322,899	1,137,899	1,137,899	0.0360	2036	
2037	3,321,075,578	3.0%	562,600	562,600	-	850,000	287,550	1,137,550	1,137,550	0.0350	2037	
2038	3,354,286,333	1.0%	561,000	561,000	-	890,000	249,740	1,139,740	1,139,740	0.0347	2038	
2039	3,387,829,197	1.0%	-	-	-	930,000	209,605	1,139,605	1,139,605	0.0343	2039	
2040	3,421,707,489	1.0%	-	-	-	975,000	167,214	1,142,214	1,142,214	0.0341	2040	
2041	3,421,707,489	0.0%	-	-	-	1,015,000	122,585	1,137,585	1,137,585	0.0339	2041	
2042	3,421,707,489	0.0%	-	-	-	1,065,000	75,519	1,140,519	1,140,519	0.0340	2042	
2043	3,421,707,489	0.0%	-	-	-	1,115,000	25,645	1,140,645	1,140,645	0.0340	2043	
2044	3,421,707,489	0.0%	-	-	-	-	-	-	-	0.0000	2044	
2045	3,421,707,489	0.0%	-	-	-	-	-	-	-	0.0000	2045	
2046	3,421,707,489	0.0%	-	-	-	-	-	-	-	0.0000	2046	
2047	3,421,707,489	0.0%	-	-	-	-	-	-	-	0.0000	2047	
2048	3,421,707,489	0.0%	-	-	-	-	-	-	-	0.0000	2048	
2049	3,421,707,489	0.0%	-	-	-	-	-	-	-	0.0000	2049	
2050	3,421,707,489	0.0%	-	-	-	-	-	-	-	0.0000	2050	
2051	3,421,707,489	0.0%	-	-	-	-	-	-	-	0.0000	2051	
2052	3,421,707,489	0.0%	-	-	-	-	-	-	-	0.0000	2052	
2053	3,421,707,489	0.0%	-	-	-	-	-	-	-	0.0000	2053	
						\$ 14,200,000	\$ 7,305,003	\$ 21,505,003	\$ -	\$ 22,870,224		

Meeting Date: 02/21/2023 Item 2.

Maximum	0.0656
Increase Above FY 2023	0.0374

(1) Tax collection rate of 98%. Actual rate for FY 2023.



City of Parker, Texas

**\$14.00 million Project Fund - May 2023 Bond Election**  
**Aggregate Debt Service - 30 year Repayment - High Growth**

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FYE	Taxable Assessed Valuation	Growth	Existing Debt Service	Existing Tax Supported Debt Service	Less: Utility Supported Debt Service	Principal	Interest	Debt Service	Less CAPI And/Or City Contribution	Aggregate Tax Supported Debt Service	Calculated I&S Tax Rate (1)	FYE
2023	\$ 1,473,101,048		\$ 968,583	\$ 419,233	\$ 549,350	\$ -	\$ -	\$ -	\$ -	\$ 419,233	0.0282	2023
2024	1,620,411,153	10.0%	890,216	335,091	555,125	-	702,160	702,160	(145,000)	892,251	0.0562	2024
2025	1,750,044,045	8.0%	856,997	302,472	554,525	-	702,160	702,160	(95,000)	909,632	0.0530	2025
2026	1,890,047,569	8.0%	654,825	102,425	552,400	125,000	699,704	824,704	-	927,129	0.0501	2026
2027	2,041,251,374	8.0%	654,200	104,500	549,700	140,000	694,497	834,497	-	938,997	0.0469	2027
2028	2,204,551,484	8.0%	653,025	101,500	551,525	155,000	688,692	843,692	-	945,192	0.0437	2028
2029	2,358,870,088	7.0%	562,100	-	562,100	275,000	680,097	955,097	-	955,097	0.0413	2029
2030	2,500,402,293	6.0%	561,400	-	561,400	300,000	668,451	968,451	-	968,451	0.0395	2030
2031	2,625,422,408	5.0%	560,100	-	560,100	320,000	655,786	975,786	-	975,786	0.0379	2031
2032	2,756,693,528	5.0%	558,200	-	558,200	335,000	642,191	977,191	-	977,191	0.0362	2032
2033	2,894,528,205	5.0%	560,600	-	560,600	350,000	627,789	977,789	-	977,789	0.0345	2033
2034	3,039,254,615	5.0%	562,200	-	562,200	365,000	612,482	977,482	-	977,482	0.0328	2034
2035	3,130,432,253	3.0%	558,100	-	558,100	380,000	596,013	976,013	-	976,013	0.0318	2035
2036	3,224,345,221	3.0%	558,300	-	558,300	400,000	578,102	978,102	-	978,102	0.0310	2036
2037	3,321,075,578	3.0%	562,600	-	562,600	415,000	558,762	973,762	-	973,762	0.0299	2037
2038	3,354,286,333	1.0%	561,000	-	561,000	440,000	538,044	978,044	-	978,044	0.0298	2038
2039	3,387,829,197	1.0%	-	-	-	460,000	515,947	975,947	-	975,947	0.0294	2039
2040	3,421,707,489	1.0%	-	-	-	485,000	492,555	977,555	-	977,555	0.0292	2040
2041	3,421,707,489	0.0%	-	-	-	510,000	467,753	977,753	-	977,753	0.0292	2041
2042	3,421,707,489	0.0%	-	-	-	535,000	441,494	976,494	-	976,494	0.0291	2042
2043	3,421,707,489	0.0%	-	-	-	555,000	413,578	978,578	-	978,578	0.0292	2043
2044	3,421,707,489	0.0%	-	-	-	590,000	383,978	973,978	-	973,978	0.0290	2044
2045	3,421,707,489	0.0%	-	-	-	625,000	352,629	977,629	-	977,629	0.0292	2045
2046	3,421,707,489	0.0%	-	-	-	655,000	319,410	974,410	-	974,410	0.0291	2046
2047	3,421,707,489	0.0%	-	-	-	690,000	284,235	974,235	-	974,235	0.0291	2047
2048	3,421,707,489	0.0%	-	-	-	730,000	246,851	976,851	-	976,851	0.0291	2048
2049	3,421,707,489	0.0%	-	-	-	770,000	207,212	977,212	-	977,212	0.0291	2049
2050	3,421,707,489	0.0%	-	-	-	810,000	165,381	975,381	-	975,381	0.0291	2050
2051	3,421,707,489	0.0%	-	-	-	855,000	121,215	976,215	-	976,215	0.0291	2051
2052	3,421,707,489	0.0%	-	-	-	900,000	74,575	974,575	-	974,575	0.0291	2052
2053	3,421,707,489	0.0%	-	-	-	950,000	25,318	975,318	-	975,318	0.0291	2053
			\$ 10,282,446	\$ 1,365,221	\$ 8,917,225	\$ 14,130,000	\$ 14,157,058	\$ 28,287,058	\$ (240,000)	\$ 29,412,278		

Meeting Date: 02/21/2023 Item 2.

(1) Tax collection rate of 98%. Actual rate for FY 2023.

Maximum	0.0562
Increase Above FY 2023	0.0280



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**MINUTES**  
**CITY COUNCIL MEETING**  
**FEBRUARY 7, 2023**

**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 Lee Pettle called the meeting to order at 6:00 p.m. Councilmembers Terry Lynch, Cindy Meyer and Jim Reed were present. Mayor Pro Tem Michael Slaughter and Councilmember Diana M. Abraham were absent.

Staff Present: City Administrator Luke Olson, Asst. City Administrator/City Secretary Patti Scott Grey, Finance/Human Resources Director Grant Savage (arrived at 6:37 p.m.), Interim City Attorney Catherine Clifton, Public Works Director Gary Machado, Fire Chief Mike Sheff (arrived at 6:22 p.m.) and Assistant Police Chief Kenneth Price (arrived at 6:05 p.m. left and returned at 6:23 p.m.)

**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.**

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

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

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

Government Code Section 551.071(2) – Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter (Open Meetings Act).

Mayor Lee Pettle recessed the regular meeting to Executive Session at 6:01 p.m.

**RECONVENE REGULAR MEETING.**

Mayor Lee Pettle reconvened the meeting at 6:40 p.m.

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

No action was taken.

**PLEDGE OF ALLEGIANCE**

AMERICAN PLEDGE: Lucy Estabrook led the pledge.

TEXAS PLEDGE: Ed Standridge led the pledge.

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

No comments

**ITEMS OF COMMUNITY INTEREST**

Mayor Pettle reviewed the following items:

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, FEBRUARY 8, 2023, 5:00 PM

SPECIAL COUNCIL MEETING – WEDNESDAY, FEBRUARY 15, 2023, 6:00 PM

CITY FILING DEADLINE – FRIDAY, FEBRUARY 17, 2023, 5:00 PM

THURSDAY, APRIL 6, 2023 - LAST DAY TO REGISTER TO VOTE FOR THE MAY 6, 2023, GENERAL ELECTION ([IMPORTANT 2023 ELECTION DATES](#))

CANDIDATES NIGHT – THURSDAY, APRIL 13, 2023, 7 PM – VICTORY CHURCH – 6301 E. PARKER ROAD

NATIONAL PRESCRIPTION DRUG TAKE BACK - SATURDAY, APRIL 22, 2023, 10AM-2PM  
 REMINDER – MAY 6, 2023 – GENERAL ELECTION (EV AND ED INFO)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Apr 23	Apr 24 Early Voting 8am to 5pm	Apr 25 Early Voting 8am to 5pm	Apr 26 Early Voting 8am to 5pm	Apr 27 Early Voting 8am to 5pm	Apr. 28 Early Voting 8am to 5pm	Apr. 29 Early Voting 8am to 5pm
Apr 30	May 1 Early Voting 7am to 7pm	May 2 Early Voting 7am to 7pm	May 3	May 4	May 5	May 6 Election Day 7am to 7pm

**CONSENT AGENDA** Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.

1. APPROVAL OF MEETING MINUTES FOR JANUARY 10, 2023 [COMPREHENSIVE PLAN WORKSHOP, 5:30 PM – 7:30 PM].
2. APPROVAL OF MEETING MINUTES FOR JANUARY 11, 2023 [MUNICIPAL COMPLEX WORKSHOP, 5:30 PM – 7:30 PM].
3. APPROVAL OF MEETING MINUTES FOR JANUARY 17, 2023 [COUNCIL MEETING, 6 PM].

Councilmember Meyer asked that item #1, approving the meeting minutes for January 10, 2023, be removed from the consent agenda for further discussion and Councilmember Lynch asked that item #2, approving the meeting minutes for January 11, 2023, be removed from the consent agenda for further discussion.

Councilmembers Lynch, Meyer, and Reed voted to approve the January 17, 2023 Council meeting minutes, as presented, 3-0.

**INDIVIDUAL CONSIDERATION ITEMS**

1. APPROVAL OF MEETING MINUTES FOR JANUARY 10, 2023 [COMPREHENSIVE PLAN WORKSHOP, 5:30 PM – 7:30 PM].

Councilmember Meyer asked that the January 10, 2023 Comprehensive Plan Workshop, Exhibit 1 – Vision Statement, provided by Mayor Pro Tem Slaughter, add a comma after “grows” and remove the comma after “values”, as discussed and agreed upon at that Comprehensive Plan Workshop meeting.

Councilmembers Lynch, Meyer, and Reed voted to approve the January 10, 2023, as amended, 3-0.

2. APPROVAL OF MEETING MINUTES FOR JANUARY 11, 2023 [MUNICIPAL COMPLEX WORKSHOP, 5:30 PM – 7:30 PM].

Councilmember Lynch said the minutes did not reflect her request for debt capacity information, as well as the tax impact of any scenarios. After discussion, it was decided to remove the minutes from tonight’s agenda. Staff will review the video, make any necessary corrections, and have the minutes on the next Council meeting agenda for approval.

Councilmembers Lynch, Meyer, and Reed voted to approve the January 11, 2023, as amended, 3-0.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 835 CALLING FOR AN ELECTION TO BE HELD ON SATURDAY, MAY 6, 2023 TO ELECT THREE (3) CITY COUNCIL MEMBERS AT-LARGE; PROVIDING FOR EARLY VOTING; AUTHORIZING THE MAYOR TO EXECUTE A JOINT GENERAL AND SPECIAL ELECTION SERVICES CONTRACT FOR ELECTION SERVICES WITH COLLIN COUNTY; PROVIDING FOR THE ORDER AND NOTICE OF THE ELECTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

MOTION: Councilmember Lynch moved to approve Ordinance No. 835 calling for an election to be held on Saturday, May 6, 2023 to elect three (3) City Council Members at-large; providing for early voting; authorizing the Mayor to execute a Joint General and Special Election services contract for election services with Collin County; providing for the Order and Notice of the Election; finding and determining that the meeting at which this Ordinance is passed was noticed and is open to the public as required by law with amended early voting dates in the ordinance. Councilmember Reed seconded with Councilmembers Lynch, Meyer, and Reed voting for the motion. Motion carried 3-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 836, CALLING FOR A SPECIAL ELECTION TO BE HELD ON MAY 6, 2023 FOR THE PURPOSE OF VOTING ON A TERM OF OFFICE FOR THE MAYOR AND COUNCIL MEMBERS OF THREE (3) YEARS PURSUANT TO ARTICLE 11, SECTION 11 OF THE TEXAS CONSTITUTION; PROVIDING FOR EARLY VOTING; PROVIDING THAT THE ELECTION SHALL BE CONDUCTED PURSUANT TO A JOINT GENERAL AND SPECIAL ELECTION SERVICES CONTRACT WITH COLLIN COUNTY; PROVIDING FOR THE ORDER AND NOTICE OF THE ELECTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE

IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

MOTION: Councilmember Lynch moved to approve Ordinance No. 836, calling for a Special Election to be held on May 6, 2023 for the purpose of voting on a term of office for the Mayor and Council Members of three (3) years pursuant to Article 11, Section 11 of the Texas Constitution; providing for early voting; providing that the election shall be conducted pursuant to a Joint General and Special Election Services contract with Collin County; providing for the order and notice of the election; finding and determining that the meeting at which this Ordinance is passed was noticed and is open to the public as required by law. Councilmember Reed seconded with Councilmembers Lynch and Reed voting for the motion and Councilmember Meyer against. Motion carried 2-1.

- 6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2023-727 AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF TEN CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

MOTION: Councilmember Meyer moved to approve Resolution No. 2023-727 authorizing continued participation with the Steering Committee of Cities served by Oncor; and authorizing the payment of ten cents per capita to the steering committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC. Councilmember Lynch seconded with Councilmembers Lynch, Meyer, and Reed voting for the motion. Motion carried 3-0.

**ROUTINE ITEMS**

- 7. UPDATE(S):

**FM 2551**

City Administrator Luke Olson and Director of Public Works Gary Machado said the project seemed to be behind schedule due to recent weather conditions. The City of Parker is awaiting response from Texas Department of Transportation (TxDot) on waterlines. TxDot is currently working on Parker Village and Curtis Road issues. We believe North Texas Municipal Water District (NTMWD) has completed their waterline relocations and are in the process of cleaning up. Mr. Olson will update the city's website as information become available.

**DONATION(S)**

- 8. ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$500). [PETTLE]

Parker Women's Club (PWC) donated treats (candy, cookies, & cupcakes) to the Parker Fire Department valued at \$30.

Mayor Pettle, on behalf of herself, City Council, and City Staff, thanked the Parker Women's Club (PWC) for its kind and generous donation.

**FUTURE AGENDA ITEMS**

9. FUTURE AGENDA ITEMS

Mayor Pettle asked if there were any items to be added to the future agenda.

Hearing no additional requests, Mayor Pettle encouraged everyone to email her requests. The Mayor also noted the next special meeting, as stated at the beginning of the meeting, would be Wednesday, February 15, 2023, 6:00 PM, and the next regularly scheduled meeting would be Tuesday, February 21, 2023.

**Capital Improvement Plan (CIP)**

Mayor Pettle said Council needs to have a 3-4 hour CIP Workshop to gather and discuss CIP issues. She asked that Council get their availability to City Administrator Olson as soon as possible to get this workshop scheduled. Also, the Mayor asked that Council forward Mr. Olson requests for information they may need prior to the workshop and any questions to Mr. Olson or to her, as Mayor.

**WORKSHOP**

10. MUNICIPAL COMPLEX

Finance/HR Director Savage gave a presentation on debt service, tax impact, and bond information. [See Exhibit 1 –Tax Impact Analysis, dated February, 2023.] Mayor Pettle advised Council to contact Mr. Savage as soon as possible but by the end of this week for any additional financial information for the February 15, 2023 Special Council Workshop, stating Mr. Savage will need time to compile the information.

11. SALES TAX

Councilmembers Lynch and Reed provided a proposal for city sales tax, dedicated to street maintenance. This is the second item to be discussed at the February 15, 2023 Special Council Workshop.

**ADJOURN**

Mayor Lee Pettle adjourned the meeting at 8:08 p.m.

APPROVED:

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

ATTESTED:

Approved on the 21st day  
of February, 2023.

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



## Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey for Public Works Director Gary Machado
Estimated Cost:	Date Prepared:	February 13, 2023
Exhibits:	<ol style="list-style-type: none"> <li>1. <a href="#">Proposed Ordinance (w-Exhibits)</a></li> <li>2. <a href="#">Public Hearing Notice</a></li> <li>3. <a href="#">Ord. No.'s 833, 824, 815 &amp; 812 (Temporary Moratorium on Acceptance of Development Applications)</a></li> </ol>	

### AGENDA SUBJECT

#### TEMPORARY MORATORIUM EXTENSION:

PUBLIC HEARING REGARDING EXTENSION OF THE TEMPORARY MORATORIUM ON THE ACCEPTANCE, REVIEW, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, OR CONSTRUCTION WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF PARKER.

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 839 EXTENDING THE TEMPORARY MORATORIUM ENACTED BY ORDINANCE NO.'s 833, 824, 815 & 812 ON THE ACCEPTANCE, REVIEW, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, OR CONSTRUCTION WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF PARKER.

#### SUMMARY

Please review information provided.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Gary Machado</i>	Date:	02/16/2023
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/16/2023
City Administrator:	<i>Luke B. Olson</i>	Date:	02/17/2023

**ORDINANCE NO. 839**

*(Extension of Temporary Moratorium on Acceptance of Development Applications)*

**AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, EXTENDING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION, PROVIDING FINDINGS OF FACT, DEFINITIONS, APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, EXCEPTIONS AND EXEMPTIONS, AND DETERMINATION AND APPEALS; PROVIDING FOR SEVERABILITY, REPEALER, ENFORCEMENT, PROPER NOTICE AND MEETING, AND AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Parker, Texas (the “City Council”), as a duly-elected legislative body, finds that it is facing significant historic and contemporary land use challenges that existing regulations and infrastructure were not designed to address; and

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens to extend the enacted moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction on real property in the City Limits and extraterritorial jurisdiction (“ETJ”); and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that are for the good government, peace, or order of the City and is necessary for carrying out a power granted by law to the City; and

WHEREAS, Texas Local Government Code Chapters 211, 213, 214, and 217 grant the City certain regulation authority concerning construction, land use, nuisances, structures, and development-related activities; and

WHEREAS, the City seeks to ensure that impending and future development is conducted in a fiscally sustainable and environmentally responsible manner; and

WHEREAS, the City limits and ETJ are comprised of a combination of topographical, ecological, and other features that create significant development challenges; and

WHEREAS, as codified in Texas Water Code Chapter 552, Subchapter A, the Legislature of the State of Texas granted municipalities the authority to own and operate “utility systems,” which include water systems designed to provide domestic consumption of water; and

WHEREAS, Texas Water Code Section 552.015 grants Type A general-law municipalities the authority to provide for municipal water supply systems; and

WHEREAS, the City has determined that it is necessary to the health, safety, and welfare of the people in the City limits and ETJ to encourage and promote the development and use of the

City’s water utility and supply systems to serve the water provision needs of the citizens in the City limits and ETJ to prevent failure of water supply within the system; and

WHEREAS, the City conducted an updated analysis to determine the adequacy of the City’s current water supply, facilities, and the need beyond the estimated capacity that is expected to result from properties currently in development; and

WHEREAS, upon review of the updated analysis by the City’s Engineer and City Administrator, the City Council has made findings contained herein as **Attachment B** related to the inadequacy of existing essential public facilities in accordance with Section 212.135 of the Texas Local Government Code; and

WHEREAS, the City Council finds that certain essential public water infrastructure, supply, and improvements throughout the City limits and ETJ are inadequate and insufficient to adequately serve new development; and

WHEREAS, relying on the analysis provided by City staff, the outstanding permits issued by the City prior to this moratorium, and the City’s impact fee analysis, the City Council makes the following findings:

1. Taking in account all water that has been committed by contract, the City’s water facilities are at capacity; and
2. The current water system has bottlenecks that threaten the proper operation of the City’s water system; and
3. Based on these bottlenecks and the contractual commitments that will utilize all additional supply of the City’s water system, there is currently no additional supply available to commit to development of lots; and
4. This moratorium is reasonably limited to property located in the City limits and ETJ.

WHEREAS, the City continues to take actions to increase the water supply of the City of Parker, including but not limited to investigating options within the current contract with North Texas Municipal Water District and alternative options, but until actions can be finalized to increase the water capacity, allowing for additional water service connections to the Parker water service area will only exacerbate the situation; and

WHEREAS, the City Council finds that a temporary moratorium on the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction in the City limits and ETJ will prevent the situation from becoming worse, and will allow the City time to address the measures needed to remedy the shortage of supply and to secure funds to pay for such remedial measures; and

WHEREAS, additional evaluation of the existing supply, infrastructure, and development is needed to allow for growth and development within the City limits and ETJ while protecting the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, the City desires to continue its study and evaluation the impact of further development, the need and source of additional water supply and facilities, appropriate water regulations, and issues that will affect future growth and development of the area within its jurisdiction; and

WHEREAS, the City finds this evaluation process will require community input and will take a reasonable amount of time to complete; and

WHEREAS, the City has determined that resources for additional water supply must be readily available to the City before the City's water system can serve new development; and

WHEREAS, the City has determined that it is necessary to study and update its development ordinances and procedures in order to clarify and improve its planning policies based on the forthcoming regulations, strengthen the connection between the City's Code of Ordinances and the goals and needs of the City's residents, and to protect the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, in order for the City of have adequate and reasonable time to review, evaluate, and revise the City's development ordinances, and to consider the impact of the ordinances upon future growth, public health and safety, development, the natural environment, and place of architectural and ecological importance and significance within the City limits and ETJ, the City wishes to maintain the *status quo* by extending the enacted temporary moratorium, during which certain applications for development permits and/or approvals will be suspended; and

WHEREAS, the purpose of prohibiting certain applications for development permits and/or approvals during this period includes, within limitation, preserving the *status quo* during the planning process, eliminating incentives for hurried applications, facilitating thoughtful and consistent planning, avoiding exploitation of the delays inherent in the municipal legislative process, and preventing applications from undermining the effectiveness of the revised rules by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development regulations; and

WHEREAS, in recognition of the importance of development permits and/or approvals to the community, the City desires to implement the moratorium for a stated and fixed time period, and to include a waiver provision in accordance with Texas Local Government Code Chapter 212, Subchapter E; and

WHEREAS, all notices and hearings, including a hearing by the Planning & Zoning Commission, were published and held in accordance with applicable statutes, law, and regulations and a temporary moratorium was originally adopted on March 11, 2022 for a period of 90 days; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at City Council and City Council approved an extension on June 7, 2022 for an additional 90 days following the original term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at City Council and City Council approved an extension on September 6, 2022 for an additional 90 days following that then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at the City Council and City Council approved an extension on December 6, 2022 for an additional 90 days following that then-current term; and

WHEREAS, the notice for an additional extension of the temporary moratorium was published in the newspaper for a public hearing at City Council; and

WHEREAS, based on the updated findings contained herein, information provided by City staff, and the evidence submitted at public hearings, the City Council has determined that existing development ordinances and regulations and other applicable laws are inadequate to prevent existing essential public water facilities from exceeding capacity, thereby being detrimental to the public health, safety, and welfare of the residents of Parker; and

WHEREAS, the City Council finds that the enactment of this Ordinance is directly related to the immediate preservation of the public peace, health, or safety;

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

**Section 1. INCORPORATION OF RECITALS/FINDINGS OF FACT**

The recitals contained in the preamble of this ordinance are incorporated into the body of this Ordinance as if set out fully herein as legislative findings of fact.

**Section 2. DEFINITIONS**

As used in this Ordinance, these terms shall be defined as follows. Terms appearing in this Ordinance but not defined herein shall have the meanings provided in the City’s Code of Ordinances, or if not defined therein then the common meanings in accordance with ordinary usage.

- A. **“Essential Public Facilities”** means water, sewer/wastewater, or storm drainage facilities or street improvements provided by a municipality or private utility.
- B. **“Permit”** means a license, certificate, approval, registration, consent, permit, contract, or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought

- C. **“Project”** means an endeavor over which a regulatory agency exerts its jurisdiction and for which one (1) or more permits are required to initiate, continue, or complete the endeavor.
- D. **“Property Development”** means the construction, reconstruction, or other alteration or improvement of buildings or the subdivision or replatting of a subdivision of property.

**Section 3. APPLICABILITY**

The City of Parker hereby enacts this Ordinance in order to extend the temporary moratorium enacted on March 11, 2022 on the acceptance and processing of certain applications and issuance of particular permits and other forms of municipal authorizations related to specific construction and land development activities. This extension of the temporary moratorium applies to all city zoning district uses within the City limits and ETJ.

Unless a Project falls within an Exception (as provided below), this temporary moratorium applies to all applications for property development permits. Permits that are affected or not affected by the moratorium are attached as **Attachment A**. The applicability of the moratorium to any permit not listed shall be determined based on the purpose of the moratorium and may be added to the list by the City Administrator or Mayor.

**Section 4. PURPOSE**

This temporary moratorium is being extended to maintain the *status quo*, and to:

- A. Review the City’s policies on the acceptance of applications for municipal Permits for construction or development;
- B. Update the City’s permitting and planning requirements and processes for utility and water infrastructure;
- C. Obtain and review public input and expert guidance; and
- D. Update the City’s water utility infrastructure and supply.

**Section 5. ENACTMENT**

The City of Parker hereby enacts this Ordinance extending the temporary moratorium on the City’s acceptance, review, approval, and issuance of permits in the City limits and ETJ.

**Section 6. DURATION**

The duration of the extension of this temporary moratorium shall be for a period of ninety (90) days after enactment of this Ordinance, or repeal of this Ordinance by the City, whichever is sooner.

**Section 7. EXTENSION**

If the City determines that the period is insufficient for the City to fully complete its study and increase its water supply, this Ordinance may be renewed or extended for an additional period of time necessary to complete the implementation of the changes to the City codes, policies, and processes and the implementation of actions necessary to expand the City’s water supply in accordance with the time limits as provided by law upon a majority vote of the City Council.

**Section 8. EXCEPTIONS AND EXEMPTIONS**

A. **Exceptions.** Any property owner who believes that he or she falls within the below exceptions shall provide notice of the exception at time of application for any permit with the City-approved form. Exceptions are administratively approved or denied. Any exception that is denied may be appealed to the City Council. Exceptions will be determined within the same time period as the administrative completeness check for each Project, or within ten business days, whichever is sooner. If a Grandfathered Development Status Determination Report is required, then the exception can be applied concurrently with the Request but the time frame of the Request shall be controlling.

1. **No Impact Projects.** The temporary moratorium extended by this Ordinance does not apply to a Project that does not:
  - Impact Water Supply and/or Capacity; and

To make a determination of whether a Project is no impact as listed, an applicant shall apply for an exception to the moratorium.

2. **Ongoing Projects.** The temporary moratorium extended by this Ordinance does not apply to any Projects that are currently, actively in progress for which valid City permits have been issued and have not expired as of February 25, 2022, such being the fifth business day after the date on which the City published notice of the public hearings to consider the implementation of a temporary moratorium. The provisions of this Ordinance do not apply to any completed application or plan for development for a Permit, plat, verification, rezoning, site plan, approved water plan, or new or revised certificate of occupancy for Property Development that were filed prior to February 25, 2022. New Permits applied for as part of a previously approved Project may proceed once an exception is applied for and approved as described herein.
3. **Grandfathered Projects.** The temporary moratorium extended by this Ordinance shall not apply to Projects that are grandfathered as provided by state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit an application claiming an exception to this temporary moratorium to the planning department for

review in accordance with City policy. Grandfathered status can be approved through an approved Grandfathered Development Status Determination Request. If a Grandfathered Development Status Determination Request has been finalized by staff on or after February 25, 2022, then a new request is not required to meet this exception. New permits applied for as part of a previously vested Project may proceed once an exception is applied for and approved as described herein.

4. **Development Agreement.** Property owners with a negotiated approval granted by the City Council providing for construction standards, platting, water, wastewater, and development rules pursuant to Texas Local Government Code Chapter 212, Subchapter G may apply for an exception in accordance with City policy. New Permits applied for as part of a Development Agreement Project may proceed once an exception is applied for and approved as described herein.

**B. Waivers.** Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain water infrastructure at property owners' sole expense in accordance with Texas Local Government Code Chapter 212, Subchapter E may apply for a waiver in accordance with City policy.

**Section 9. DETERMINATIONS AND APPEALS**

**A. Exceptions.** The Public Works Director or his designee shall make all initial determinations regarding the status of all Projects seeking to apply for Permits during this temporary moratorium and recognition of all Exceptions (as provided herein). Exceptions for Projects filed within thirty (30) days of the effective date of this Ordinance may be filed without a corresponding Permit application. Any exception application filed within this period will be decided within (10) business days of receipt. Any exception that is denied may be appealed to City Council or the applicant may apply for a Waiver. An exception may be applied for by lot, Project, plat, or all area covered by a particular Permit or agreement.

**B. City Council.** City Council shall make a final decision on waivers within 10 days of filing of application.

**C. Waivers.** The decision to approve an Exemption (as provided for above) shall rest solely with the City Council. Any denial will stand until the moratorium is lifted unless the Project requesting the waiver has a substantial change and reapplies for a waiver.

**Section 10. REPEALER**

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance shall control.

**Section 11. SEVERABILITY**

If any article, paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of this Ordinance as a whole.

**Section 12. ENFORCEMENT**

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this temporary moratorium is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this Ordinance shall be construed as a waiver of the City’s right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity.

**Section 13. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice and a public hearing were also provided as required by Texas Government Code Chapter 212, Subchapter E.

**Section 14. EFFECTIVE DATE**

This Ordinance shall be effective upon the final day of the previously extended term of the temporary moratorium which is March 7, 2023 and shall extend the moratorium for 90 days.

**READ, PASSED, AND APPROVED BY THE CITY COUNCIL OF PARKER,  
COLLIN COUNTY, TEXAS, THIS 21ST DAY OF FEBRUARY 2023.**

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

ATTEST:

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
Catherine Clifton, Interim City Attorney

Proposed

## ATTACHMENT A

### PERMITS SUBJECT TO MORATORIUM

- Building Permit Application
- Development Agreement
- Development Agreement Minor Modification/Amendment
- Plan Review Application
- Subdivision Application
- Site Development Application
- Conditional Use Permit
- Variance Application
- Wastewater Application
- Special District Agreement/Amendment
- Accessory Dwelling Unit Permit
- Mobile/Modular Home Permit

### PERMITS NOT SUBJECT TO MORATORIUM

- Zoning Amendment/PDD Application
- Contractor Registration Form
- Grandfathered Status Request/Appeal
- City Limits/ETJ Determination Letter
- Street Cut/Driveway Permit
- Operational Permit/Inspection Application
- On Site Sewage Facility Permit Application
- Pre-Development Meeting Form
- Certificate of Appropriateness
- Annexation Application
- Sign Permit
- Master Sign Plan
- License to Encroach
- Exterior Lighting Compliance Review
- Zoning Determination Letter Request
- Building Addition Permit
- Accessory Structure Permit
- Demolition Permit
- Asbestos Compliance Statement
- Pyrotechnics/Fireworks Application
- Certificates of Occupancy Application
- Any Fire Permits
- Swimming Pool Permit



**BIRKHOFF, HENDRICKS & CARTER, L.L.P.**  
**PROFESSIONAL ENGINEERS**

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JOE R. CARTER, P.E.  
ANDREW MATA, JR., P.E.

DEREK B. CHANEY, P.E., R.P.L.S.  
CRAIG M. KERKHOFF, P.E.  
JUSTIN R. IVY, P.E.  
COOPER E. REINBOLD, P.E.

February 17, 2023

Mr. Luke Olson  
City Administrator  
City of Parker  
5700 E. Parker Road  
Parker, Texas 75002

Re: Water Projections

Dear Mr. Olson:

The water system is now experiencing winter demands that are well below the peak demand that occurred in the summer of 2022. During the summer of 2022 the NTMWD supplied the city with a maximum daily rate 3.84 MGD on the day of peak usage. This is in excess of the contract rate of 3.5 MGD. Below is a summary of the summer data presented at the first council meeting in September:

The current North Texas Municipal Water District (NTMWD) contract allocates a maximum supply of 3.5 million gallons per day (MGD). For the month ending July 31<sup>st</sup> the NTMWD supplied the City of Parker 119,031,000 gallons or an average of 3.84 MGD. From August 1, 2021, thru July 31, 2022, the NTMWD supplied the City of Parker 633,119,000 gallons or an average volume of 1,734,573 gallons per day. By the current NTMWD contract the NTMWD can provide the city 2.5 (peak factor) times the average day volume. For July of 2022 the average to maximum day peaking factor was 2.21.

From December 1, 2022, through February 17, 2023, 28 additional homes have been brought online. The city projects over the next 60 to 90 days an additional 17 homes will be brought online. Those 49 homes equate to approximately 137 people.

Based on the summer of 2022 records, we recommend no additional lots be approved for development until a contract with NTMWD is executed to supply water to the Central Pump Station. Further, we recommend the city develop water management controls that would be incorporated in a water management plan along with an educational component to the citizens. Until a new contract is executed with the NTMWD hot dry summers will stress the distribution system beyond its capacity. Water management controls will need to be implemented to minimize the impacts of demand being greater than supply.

We are available at your convenience to discuss our findings and recommendations.

Sincerely,

John W. Birkhoff, P.E.



**ORDINANCE NO. 833**

***(Extension of Temporary Moratorium on Acceptance of Development Applications)***

**AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, EXTENDING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION, PROVIDING FINDINGS OF FACT, DEFINITIONS, APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, EXCEPTIONS AND EXEMPTIONS, AND DETERMINATION AND APPEALS; PROVIDING FOR SEVERABILITY, REPEALER, ENFORCEMENT, PROPER NOTICE AND MEETING, AND AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Parker, Texas (the “City Council”), as a duly-elected legislative body, finds that it is facing significant historic and contemporary land use challenges that existing regulations and infrastructure were not designed to address; and

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens to extend the enacted moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction on real property in the City Limits and extraterritorial jurisdiction (“ETJ”); and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that are for the good government, peace, or order of the City and is necessary for carrying out a power granted by law to the City; and

WHEREAS, Texas Local Government Code Chapters 211, 213, 214, and 217 grant the City certain regulation authority concerning construction, land use, nuisances, structures, and development-related activities; and

WHEREAS, the City seeks to ensure that impending and future development is conducted in a fiscally sustainable and environmentally responsible manner; and

WHEREAS, the City limits and ETJ are comprised of a combination of topographical, ecological, and other features that create significant development challenges; and

WHEREAS, as codified in Texas Water Code Chapter 552, Subchapter A, the Legislature of the State of Texas granted municipalities the authority to own and operate “utility systems,” which include water systems designed to provide domestic consumption of water; and

WHEREAS, Texas Water Code Section 552.015 grants Type A general-law municipalities the authority to provide for municipal water supply systems; and

WHEREAS, the City has determined that it is necessary to the health, safety, and welfare of the people in the City limits and ETJ to encourage and promote the development and use of the

City’s water utility and supply systems to serve the water provision needs of the citizens in the City limits and ETJ to prevent failure of water supply within the system; and

WHEREAS, the City conducted an updated analysis to determine the adequacy of the City’s current water supply, facilities, and the need beyond the estimated capacity that is expected to result from properties currently in development; and

WHEREAS, upon review of the updated analysis by the City’s Engineer and City Administrator, the City Council has made findings contained herein as **Attachment B** related to the inadequacy of existing essential public facilities in accordance with Section 212.135 of the Texas Local Government Code; and

WHEREAS, the City Council finds that certain essential public water infrastructure, supply, and improvements throughout the City limits and ETJ are inadequate and insufficient to adequately serve new development; and

WHEREAS, relying on the analysis provided by City staff, the outstanding permits issued by the City prior to this moratorium, and the City’s impact fee analysis, the City Council makes the following findings:

1. Taking in account all water that has been committed by contract, the City’s water facilities are at capacity; and
2. The current water system has bottlenecks that threaten the proper operation of the City’s water system; and
3. Based on these bottlenecks and the contractual commitments that will utilize all additional supply of the City’s water system, there is currently no additional supply available to commit to development of lots; and
4. This moratorium is reasonably limited to property located in the City limits and ETJ.

WHEREAS, the City continues to take actions to increase the water supply of the City of Parker, including but not limited to investigating options within the current contract with North Texas Municipal Water District and alternative options, but until actions can be finalized to increase the water capacity, allowing for additional water service connections to the Parker water service area will only exacerbate the situation; and

WHEREAS, the City Council finds that a temporary moratorium on the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction in the City limits and ETJ will prevent the situation from becoming worse, and will allow the City time to address the measures needed to remedy the shortage of supply and to secure funds to pay for such remedial measures; and

WHEREAS, additional evaluation of the existing supply, infrastructure, and development is needed to allow for growth and development within the City limits and ETJ while protecting the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, the City desires to continue its study and evaluation the impact of further development, the need and source of additional water supply and facilities, appropriate water regulations, and issues that will affect future growth and development of the area within its jurisdiction; and

WHEREAS, the City finds this evaluation process will require community input and will take a reasonable amount of time to complete; and

WHEREAS, the City has determined that resources for additional water supply must be readily available to the City before the City’s water system can serve new development; and

WHEREAS, the City has determined that it is necessary to study and update its development ordinances and procedures in order to clarify and improve its planning policies based on the forthcoming regulations, strengthen the connection between the City’s Code of Ordinances and the goals and needs of the City’s residents, and to protect the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, in order for the City of have adequate and reasonable time to review, evaluate, and revise the City’s development ordinances, and to consider the impact of the ordinances upon future growth, public health and safety, development, the natural environment, and place of architectural and ecological importance and significance within the City limits and ETJ, the City wishes to maintain the *status quo* by extending the enacted temporary moratorium, during which certain applications for development permits and/or approvals will be suspended; and

WHEREAS, the purpose of prohibiting certain applications for development permits and/or approvals during this period includes, within limitation, preserving the *status quo* during the planning process, eliminating incentives for hurried applications, facilitating thoughtful and consistent planning, avoiding exploitation of the delays inherent in the municipal legislative process, and preventing applications from undermining the effectiveness of the revised rules by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development regulations; and

WHEREAS, in recognition of the importance of development permits and/or approvals to the community, the City desires to implement the moratorium for a stated and fixed time period, and to include a waiver provision in accordance with Texas Local Government Code Chapter 212, Subchapter E; and

WHEREAS, all notices and hearings, including a hearing by the Planning & Zoning Commission, were published and held in accordance with applicable statutes, law, and regulations and a temporary moratorium was originally adopted on March 11, 2022 for a period of 90 days; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at City Council and City Council approved an extension on June 7, 2022 for an additional 90 days following the original term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at City Council and City Council approved an extension on September 6, 2022 for an additional 90 days following that then-current term; and

WHEREAS, the notice for an additional extension of the temporary moratorium was published in the newspaper for a public hearing at City Council; and

WHEREAS, based on the updated findings contained herein, information provided by City staff, and the evidence submitted at public hearings, the City Council has determined that existing development ordinances and regulations and other applicable laws are inadequate to prevent existing essential public water facilities from exceeding capacity, thereby being detrimental to the public health, safety, and welfare of the residents of Parker; and

WHEREAS, the City Council finds that the enactment of this Ordinance is directly related to the immediate preservation of the public peace, health, or safety;

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

**Section 1. INCORPORATION OF RECITALS/FINDINGS OF FACT**

The recitals contained in the preamble of this ordinance are incorporated into the body of this Ordinance as if set out fully herein as legislative findings of fact.

**Section 2. DEFINITIONS**

As used in this Ordinance, these terms shall be defined as follows. Terms appearing in this Ordinance but not defined herein shall have the meanings provided in the City’s Code of Ordinances, or if not defined therein then the common meanings in accordance with ordinary usage.

- A. **“Essential Public Facilities”** means water, sewer/wastewater, or storm drainage facilities or street improvements provided by a municipality or private utility.
- B. **“Permit”** means a license, certificate, approval, registration, consent, permit, contract, or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought
- C. **“Project”** means an endeavor over which a regulatory agency exerts its jurisdiction and for which one (1) or more permits are required to initiate, continue, or complete the endeavor.

- D. **“Property Development”** means the construction, reconstruction, or other alteration or improvement of buildings or the subdivision or replatting of a subdivision of property.

**Section 3. APPLICABILITY**

The City of Parker hereby enacts this Ordinance in order to extend the temporary moratorium enacted on March 11, 2022 on the acceptance and processing of certain applications and issuance of particular permits and other forms of municipal authorizations related to specific construction and land development activities. This extension of the temporary moratorium applies to all city zoning district uses within the City limits and ETJ.

Unless a Project falls within an Exception (as provided below), this temporary moratorium applies to all applications for property development permits. Permits that are affected or not affected by the moratorium are attached as **Attachment A**. The applicability of the moratorium to any permit not listed shall be determined based on the purpose of the moratorium and may be added to the list by the City Administrator or Mayor.

**Section 4. PURPOSE**

This temporary moratorium is being extended to maintain the *status quo*, and to:

- A. Review the City’s policies on the acceptance of applications for municipal Permits for construction or development;
- B. Update the City’s permitting and planning requirements and processes for utility and water infrastructure;
- C. Obtain and review public input and expert guidance; and
- D. Update the City’s water utility infrastructure and supply.

**Section 5. ENACTMENT**

The City of Parker hereby enacts this Ordinance extending the temporary moratorium on the City’s acceptance, review, approval, and issuance of permits in the City limits and ETJ.

**Section 6. DURATION**

The duration of the extension of this temporary moratorium shall be for a period of ninety (90) days after enactment of this Ordinance, or repeal of this Ordinance by the City, whichever is sooner.

**Section 7. EXTENSION**

If the City determines that the period is insufficient for the City to fully complete its study and increase its water supply, this Ordinance may be renewed or extended for an additional period of time necessary to complete the implementation of the changes to the City codes, policies, and processes and the implementation of actions necessary to expand the City’s water supply in accordance with the time limits as provided by law upon a majority vote of the City Council.

**Section 8. EXCEPTIONS AND EXEMPTIONS**

A. **Exceptions.** Any property owner who believes that he or she falls within the below exceptions shall provide notice of the exception at time of application for any permit with the City-approved form. Exceptions are administratively approved or denied. Any exception that is denied may be appealed to the City Council. Exceptions will be determined within the same time period as the administrative completeness check for each Project, or within ten business days, whichever is sooner. If a Grandfathered Development Status Determination Report is required, then the exception can be applied concurrently with the Request but the time frame of the Request shall be controlling.

1. **No Impact Projects.** The temporary moratorium extended by this Ordinance does not apply to a Project that does not:
  - Impact Water Supply and/or Capacity; and

To make a determination of whether a Project is no impact as listed, an applicant shall apply for an exception to the moratorium.

2. **Ongoing Projects.** The temporary moratorium extended by this Ordinance does not apply to any Projects that are currently, actively in progress for which valid City permits have been issued and have not expired as of February 25, 2022, such being the fifth business day after the date on which the City published notice of the public hearings to consider the implementation of a temporary moratorium. The provisions of this Ordinance do not apply to any completed application or plan for development for a Permit, plat, verification, rezoning, site plan, approved water plan, or new or revised certificate of occupancy for Property Development that were filed prior to February 25, 2022. New Permits applied for as part of a previously approved Project may proceed once an exception is applied for and approved as described herein.
3. **Grandfathered Projects.** The temporary moratorium extended by this Ordinance shall not apply to Projects that are grandfathered as provided by state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit an application claiming an exception to this temporary moratorium to the planning department for review in accordance with City policy. Grandfathered status can be approved through an approved Grandfathered Development Status Determination Request. If a Grandfathered Development Status

Determination Request has been finalized by staff on or after February 25, 2022, then a new request is not required to meet this exception. New permits applied for as part of a previously vested Project may proceed once an exception is applied for and approved as described herein.

- 4. **Development Agreement.** Property owners with a negotiated approval granted by the City Council providing for construction standards, platting, water, wastewater, and development rules pursuant to Texas Local Government Code Chapter 212, Subchapter G may apply for an exception in accordance with City policy. New Permits applied for as part of a Development Agreement Project may proceed once an exception is applied for and approved as described herein.

**B. Waivers.** Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain water infrastructure at property owners' sole expense in accordance with Texas Local Government Code Chapter 212, Subchapter E may apply for a waiver in accordance with City policy.

**Section 9. DETERMINATIONS AND APPEALS**

**A. Exceptions.** The Public Works Director or his designee shall make all initial determinations regarding the status of all Projects seeking to apply for Permits during this temporary moratorium and recognition of all Exceptions (as provided herein). Exceptions for Projects filed within thirty (30) days of the effective date of this Ordinance may be filed without a corresponding Permit application. Any exception application filed within this period will be decided within (10) business days of receipt. Any exception that is denied may be appealed to City Council or the applicant may apply for a Waiver. An exception may be applied for by lot, Project, plat, or all area covered by a particular Permit or agreement.

**B. City Council.** City Council shall make a final decision on waivers within 10 days of filing of application.

**C. Waivers.** The decision to approve an Exemption (as provided for above) shall rest solely with the City Council. Any denial will stand until the moratorium is lifted unless the Project requesting the waiver has a substantial change and reapplies for a waiver.

**Section 10. REPEALER**

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance shall control.

**Section 11. SEVERABILITY**

If any article, paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of this Ordinance as a whole.

**Section 12. ENFORCEMENT**

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this temporary moratorium is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this Ordinance shall be construed as a waiver of the City’s right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity.

**Section 13. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice and a public hearing were also provided as required by Texas Government Code Chapter 212, Subchapter E.

**Section 14. EFFECTIVE DATE**

This Ordinance shall be effective upon the final day of the previously extended term of the temporary moratorium which is December 6, 2022 and shall extend the moratorium for 90 days.

**READ, PASSED, AND APPROVED BY THE CITY COUNCIL OF PARKER,  
COLLIN COUNTY, TEXAS, THIS 6TH DAY OF DECEMBER 2022.**



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

ATTEST:

APPROVED AS TO LEGAL FORM:

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

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

## ATTACHMENT A

### PERMITS SUBJECT TO MORATORIUM

- Building Permit Application
- Development Agreement
- Development Agreement Minor Modification/Amendment
- Plan Review Application
- Subdivision Application
- Site Development Application
- Conditional Use Permit
- Variance Application
- Wastewater Application
- Special District Agreement/Amendment
- Accessory Dwelling Unit Permit
- Mobile/Modular Home Permit

### PERMITS NOT SUBJECT TO MORATORIUM

- Zoning Amendment/PDD Application
- Contractor Registration Form
- Grandfathered Status Request/Appeal
- City Limits/ETJ Determination Letter
- Street Cut/Driveway Permit
- Operational Permit/Inspection Application
- On Site Sewage Facility Permit Application
- Pre-Development Meeting Form
- Certificate of Appropriateness
- Annexation Application
- Sign Permit
- Master Sign Plan
- License to Encroach
- Exterior Lighting Compliance Review
- Zoning Determination Letter Request
- Building Addition Permit
- Accessory Structure Permit
- Demolition Permit
- Asbestos Compliance Statement
- Pyrotechnics/Fireworks Application
- Certificates of Occupancy Application
- Any Fire Permits
- Swimming Pool Permit



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### PUBLIC HEARING NOTICE FOR CONSIDERATION OF AN EXTENSION

Public Hearing Notice for Consideration of an Extension of the Moratorium on New Development

Pursuant to Texas Local Government Code Chapter 212, there will be a public hearing by the City of Parker's City Council concerning an extension of the temporary moratorium on the acceptance, review, and approvals necessary for the subdivision, site planning, development, or construction within the city limits and extraterritorial jurisdiction of the City of Parker, originally enacted Friday, March 11, 2022, at a scheduled meeting on Tuesday, December 6, 2022 beginning at 7:00 p.m., followed by discussion and possible action on the proposed ordinance by the Council regarding the same. The Public Hearing will be held at the Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002. Contact Public Works Director Gary Machado at (972) 442-6811 for more information or to comment regarding the proposed moratorium at any time before the public hearing.

Appeared in: *The Dallas Morning News* on Friday, 11/18/2022

Select notice to print

### NOTICE IS HEREBY GIVEN THAT THE GARLAND CITY COUNCIL OF

Notice is hereby given that the Garland City Council of the City of Garland, Texas, will hold a public hearing at 7:00 P.M. Tuesday, December 6, 2022 in the Council Chambers of William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the following applications:

Consideration of the application of Atlantic Urbana Acquisition Company II, LLC, requesting approval of 1) a Change in Zoning from Planned Development (PD) District 19-40 for Single-Family Use to a Planned Development (PD) District for Multi-Family-1 (MF-1) Use and 2) a Detail Plan for Multi-Family development. This property is located at 2201 East Miller Road and 2370 East Centerville Road. (District 2) (File Z 21-45)

Consideration of the application of JC Collision, requesting approval of 1) a Specific Use Provision for Automobile Sales, New or Used and 2) a Plan for Automobile Sales, New or Used on a property zoned Industrial (IN) District. This property is located at 2905 Forest Lane. (District 6) (File Z 22-39)

Consideration of the application of Digital Garland Ferris, LP, requesting approval of a Detail Plan for a Data Center. This item may include amendments to Planned Development (PD) District 20-17. This property is located at 805 Holford Road. (District 1) (File Z 22-47)

Appeared in: *The Dallas Morning News* on Sunday, 11/20/2022

Select notice to print

### NOTICE OF PUBLIC HEARING ON OCTOBER1, 2021, THE CITY OF



#### NOTICE OF PUBLIC HEARING

On October1, 2021, the City of Carrollton received \$834,928 of Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD). In accordance with federal regulation, these funds were used for the principal benefit of persons of low to moderate income in Carrollton.

The City of Carrollton is currently in the process of preparing a final Consolidated Annual Performance and Evaluation Report (CAPER) for the 2021 program year. This document reviews and reports on the on the accomplishments of the Carrollton CDBG program for the period spanning October 1, 2021, through September 30, 2022. A draft copy of the report is available for public review at City Hall, 1945 E. Jackson Road, Carrollton, Texas in the Environmental Services Department within the Community Development Program. A digital copy is also available online at <https://www.cityofcarrollton.com>.

The city will hold two public hearings to receive comments on the Consolidated Annual Performance and Evaluation Report (CAPER) for the 2021 Program year. The first public hearing will be held before the Neighborhood Advisory Commission at 6:30pm on Thursday, November 10, 2022, in the City Hall Council Chambers. The second public hearing will be held before the Carrollton City Council at 7pm on Tuesday, December 6, 2022.

If you are unable to attend, you may submit written comments and/or ideas to the following address:

City of Carrollton  
c/o Brian Passwaters  
Environmental Services  
1945 E. Jackson Road  
Carrollton, TX 75006

You may submit your comments by email at: [community.development@cityofcarrollton.com](mailto:community.development@cityofcarrollton.com)

PHONE: (972) 466-5727  
FAX: (972) 466-3175

Appeared in: *The Dallas Morning News* on 10/23/2022 and 11/06/2022

Select notice to print

### 22-0007 CITY OF DALLAS ORDINANCES THE DALLAS CITY COUNCIL

22-0007  
CITY OF DALLAS ORDINANCES

The Dallas city council passed the following ordinances at a meeting of the city council on November 9, 2022. This ordinance becomes effective with this publication in accordance with the city charter.

Ordinance No. 32342

An ordinance amending Chapter 34, "Personnel Rules," of the Dallas City Code by amending Sections 34-9 and 34-25; allowing holiday pay for temporary employees; providing a saving clause; providing a severability clause; and providing an effective date.

Ordinance No. 32343



AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

COUNTY OF DALLAS

Before me, a Notary Public in and for Dallas County, this day personally appeared Mert Tezkol, advertising Representative for The Dallas Morning News, being duly sworn by oath, states the attached advertisement of

**CITY OF PARKER AD# 1837491**  
was published in The Dallas Morning News

DATE PUBLISHED  
November 18, 2022



Mert Tezkol

November 18, 2022

(Notary Public)

**ORDINANCE NO. 824**

***(Extension of Temporary Moratorium on Acceptance of Development Applications)***

**AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, EXTENDING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION, PROVIDING FINDINGS OF FACT, DEFINITIONS, APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, EXCEPTIONS AND EXEMPTIONS, AND DETERMINATION AND APPEALS; PROVIDING FOR SEVERABILITY, REPEALER, ENFORCEMENT, PROPER NOTICE AND MEETING, AND AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Parker, Texas (the “City Council”), as a duly-elected legislative body, finds that it is facing significant historic and contemporary land use challenges that existing regulations and infrastructure were not designed to address; and

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens to extend the enacted moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction on real property in the City Limits and extraterritorial jurisdiction (“ETJ”); and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that are for the good government, peace, or order of the City and is necessary for carrying out a power granted by law to the City; and

WHEREAS, Texas Local Government Code Chapters 211, 213, 214, and 217 grant the City certain regulation authority concerning construction, land use, nuisances, structures, and development-related activities; and

WHEREAS, the City seeks to ensure that impending and future development is conducted in a fiscally sustainable and environmentally responsible manner; and

WHEREAS, the City limits and ETJ are comprised of a combination of topographical, ecological, and other features that create significant development challenges; and

WHEREAS, as codified in Texas Water Code Chapter 552, Subchapter A, the Legislature of the State of Texas granted municipalities the authority to own and operate “utility systems,” which include water systems designed to provide domestic consumption of water; and

WHEREAS, Texas Water Code Section 552.015 grants Type A general-law municipalities the authority to provide for municipal water supply systems; and

WHEREAS, the City has determined that it is necessary to the health, safety, and welfare of the people in the City limits and ETJ to encourage and promote the development and use of the

City's water utility and supply systems to serve the water provision needs of the citizens in the City limits and ETJ to prevent failure of water supply within the system; and

WHEREAS, the City conducted an updated analysis to determine the adequacy of the City's current water supply, facilities, and the need beyond the estimated capacity that is expected to result from properties currently in development; and

WHEREAS, upon review of the updated analysis by the City's Engineer and City Administrator, the City Council has made findings contained herein as **Attachment B** related to the inadequacy of existing essential public facilities in accordance with Section 212.135 of the Texas Local Government Code; and

WHEREAS, the City Council finds that certain essential public water infrastructure, supply, and improvements throughout the City limits and ETJ are inadequate and insufficient to adequately serve new development; and

WHEREAS, relying on the analysis provided by City staff, the outstanding permits issued by the City prior to this moratorium, and the City's impact fee analysis, the City Council makes the following findings:

1. Taking in account all water that has been committed by contract, the City's water facilities are at capacity; and
2. The current water system has bottlenecks that threaten the proper operation of the City's water system; and
3. Based on these bottlenecks and the contractual commitments that will utilize all additional supply of the City's water system, there is currently no additional supply available to commit to development of lots; and
4. This moratorium is reasonably limited to property located in the City limits and ETJ.

WHEREAS, the City continues to take actions to increase the water supply of the City of Parker, but until actions can be finalized to increase the water capacity, allowing for additional water service connections to the Parker water service area will only exacerbate the situation; and

WHEREAS, the City Council finds that a temporary moratorium on the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction in the City limits and ETJ will prevent the situation from becoming worse, and will allow the City time to address the measures needed to remedy the shortage of supply and to secure funds to pay for such remedial measures; and

WHEREAS, additional evaluation of the existing supply, infrastructure, and development is needed to allow for growth and development within the City limits and ETJ while protecting the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, the City desires to study and evaluate the impact of further development, the need for additional water supply and facilities, appropriate water regulations, and issues that will affect future growth and development of the area within its jurisdiction; and

WHEREAS, the City finds this evaluation process will require community input and will take a reasonable amount of time to complete; and

WHEREAS, the City has determined that it is necessary to study and update its development ordinances and procedures in order to clarify and improve its planning policies based on the forthcoming regulations, strengthen the connection between the City’s Code of Ordinances and the goals and needs of the City’s residents, and to protect the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, in order for the City of have adequate and reasonable time to review, evaluate, and revise the City’s development ordinances, and to consider the impact of the ordinances upon future growth, public health and safety, development, the natural environment, and place of architectural and ecological importance and significance within the City limits and ETJ, the City wishes to maintain the *status quo* by extending the enacted temporary moratorium, during which certain applications for development permits and/or approvals will be suspended; and

WHEREAS, the purpose of prohibiting certain applications for development permits and/or approvals during this period includes, within limitation, preserving the *status quo* during the planning process, eliminating incentives for hurried applications, facilitating thoughtful and consistent planning, avoiding exploitation of the delays inherent in the municipal legislative process, and preventing applications from undermining the effectiveness of the revised rules by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development regulations; and

WHEREAS, in recognition of the importance of development permits and/or approvals to the community, the City desires to implement the moratorium for a stated and fixed time period, and to include a waiver provision in accordance with Texas Local Government Code Chapter 212, Subchapter E; and

WHEREAS, all notices and hearings, including a hearing by the Planning & Zoning Commission, were published and held in accordance with applicable statutes, law, and regulations and a temporary moratorium was originally adopted on March 11, 2022 for a period of 90 days; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at City Council and City Council approved an extension on June 7, 2022 for an additional 90 days following the original term; and

WHEREAS, the notice for an additional extension of the temporary moratorium was published in the newspaper for a public hearing at City Council; and

WHEREAS, based on the updated findings contained herein, information provided by City staff, and the evidence submitted at public hearings, the City Council has determined that existing development ordinances and regulations and other applicable laws are inadequate to prevent

existing essential public water facilities from exceeding capacity, thereby being detrimental to the public health, safety, and welfare of the residents of Parker; and

WHEREAS, the City Council finds that the enactment of this Ordinance is directly related to the immediate preservation of the public peace, health, or safety;

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

**Section 1. INCORPORATION OF RECITALS/FINDINGS OF FACT**

The recitals contained in the preamble of this ordinance are incorporated into the body of this Ordinance as it set out fully herein as legislative findings of fact.

**Section 2. DEFINITIONS**

As used in this Ordinance, these terms shall be defined as follows. Terms appearing in this Ordinance but not defined herein shall have the meanings provided in the City’s Code of Ordinances, or if not defined therein then the common meanings in accordance with ordinary usage.

- A. **“Essential Public Facilities”** means water, sewer/wastewater, or storm drainage facilities or street improvements provided by a municipality or private utility.
- B. **“Permit”** means a license, certificate, approval, registration, consent, permit, contract, or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought
- C. **“Project”** means an endeavor over which a regulatory agency exerts its area and for which one (1) or more permits are required to initiate, continue, or complete the endeavor.
- D. **“Property Development”** means the construction, reconstruction, or other alteration or improvement of buildings or the subdivision or replatting of a subdivision of property.

**Section 3. APPLICABILITY**

The City of Parker hereby enacts this Ordinance in order to extend the temporary moratorium enacted on March 11, 2022 on the acceptance and processing of certain applications and issuance of particular permits and other forms of municipal authorizations related to specific

construction and land development activities. This extension of the temporary moratorium applies to all city zoning district uses within the City limits and ETJ.

Unless a Project falls within an Exception (as provided below), this temporary moratorium applies to all applications for property development permits. Permits that are affected or not affected by the moratorium are attached as **Attachment A**. The applicability of the moratorium to any permit not listed shall be determined based on the purpose of the moratorium and may be added to the list by the City Administrator.

**Section 4. PURPOSE**

This temporary moratorium is being extended to maintain the *status quo*, and to:

- A. Review the City’s policies on the acceptance of applications for municipal Permits for construction or development;
- B. Update the City’s permitting and planning requirements and processes for utility and water infrastructure;
- C. Obtain and review public input and expert guidance; and
- D. Update the City’s water utility infrastructure and supply.

**Section 5. ENACTMENT**

The City of Parker hereby enacts this Ordinance extending the temporary moratorium on the City’s acceptance, review, approval, and issuance of permits in the City limits and ETJ.

**Section 6. DURATION**

The duration of the extension of this temporary moratorium shall be for a period of ninety (90) days after enactment of this Ordinance, or repeal of this Ordinance by the City, whichever is sooner.

**Section 7. EXTENSION**

If the City determines that the period is insufficient for the City to fully complete its study and increase its water supply, this Ordinance may be renewed or extended for an additional period of time necessary to complete the implementation of the changes to the City codes, policies, and processes and the implementation of actions necessary to expand the City’s water supply in accordance with the time limits as provided by law upon a majority vote of the City Council.

**Section 8. EXCEPTIONS AND EXEMPTIONS**

- A. **Exceptions.** Any property owner who believes that he or she falls within the below exceptions shall provide notice of the exception at time of application for any permit

with the City-approved form. Exceptions are administratively approved or denied. Any exception that is denied may be appealed to the City Council. Exceptions will be determined within the same time period as the administrative completeness check for each Project, or within ten business days, whichever is sooner. If a Grandfathered Development Status Determination Report is required, then the exception can be applied concurrently with the Request but the time frame of the Request shall be controlling.

1. **No Impact Projects.** The temporary moratorium extended by this Ordinance does not apply to a Project that does not:
  - Impact Water Supply and/or Capacity; and

To make a determination of whether a Project is no impact as listed, an applicant shall apply for an exception to the moratorium.

2. **Ongoing Projects.** The temporary moratorium extended by this Ordinance does not apply to any Projects that are currently, actively in progress for which valid City permits have been issued and have not expired as of February 25, 2022, such being the fifth business day after the date on which the City published notice of the public hearings to consider the implementation of a temporary moratorium. The provisions of this Ordinance do not apply to any completed application or plan for development for a Permit, plat, verification, rezoning, site plan, approved water plan, or new or revised certificate of occupancy for Property Development that were filed prior to February 25, 2022. New Permits applied for as part of a previously approved Project may proceed once an exception is applied for and approved as described herein.
3. **Grandfathered Projects.** The temporary moratorium extended by this Ordinance shall not apply to Projects that are grandfathered as provided by state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit an application claiming an exception to this temporary moratorium to the planning department for review in accordance with City policy. Grandfathered status can be approved through an approved Grandfathered Development Status Determination Request. If a Grandfathered Development Status Determination Request has been finalized by staff on or after February 25, 2022, then a new request is not required to meet this exception. New permits applied for as part of a previously vested Project may proceed once an exception is applied for and approved as described herein.
4. **Development Agreement.** Property owners with a negotiated approval granted by the City Council providing for construction standards, platting, water, wastewater, and development rules pursuant to Texas Local Government Code Chapter 212, Subchapter G may apply for an exception in accordance with City policy. New Permits applied for as part of a

Development Agreement Project may proceed once an exception is applied for and approved as described herein.

- B. Waivers.** Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain water infrastructure at property owners' sole expense in accordance with Texas Local Government Code Chapter 212, Subchapter E may apply for a waiver in accordance with City policy.

**Section 9. DETERMINATIONS AND APPEALS**

- A. Exceptions.** The Public Works Director or his designee shall make all initial determinations regarding the status of all Projects seeking to apply for Permits during this temporary moratorium and recognition of all Exceptions (as provided herein). Exceptions for Projects filed within thirty (30) days of the effective date of this Ordinance may be filed without a corresponding Permit application. Any exception application filed within this period will be decided within (10) business days of receipt. Any exception that is denied may be appealed to City Council or the applicant may apply for a Waiver. An exception may be applied for by lot, Project, plat, or all area covered by a particular Permit or agreement.
- B. City Council.** City Council shall make a final decision on waivers within 10 days of filing of application.
- C. Waivers.** The decision to approve an Exemption (as provided for above) shall rest solely with the City Council. Any denial will stand until the moratorium is lifted unless the Project requesting the waiver has a substantial change and reapplies for a waiver.

**Section 10. REPEALER**

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance shall control.

**Section 11. SEVERABILITY**

If any article, paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of Ordinance as a whole.

**Section 12. ENFORCEMENT**

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this temporary

moratorium is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this Ordinance shall be construed as a waiver of the City’s right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity.

**Section 13. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice and a public hearing were also provided as required by Texas Government Code Chapter 212, Subchapter E.

**Section 14. EFFECTIVE DATE**

This Ordinance shall be effective upon the final day of the previously extended term of the temporary moratorium which is September 7, 2022 and shall extend the moratorium for 90 days.

**READ, PASSED, AND APPROVED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS, THIS 6TH DAY OF SEPTEMBER 2022.**



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

ATTEST:

APPROVED AS TO LEGAL FORM:

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

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

## ATTACHMENT A

### PERMITS SUBJECT TO MORATORIUM

- Building Permit Application
- Development Agreement
- Development Agreement Minor Modification/Amendment
- Plan Review Application
- Subdivision Application
- Site Development Application
- Conditional Use Permit
- Variance Application
- Wastewater Application
- Special District Agreement/Amendment
- Accessory Dwelling Unit Permit
- Mobile/Modular Home Permit

### PERMITS NOT SUBJECT TO MORATORIUM

- Zoning Amendment/PDD Application
- Contractor Registration Form
- Grandfathered Status Request/Appeal
- City Limits/ETJ Determination Letter
- Street Cut/Driveway Permit
- Operational Permit/Inspection Application
- On Site Sewage Facility Permit Application
- Pre-Development Meeting Form
- Certificate of Appropriateness
- Annexation Application
- Sign Permit
- Master Sign Plan
- License to Encroach
- Exterior Lighting Compliance Review
- Zoning Determination Letter Request
- Building Addition Permit
- Accessory Structure Permit
- Demolition Permit
- Asbestos Compliance Statement
- Pyrotechnics/Fireworks Application
- Certificates of Occupancy Application
- Any Fire Permits
- Swimming Pool Permit



**BIRKHOFF, HENDRICKS & CARTER, L.L.P.**  
**PROFESSIONAL ENGINEERS**

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Dallas, Texas 75243

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 JOE R. CARTER, P.E.  
 MATT HICKEY, P.E.  
 ANDREW MATA, JR., P.E.

DEREK B. CHANEY, P.E., R.P.L.S.  
 CRAIG M. KERKHOFF, P.E.  
 JUSTIN R. IVY, P.E.  
 COOPER E. REINBOLD, P.E.

September 2, 2022

Mr. Luke Olson  
 City Administrator  
 City of Parker  
 5700 E. Parker Road  
 Parker, Texas 75002

Re: Water Projections

Dear Mr. Olson:

We have completed a demand study for the summer of 2022. The summer of 2022 is being ranked in the top 10 hottest summers of record. The 2022 water records from the City shows July 8<sup>th</sup> as being the day of maximum usage for this summer. We reviewed the hourly records for the maximum day and the day before and after and have tabulated those hourly results. Based on the number of current connections of 2067 and a per unit density of 1.89 persons per unit calculates a population of 5,767. For July 8<sup>th</sup> the maximum daily demand was 4,011,949 gallons which equates to a per capita demand of 695.7 gallons per capita. The maximum hourly demand occurred at 10 PM at a rate of 1,190 gallons per capita. The attached exhibits show how water was used on July 8<sup>th</sup> hour by hour and how the levels in the tanks fluctuated throughout the day.

The current North Texas Municipal Water District (NTMWD) contract allocates a maximum supply of 3.5million gallons per day (MGD). For the month ending July 31<sup>st</sup> the NTMWD supplied the City of Parker 119,031,000 gallons or an average of 3.84 MGD. From August 1, 2021, thru July 31, 2022 the NTMWD supplied the City of Parker 633,119,000 gallons or an average volume of 1,734,573 gallons per day. By the current NTMWD contract the NTMWD can provide the city 2.5(peak factor) times the average day volume. For July of 2022 the average to maximum day peaking factor was. 2.21.

Based on the revised per capita demands experienced during the summer of 2022 the City has exceeded its contractual NTMWD supply of 3.5 MGD, however the peaking factor between average demand and peak demand was not exceeded (2.21 versus 2.5 ) The summer of 2022 shows the NTMWD was able to supply the peak demand experienced by the City of Parker.

Based on approved lots an additional 797 lots remain to be completed. Those 797 lots equates to a population of approximately 2,224 and a maximum daily demand of 1.55 MGD for a systemwide maximum daily demand of 5.6MGD.

Based on the summer of 2022 records, we recommend no additional lots be approved for development until a contract with NTMWD is executed to supply water to the Central Pump Station. Further, we recommend that the city review the hourly usage records in depth and determine methods to better manage water and its peak use.

We are available at your convenience to discuss our findings and recommendations.

Sincerely,



John W. Birkhoff, P.E.

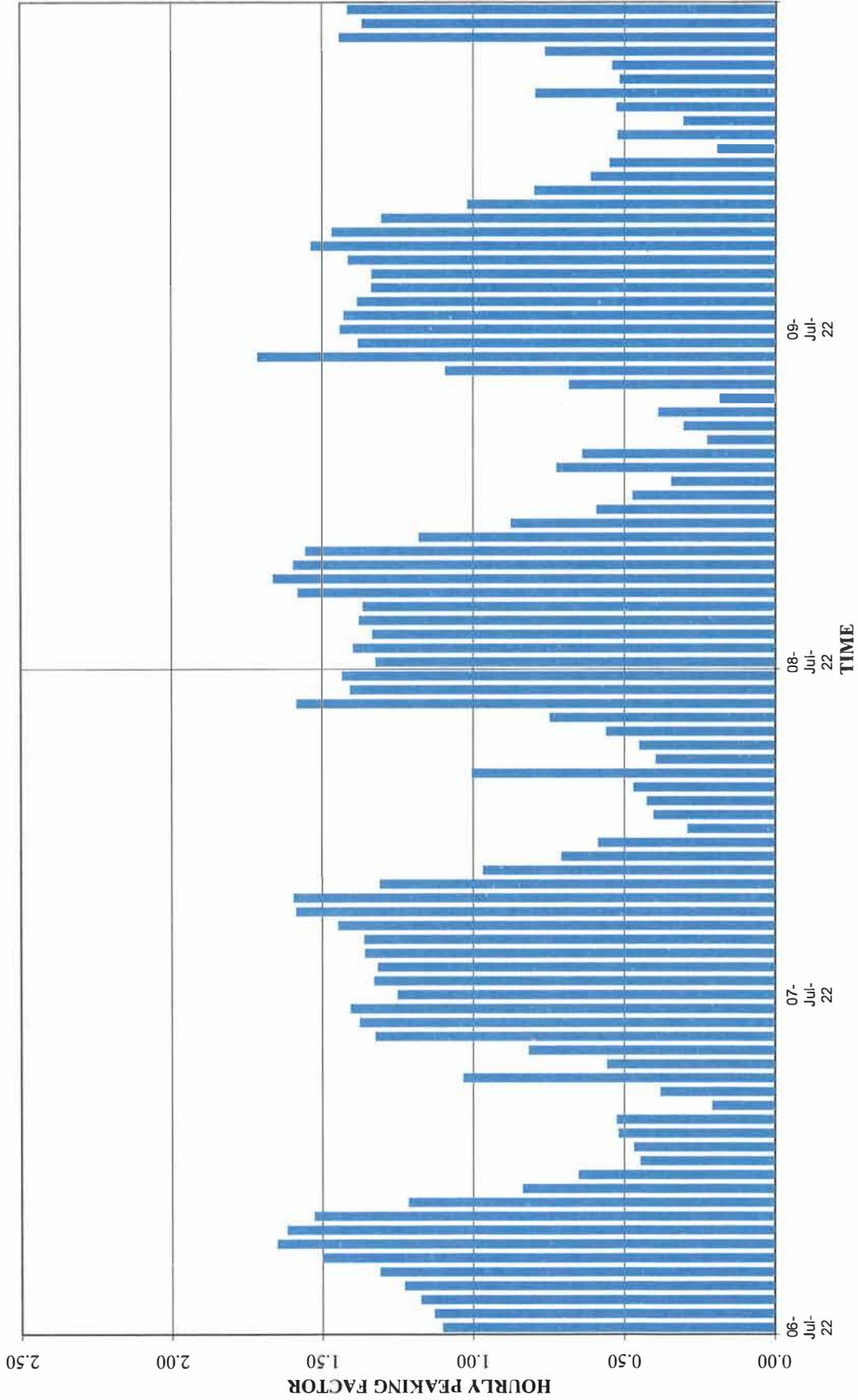
TABLE 1: CITY OF PARKER - DEMAND STUDY RESULTS  
July 6 - July 9, 2022

DATE	Time (hr)	Total Hourly Pumpage (GAL)	Volume into Elev. Storage (GAL)	Volume out of Elev. Storage (GAL)	Difference Between Vol. into Elev. Stor. & Out of Elev Storage (GAL) ( ) Represents Refill Deficiency	Net System Demand (GAL)	Net System Hour Demand (gal/day)	HOURLY PEAKING FACTOR
July 6, 2022	0:00	178,159.8	0.0	0.0		178,159.8	4,275,835.2	1.10
	1:00	191,962.2	(9,428.7)	0.0		182,533.5	4,380,804.0	1.13
	2:00	192,854.4	(3,142.9)	0.0		189,711.5	4,553,076.0	1.17
	3:00	192,328.2	0.0	6,285.8		198,614.0	4,766,736.0	1.23
	4:00	195,819.0	0.0	15,714.5		211,533.5	5,076,804.0	1.31
	5:00	198,577.2	0.0	44,000.6		242,577.8	5,821,867.2	1.50
	6:00	200,751.6	0.0	66,000.9		266,752.5	6,402,060.0	1.65
	7:00	201,770.4	0.0	59,715.1		261,485.5	6,275,652.0	1.62
	8:00	199,618.8	0.0	47,143.5		246,762.3	5,922,295.2	1.53
	9:00	193,255.2	0.0	3,142.9		196,398.1	4,713,554.4	1.21
	10:00	188,757.6	(53,644.0)	0.0		135,113.6	3,242,725.3	0.84
	11:00	186,994.8	(81,715.4)	0.0		105,279.4	2,526,705.6	0.65
	12:00	182,176.8	(110,001.5)	0.0		72,175.3	1,732,207.2	0.45
	13:00	190,084.8	(117,836.0)	3,357.6		75,606.4	1,814,554.7	0.47
	14:00	165,227.4	(81,173.9)	0.0		84,053.5	2,017,284.0	0.52
	15:00	98,962.2	(13,989.6)	0.0		84,972.6	2,039,342.4	0.53
	16:00	0.0	0.0	33,705.0		33,705.0	808,920.0	0.21
	17:00	0.0	0.0	61,458.5		61,458.5	1,475,004.0	0.38
	18:00	92,896.8	0.0	74,051.4		166,948.2	4,006,756.8	1.03
	19:00	99,202.8	(9,055.5)	0.0		90,147.3	2,163,535.2	0.56
	20:00	101,125.2	0.0	30,887.8		132,013.0	3,168,312.0	0.82
	21:00	179,578.8	0.0	34,523.9		214,102.7	5,138,464.8	1.32
	22:00	194,262.6	0.0	28,286.1		222,548.7	5,341,168.8	1.38
	23:00	208,478.4	0.0	18,857.4		227,335.8	5,456,059.2	1.41
<b>TOTAL</b>		<b>3,832,845.0</b>	<b>(479,987.5)</b>	<b>527,131.0</b>	<b>(47,143.5)</b>	<b>DAILY DEMAND 3,879,988.5</b>		
July 7, 2022	0:00	209,163.6	0.0	0.0		209,163.6	5,019,926.4	1.25
	1:00	209,552.4	0.0	12,571.6		222,124.0	5,330,976.0	1.33
	2:00	210,594.0	0.0	9,428.7		220,022.7	5,280,544.8	1.32
	3:00	211,486.8	0.0	15,714.5		227,201.3	5,452,831.2	1.36
	4:00	211,864.2	0.0	15,714.5		227,578.7	5,461,888.8	1.36
	5:00	213,615.6	0.0	28,286.1		241,901.7	5,805,640.8	1.45
	6:00	215,091.6	0.0	50,286.4		265,378.0	6,369,072.0	1.59
	7:00	213,375.0	0.0	53,429.3		266,804.3	6,403,303.2	1.60
	8:00	208,968.6	(47,143.5)	57,080.0		218,905.1	5,253,722.5	1.31
	9:00	189,249.6	(88,001.2)	60,437.6		161,686.0	3,880,465.2	0.97
	10:00	184,225.2	(119,430.2)	53,722.4		118,517.4	2,844,416.5	0.71
	11:00	178,583.4	(134,060.8)	53,722.4		98,245.0	2,357,878.9	0.59
	12:00	69,824.4	(71,476.5)	50,364.7		48,712.6	1,169,102.6	0.29
	13:00	0.0	0.0	67,487.9		67,487.9	1,619,708.5	0.40
	14:00	0.0	0.0	71,247.2		71,247.2	1,709,931.7	0.43
	15:00	0.0	0.0	78,555.7		78,555.7	1,885,337.8	0.47
	16:00	99,637.8	0.0	68,289.4		167,927.2	4,030,252.8	1.00
	17:00	101,548.8	(35,289.8)	0.0		66,259.0	1,590,216.0	0.40
	18:00	100,393.2	(25,070.3)	0.0		75,322.9	1,807,749.6	0.45
	19:00	101,766.0	(7,929.3)	0.0		93,836.7	2,252,080.8	0.56
	20:00	103,116.6	0.0	21,786.0		124,902.6	2,997,662.4	0.75
	21:00	177,930.6	0.0	87,121.1		265,051.7	6,361,240.8	1.59
	22:00	194,548.8	0.0	40,857.7		235,406.5	5,649,756.0	1.41
	23:00	208,282.2	0.0	31,429.0		239,711.2	5,753,068.8	1.43
<b>TOTAL</b>		<b>3,612,818.4</b>	<b>(528,401.6)</b>	<b>927,532.1</b>	<b>(399,130.5)</b>	<b>DAILY DEMAND 4,011,948.9</b>		
July 8, 2022	0:00	208,133.4	0.0	12,571.6		220,705.0	5,296,920.0	1.32
	1:00	211,143.6	0.0	22,000.3		233,143.9	5,595,453.6	1.40
	2:00	209,941.8	0.0	12,571.6		222,513.4	5,340,321.6	1.33
	3:00	207,961.8	0.0	22,000.3		229,962.1	5,519,090.4	1.38
	4:00	208,888.8	0.0	18,857.4		227,746.2	5,465,908.8	1.37
	5:00	213,444.0	0.0	50,286.4		263,730.4	6,329,529.6	1.58
	6:00	214,599.6	0.0	62,858.0		277,457.6	6,658,982.4	1.66
	7:00	215,950.2	0.0	50,286.4		266,236.6	6,389,678.4	1.60
	8:00	215,434.8	0.0	44,000.6		259,435.4	6,226,449.6	1.56
	9:00	206,634.0	(9,643.4)	0.0		196,990.6	4,727,773.3	1.18
	10:00	202,513.8	(56,572.2)	0.0		145,941.6	3,502,598.4	0.87
	11:00	199,412.4	(100,572.8)	0.0		98,839.6	2,372,150.4	0.59
	12:00	195,235.2	(116,287.3)	0.0		78,947.9	1,894,749.6	0.47
	13:00	188,895.0	(134,555.5)	3,357.6		57,697.1	1,384,731.5	0.35
	14:00	206,565.6	(201,458.8)	115,698.1		120,804.9	2,899,316.8	0.72
	15:00	209,575.2	(282,042.4)	179,145.3		106,678.1	2,560,275.2	0.64
	16:00	194,857.8	(157,223.3)	0.0		37,634.5	903,227.8	0.23
	17:00	192,099.6	(141,430.5)	0.0		50,669.1	1,216,058.4	0.30
	18:00	189,501.6	(124,765.7)	0.0		64,735.9	1,553,661.6	0.39
	19:00	100,919.4	(70,149.0)	0.0		30,770.4	738,489.6	0.18
	20:00	100,873.8	0.0	13,143.6		114,017.4	2,736,417.6	0.68
	21:00	104,215.2	0.0	78,150.2		182,365.4	4,376,769.6	1.09
	22:00	179,109.6	0.0	106,763.8		285,873.4	6,860,961.6	1.71
	23:00	195,738.6	0.0	34,571.9		230,310.5	5,527,452.0	1.38
<b>TOTAL</b>		<b>4,571,644.8</b>	<b>(1,394,701.0)</b>	<b>826,263.1</b>	<b>568,437.8</b>	<b>DAILY DEMAND 4,003,207.0</b>		

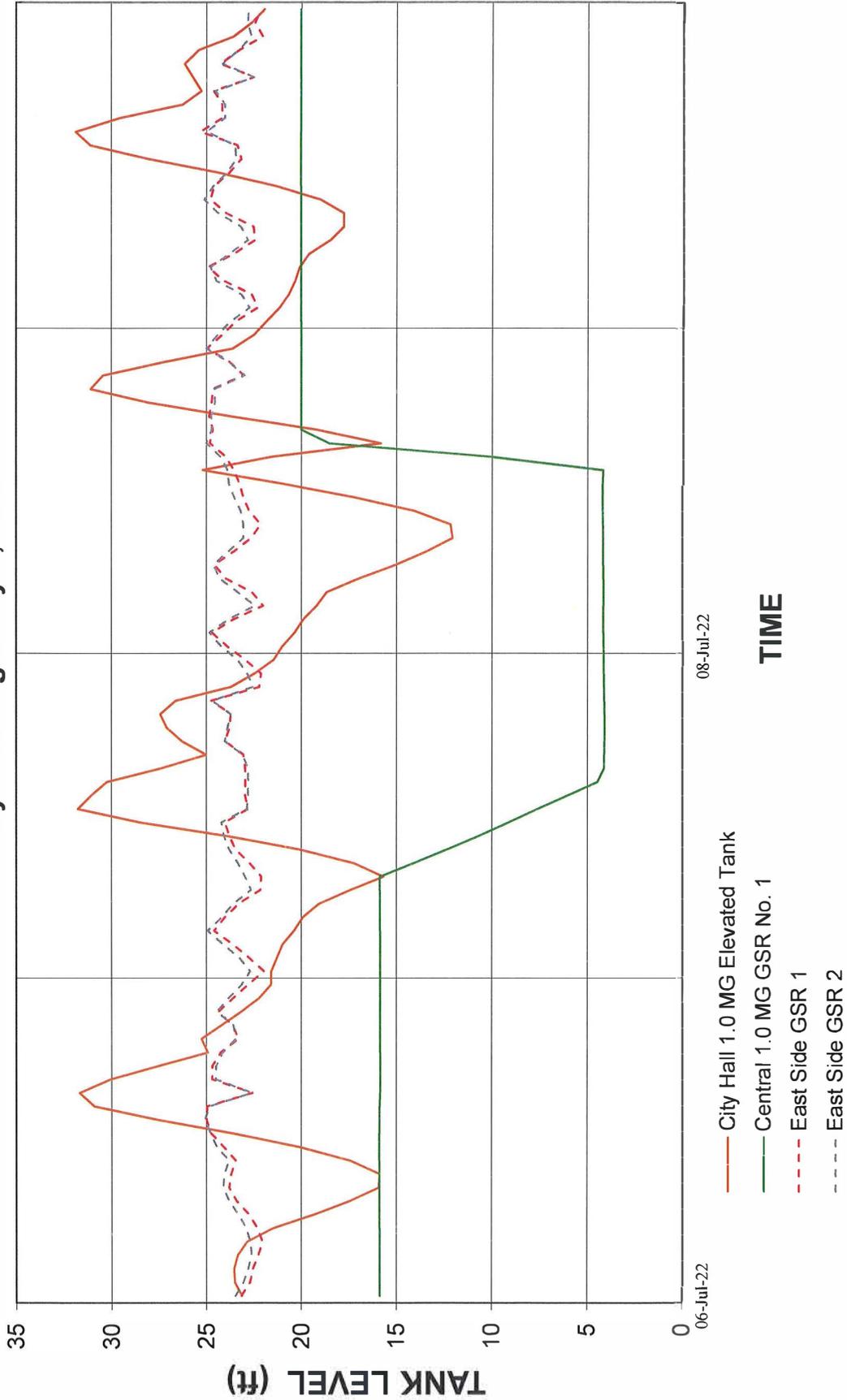
TABLE 1: CITY OF PARKER - DEMAND STUDY RESULTS  
July 6 - July 9, 2022

DATE	Time (hr)	Total Hourly Pumpage (GAL)	Volume into Elev. Storage (GAL)	Volume out of Elev. Storage (GAL)	Difference Between Vol. into Elev. Stor. & Out of Elev Storage (GAL) ( ) Represents Refill Deficiency	Net System Demand (GAL)	Net System Hour Demand (gal/day)	HOURLY PEAKING FACTOR
July 9, 2022	0:00	211,292.4	0.0	22,000.3		233,292.7	5,599,024.8	1.44
	1:00	209,254.8	0.0	22,000.3		231,255.1	5,550,122.4	1.43
	2:00	208,339.2	0.0	15,714.5		224,053.7	5,377,288.8	1.38
	3:00	207,080.4	0.0	9,428.7		216,509.1	5,196,218.4	1.34
	4:00	210,090.6	0.0	6,285.8		216,376.4	5,193,033.6	1.34
	5:00	213,237.6	0.0	15,714.5		228,952.1	5,494,850.4	1.41
	6:00	214,062.0	0.0	34,571.9		248,633.9	5,967,213.6	1.53
	7:00	212,391.0	0.0	25,143.2		237,534.2	5,700,820.8	1.47
	8:00	211,155.0	0.0	0.0		211,155.0	5,067,720.0	1.30
	9:00	206,016.0	(40,857.7)	0.0		165,158.3	3,963,799.2	1.02
	10:00	201,426.6	(72,286.7)	0.0		129,139.9	3,099,357.6	0.80
	11:00	196,265.4	(97,333.9)	0.0		98,931.5	2,374,356.0	0.61
	12:00	191,870.4	(102,861.4)	0.0		89,009.0	2,136,216.0	0.55
	13:00	101,217.0	(70,149.0)	0.0		31,068.0	745,632.0	0.19
	14:00	100,404.6	(15,732.0)	0.0		84,672.6	2,032,142.4	0.52
	15:00	0.0	0.0	49,321.5		49,321.5	1,183,716.0	0.30
	16:00	0.0	0.0	85,417.7		85,417.7	2,050,024.8	0.53
	17:00	99,180.0	0.0	29,353.2		128,533.2	3,084,796.8	0.79
	18:00	98,424.6	(14,841.5)	0.0		83,583.1	2,005,994.4	0.52
	19:00	99,305.4	(11,708.3)	0.0		87,597.1	2,102,330.4	0.54
	20:00	99,786.6	0.0	23,581.5		123,368.1	2,960,834.4	0.76
	21:00	177,587.4	0.0	55,808.4		233,395.8	5,601,499.2	1.44
	22:00	193,083.6	0.0	28,286.1		221,369.7	5,312,872.8	1.37
	23:00	207,126.0	0.0	22,000.3		229,126.3	5,499,031.2	1.41
<b>TOTAL</b>		<b>3,868,596.6</b>	<b>(425,770.5)</b>	<b>444,627.9</b>	<b>(18,857.4)</b>	<b>DAILY DEMAND 3,887,454.0</b>		

**CITY OF PARKER, TEXAS  
DEMAND CURVE  
July 6 through July 9, 2022**



### CITY OF PARKER, TEXAS HOURLY TANK LEVELS July 6 through July 9, 2022



**ORDINANCE NO. 815**  
*(Temporary Moratorium on Acceptance of Development Applications)*

**AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, EXTENDING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, ZONING, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION, PROVIDING FINDINGS OF FACT, DEFINITIONS, APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, EXCEPTIONS AND EXEMPTIONS, AND DETERMINATION AND APPEALS; PROVIDING FOR SEVERABILITY, REPEALER, ENFORCEMENT, PROPER NOTICE AND MEETING, AND AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Parker, Texas (the “City Council”), as a duly-elected legislative body, finds that it is facing significant historic and contemporary land use challenges that existing regulations and infrastructure were not designed to address; and

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens to extend the enacted moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, zoning, and construction on real property in the City Limits and extraterritorial jurisdiction (“ETJ”); and

WHEREAS, the City has developed a Comprehensive Plan for development within the City and desires to protect its ability to regulate development within its jurisdiction; and

WHEREAS, the City has started the process of revisiting the Comprehensive Plan and studying land use and development in the City limits and ETJ, and issued a Request for Qualifications for a professional land planning firm to provide comprehensive plan and development code services; and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that are for the good government, peace, or order of the City and is necessary for carrying out a power granted by law to the City; and

WHEREAS, Texas Local Government Code Chapters 211, 213, 214, and 217 grant the City certain regulation authority concerning construction, land use, nuisances, structures, and development-related activities; and

WHEREAS, the City seeks to ensure that impending and future development is conducted in a fiscally sustainable and environmentally responsible manner; and

WHEREAS, the City limits and ETJ are comprised of a combination of topographical, ecological, and other features that create significant development challenges; and

WHEREAS, the City will change drastically if continued growth and development should occur under the City’s existing Code of Ordinances and Comprehensive Plan, which no longer adequately address concerns about the effect of responsible development in the City and ETJ; and

WHEREAS, as codified in Texas Water Code Chapter 552, Subchapter A, the Legislature of the State of Texas granted municipalities the authority to own and operate “utility systems,” which include water systems designed to provide domestic consumption of water; and

WHEREAS, Texas Water Code Section 552.015 grants Type A general-law municipalities the authority to provide for municipal water supply systems; and

WHEREAS, the City has determined that it is necessary to the health, safety, and welfare of the people in the City limits and ETJ to encourage and promote the development and use of the City’s water utility and supply systems to serve the water provision needs of the citizens in the City limits and ETJ to prevent failure of water supply within the system; and

WHEREAS, the City conducted an updated analysis to determine the adequacy of the City’s current water supply, facilities, and the need beyond the estimated capacity that is expected to result from properties currently in development; and

WHEREAS, upon review of the analysis by the City’s Engineer and City Administrator, the City Council has made findings contained herein as **Attachment B** related to the inadequacy of existing essential public facilities in accordance with Section 212.135 of the Texas Local Government Code; and

WHEREAS, the City Council finds that certain essential public water infrastructure, supply, and improvements throughout the City limits and ETJ are inadequate and insufficient to adequately serve new development; and

WHEREAS, relying on the analysis provided by City staff, the outstanding permits issued by the City prior to this moratorium, and the City’s impact fee analysis, the City Council makes the following findings:

1. Taking in account all water that has been committed by contract, the City’s water facilities are at capacity; and
2. The current water system has bottlenecks that threaten the proper operation of the City’s water system; and
3. Based on these bottlenecks and the contractual commitments that will utilize all additional supply of the City’s water system, there is currently no additional supply available to commit to development of lots; and
4. This moratorium is reasonably limited to property located in the City limits and ETJ.
5. The City is actively updating its Development Code and is working towards an update of its Comprehensive Plan and Development Code.

WHEREAS, the City continues to take actions to increase the water supply of the City of Parker, but until actions can be finalized to increase the water capacity, allowing for additional water service connections to the Parker water service area will only exacerbate the situation; and

WHEREAS, the City Council finds that a temporary moratorium on the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction in the City limits and ETJ will prevent the situation from becoming worse, and will allow the City time to address the measures needed to remedy the shortage of supply and to secure funds to pay for such remedial measures; and

WHEREAS, additional evaluation of the existing supply, infrastructure, and development is needed to allow for growth and development within the City limits and ETJ while protecting the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, the City desires to study and evaluate the impact of further development, the need for additional water supply and facilities, appropriate zoning districts and district regulations, appropriate land use and water regulations, and issues that will affect future growth and development of the area within its jurisdiction; and

WHEREAS, the City finds this evaluation process will require community input and will take a reasonable amount of time to complete; and

WHEREAS, the City has determined that it is necessary to study and update its development ordinances and procedures in order to clarify and improve its planning policies based on the forthcoming regulations, strengthen the connection between the City's Code of Ordinances and the goals and needs of the City's residents, and to protect the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, in order for the City of have adequate and reasonable time to review, evaluate, and revise the City's development ordinances, and to consider the impact of the ordinances upon future growth, public health and safety, development, the natural environment, and place of architectural and ecological importance and significance within the City limits and ETJ, the City wishes to maintain the *status quo* by extending the enacted temporary moratorium, during which certain applications for development permits and/or approvals will be suspended; and

WHEREAS, the City Council is adopting a working plan and time schedule for achieving an updated comprehensive plan and development code as contained herein as **Attachment C**; and

WHEREAS, the purpose of prohibiting certain applications for development permits and/or approvals during this period includes, within limitation, preserving the *status quo* during the planning process, eliminating incentives for hurried applications, facilitating thoughtful and consistent planning, avoiding exploitation of the delays inherent in the municipal legislative process, and preventing applications from undermining the effectiveness of the revised rules by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development regulations; and

WHEREAS, in recognition of the importance of development permits and/or approvals to the community, the City desires to implement the moratorium for a stated and fixed time period, and to include a waiver provision in accordance with Texas Local Government Code Chapter 212, Subchapter E; and

WHEREAS, all notices and hearings, including a hearing by the Planning & Zoning Commission, were published and held in accordance with applicable statutes, law, and regulations and a temporary moratorium was originally adopted on March 11, 2022 for a period of 90 days; and

WHEREAS, the notice for the possible extension of the temporary moratorium has been published in the newspaper for a public hearing at City Council; and

WHEREAS, based on the updated findings contained herein, information provided by City staff, and the evidence submitted at public hearings, the City Council has determined that existing development ordinances and regulations and other applicable laws are inadequate to prevent existing essential public water facilities from exceeding capacity, thereby being detrimental to the public health, safety, and welfare of the residents of Parker; and

WHEREAS, the City Council finds that the enactment of this Ordinance is directly related to the immediate preservation of the public peace, health, or safety;

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

**Section 1. INCORPORATION OF RECITALS/FINDINGS OF FACT**

The recitals contained in the preamble of this ordinance are incorporated into the body of this Ordinance as it set out fully herein as legislative findings of fact.

**Section 2. DEFINITIONS**

As used in this Ordinance, these terms shall be defined as follows. Terms appearing in this Ordinance but not defined herein shall have the meanings provided in the City’s Code of Ordinances, or if not defined therein then the common meanings in accordance with ordinary usage.

- A. **“Essential Public Facilities”** means water, sewer/wastewater, or storm drainage facilities or street improvements provided by a municipality or private utility.
- B. **“Permit”** means a license, certificate, approval, registration, consent, permit, contract, or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule,

regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought

- C. **“Project”** means an endeavor over which a regulatory agency exerts its jurisdiction and for which one (1) or more permits are required to initiate, continue, or complete the endeavor.
- D. **“Property Development”** means the construction, reconstruction, or other alteration or improvement of buildings or the subdivision or replating of a subdivision of property.

**Section 3. APPLICABILITY**

The City of Parker hereby enacts this Ordinance in order to extend the temporary moratorium enacted on March 11, 2022 on the acceptance and processing of certain applications and issuance of particular permits and other forms of municipal authorizations related to specific construction and land development activities. This temporary moratorium applies to all city zoning district uses within the City limits and ETJ.

Unless a Project falls within an Exception (as provided below), this temporary moratorium applies to all applications for property development permits. Permits that are affected or not affected by the moratorium are attached as **Attachment A**. The applicability of the moratorium to any permit not listed shall be determined based on the purpose of the moratorium and may be added to the list by the City Administrator.

**Section 4. PURPOSE**

This temporary moratorium is being extended to maintain the *status quo*, and to:

- A. Assess the short-term and long-term Comprehensive Plan;
- B. Review the City’s policies on the acceptance of applications for municipal Permits for construction or development;
- C. Update the City’s permitting and planning requirements and processes for utility and transportation infrastructure;
- D. Obtain and review public input and expert guidance; and
- E. Update the City’s water utility infrastructure and supply.

**Section 5. ENACTMENT**

The City of Parker hereby enacts this Ordinance extending the temporary moratorium on the City’s acceptance, review, approval, and issuance of permits in the City limits and ETJ.

**Section 6. DURATION**

The duration of the extension of this temporary moratorium shall be for a period of ninety (90) days after enactment of this Ordinance, or repeal of this Ordinance by the City, whichever is sooner.

**Section 7. EXTENSION**

If the City determines that the initial period is insufficient for the City to fully complete its study and increase its water supply, this Ordinance may be renewed or extended for an additional period of time necessary to complete the implementation of the changes to the City codes, policies, and processes and the implementation of actions necessary to expand the City’s water supply in accordance with the time limits as provided by law upon a majority vote of the City Council.

**Section 8. EXCEPTIONS AND EXEMPTIONS**

A. **Exceptions.** Any property owner who believes that he or she falls within the below exceptions shall provide notice of the exception at time of application for any permit with the City-approved form. Exceptions are administratively approved or denied. Any exception that is denied may be appealed to the City Council. Exceptions will be determined within the same time period as the administrative completeness check for each Project, or within ten business days, whichever is sooner. If a Grandfathered Development Status Determination Report is required, then the exception can be applied concurrently with the Request but the time frame of the Request shall be controlling.

1. **No Impact Projects.** The temporary moratorium extended by this Ordinance does not apply to a Project that does not:
  - Impact Water Supply and/or Capacity; and
  - Require land use modifications inconsistent with the updated Comprehensive Plan.

To make a determination of whether a Project is no impact as listed, an applicant shall apply for an exception to the moratorium.

2. **Ongoing Projects.** The temporary moratorium extended by this Ordinance does not apply to any Projects that are currently, actively in progress for which valid City permits have been issued and have not expired as of February 25, 2022, such being the fifth business day after the date on which the City published notice of the public hearings to consider the implementation of a temporary moratorium. The provisions of this Ordinance do not apply to any completed application or plan for development for a Permit, plat, verification, rezoning, site plan, approved wastewater plan, or new or revised certificate of occupancy for Property Development that were filed prior to February 25, 2022. New Permits applied for as part of a previously approved Project may proceed once an exception is applied for and approved as described herein.

- 3. **Grandfathered Projects.** The temporary moratorium extended by this Ordinance shall not apply to Projects that are grandfathered as provided by state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit an application claiming an exception to this temporary moratorium to the planning department for review in accordance with City policy. Grandfathered status can be approved through an approved Grandfathered Development Status Determination Request. If a Grandfathered Development Status Determination Request has been finalized by staff on or after February 25, 2022, then a new request is not required to meet this exception. New permits applied for as part of a previously vested Project may proceed once an exception is applied for and approved as described herein.
- 4. **Development Agreement.** Property owners with a negotiated approval granted by the City Council providing for construction standards, platting, water, wastewater, and development rules pursuant to Texas Local Government Code Chapter 212, Subchapter G may apply for an exception in accordance with City policy. New Permits applied for as part of a Development Agreement Project may proceed once an exception is applied for and approved as described herein.

**B. Waivers.** Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain water infrastructure at property owners' sole expense and who do not require land use modifications in consistent with the updated comprehensive planning, in accordance with Texas Local Government Code Chapter 212, Subchapter E may apply for a waiver in accordance with City policy.

**Section 9. DETERMINATIONS AND APPEALS**

**A. Exceptions.** The Public Works Director or his designee shall make all initial determinations regarding the status of all Projects seeking to apply for Permits during this temporary moratorium and recognition of all Exceptions (as provided herein). Exceptions for Projects filed within thirty (30) days of the effective date of this Ordinance may be filed without a corresponding Permit application. Any exception application filed within this period will be decided within (10) business days of receipt. Any exception that is denied may be appealed to City Council or the applicant may apply for a Waiver. An exception may be applied for by lot, Project, plat, or all area covered by a particular Permit or agreement.

**B. City Council.** City Council shall make a final decision on waivers within 10 days of filing of application.

**C. Waivers.** The decision to approve an Exemption (as provided for above) shall rest solely with the City Council. Any denial will stand until the moratorium is lifted unless the Project requesting the waiver has a substantial change and reapplies for a waiver.

**Section 10. REPEALER**

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance shall control.

**Section 11. SEVERABILITY**

If any article, paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of Ordinance as a whole.

**Section 12. ENFORCEMENT**

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this temporary moratorium is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this Ordinance shall be construed as a waiver of the City’s right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity.

**Section 13. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice and a public hearing were also provided as required by Texas Government Code Chapter 212, Subchapter E.

**Section 14. EFFECTIVE DATE**

This Ordinance shall be effective upon the final day of the initial term of the temporary moratorium which is June 9, 2022 and shall extend the moratorium for 90 days.

**READ, PASSED, AND APPROVED BY THE CITY COUNCIL OF PARKER,  
COLLIN COUNTY, TEXAS, THIS 7<sup>th</sup> DAY OF JUNE 2022.**



*Lee Pettie*  
\_\_\_\_\_  
Lee Pettie, Mayor

ATTEST:

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

APPROVED AS TO LEGAL FORM:

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

## ATTACHMENT A

### PERMITS SUBJECT TO MORATORIUM

- Building Permit Application
- Development Agreement
- Development Agreement Minor Modification/Amendment
- Plan Review Application
- Subdivision Application
- Site Development Application
- Conditional Use Permit
- Variance Application
- Wastewater Application
- Special District Agreement/Amendment
- Accessory Dwelling Unit Permit
- Mobile/Modular Home Permit

### PERMITS NOT SUBJECT TO MORATORIUM

- Zoning Amendment/PDD Application
- Contractor Registration Form
- Grandfathered Status Request/Appeal
- City Limits/ETJ Determination Letter
- Street Cut/Driveway Permit
- Operational Permit/Inspection Application
- On Site Sewage Facility Permit Application
- Pre-Development Meeting Form
- Certificate of Appropriateness
- Annexation Application
- Sign Permit
- Master Sign Plan
- License to Encroach
- Exterior Lighting Compliance Review
- Zoning Determination Letter Request
- Building Addition Permit
- Accessory Structure Permit
- Demolition Permit
- Asbestos Compliance Statement
- Pyrotechnics/Fireworks Application
- Certificates of Occupancy Application
- Any Fire Permits
- Swimming Pool Permit



**BIRKHOFF, HENDRICKS & CARTER, L.L.P.**  
**PROFESSIONAL ENGINEERS**

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Phone (214) 361-7900

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JOHN W. BIRKHOFF, P.E.  
GARY C. HENDRICKS, P.E., R.P.L.S.  
JOE R. CARTER, P.E.  
MATT HICKEY, P.E.  
ANDREW MATA, JR., P.E.

DEREK B. CHANEY, P.E., R.P.L.S.  
CRAIG M. KERKHOFF, P.E.  
JUSTIN R. IVY, P.E.  
JULIAN T. LE, P.E.  
COOPER E. REINBOLD, P.E.

June 2, 2022

Mr. Luke Olson  
City Administrator  
City of Parker  
5700 E. Parker Road  
Parker, Texas 75002

Re: Water Projections

Dear Mr. Olson:

We have reviewed the City of Parker's water demand projections from our February evaluation and we have no change to our recommendation that no additional lots be approved for development until a contract with NTMWD is executed. To recap our February evaluation determined that the demand from the City of Parker is at or beyond the supply of 3.5 MGD from NTMWD. The February evaluation has the same results as in previous years. Based on records provided by the City, the City pumped 3.33 MGD in August 2019 and 3.10 MGD in August of 2021. Water demand in the summer months is driven by higher temperatures and the duration between significant rain events. Historically, the hotter the weather and the longer period between rain events drives up water usage.

The February population is estimated to be 5,664 (meter count 2,030 times persons per meter 2.79). Based on the current population and the 2021 maximum daily usage, the 2021 maximum daily demand calculates to be approximately 472 gallons per capita per day (gpcd). The City also has an additional 834 lots currently being developed. Projecting the maximum daily demand including the upcoming residential lots, the maximum daily water demand will be 3,771,752 gallons. This is in excess of the currently contracted supply.

In the event a contract cannot be executed during the next 90 days of the moratorium, we will work with the city staff to monitor water usage during the months of June, July and August to better understand water usage during this period in 2022.

We are available at your convenience to discuss our findings and recommendations.

Sincerely,



John W. Birkhoff, P.E.

**ATTACHMENT C**

**PLAN AND TIME SCHEDULE FOR UPDATED COMPREHENSIVE PLAN AND DEVELOPMENT CODE**

- February 11, 2022: Issued RFQ for Comprehensive Plan
- March 2022: No responses received to Comprehensive Plan RFQ.
- May 2022: Required notices of public hearing and action by Planning and Zoning Commission (P&Z) on the Zoning Regulations sent to newspaper and posted on City Website
- June 9, 2022: Public Hearing before P&Z on Zoning Regulation Amendments
- June 2022: Initial meeting to review Comprehensive Plan document updates. Staff prepares revised Zoning Regulations based on P&Z Action; Required notices of public hearing and action by Planning and Zoning Commission (P&Z) on the Zoning Regulations sent to newspaper and posted on City Website
- June – Dec. 2022: Public Engagement, data collection, and drafting of documents; additional updates to codes as needed.
- July 2022: Public Hearing before City Council regarding Zoning Regulation Amendments
- August 2022: Council consideration and potential approval of Zoning Regulation Amendments
- January 2023: Presentation of draft Comprehensive Plan and Development Code to Planning and Zoning Commission and City Council; Comprehensive Plan and updated Development Code approved by City Council

**ORDINANCE NO. 812**  
*(Temporary Moratorium on Acceptance of Development Applications)*

**AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, ENACTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, ZONING, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION, PROVIDING FINDINGS OF FACT, DEFINITIONS, APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, EXCEPTIONS AND EXEMPTIONS, DETERMINATION AND APPEALS; PROVIDING FOR SEVERABILITY, REPEALER, ENFORCEMENT, PROPER NOTICE AND MEETING, AND AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Parker, Texas (the “City Council”), as a duly-elected legislative body, finds that it is facing significant historic and contemporary land use challenges that existing regulations and infrastructure were not designed to address; and

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens to adopt and enact a moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, zoning, and construction on real property in the City Limits and extraterritorial jurisdiction (“ETJ”); and

WHEREAS, the City has developed a Comprehensive Plan for development within the City and desires to protect its ability to regulate development within its jurisdiction; and

WHEREAS, the City has started the process of revisiting the Comprehensive Plan and studying land use and development in the City limits and ETJ, and has issued a Request for Qualifications for a professional land planning firm to provide comprehensive plan and development code services; and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that are for the good government, peace, or order of the City and is necessary for carrying out a power granted by law to the City; and

WHEREAS, Texas Local Government Code Chapters 211, 213, 214, and 217 grant the City certain regulation authority concerning construction, land use, nuisances, structures, and development-related activities; and

WHEREAS, the City seeks to ensure that impending and future development is conducted in a fiscally sustainable and environmentally responsible manner; and

WHEREAS, the City limits and ETJ are comprised of a combination of topographical, ecological, and other features that create significant development challenges; and

WHEREAS, the City will change drastically if continued growth and development should occur under the City’s existing Code of Ordinances and Comprehensive Plan, which no longer adequately address concerns about the effect of responsible development in the City and ETJ; and

WHEREAS, as codified in Texas Water Code Chapter 552, Subchapter A, the Legislature of the State of Texas granted municipalities the authority to own and operate “utility systems,” which include water systems designed to provide domestic consumption of water; and

WHEREAS, Texas Water Code Section 552.015 grants Type A general-law municipalities the authority to provide for municipal water supply systems; and

WHEREAS, the City has determined that it is necessary to the health, safety, and welfare of the people in the City limits and ETJ to encourage and promote the development and use of the City’s water utility and supply systems to serve the water provision needs of the citizens in the City limits and ETJ to prevent failure of water supply within the system; and

WHEREAS, the City conducted an analysis to determine the adequacy of the City’s current water supply, facilities, and the need beyond the estimated capacity that is expected to result from properties currently in development; and

WHEREAS, upon review of the analysis by the City’s Engineer and City Administrator, the City Council has made findings contained herein as **Attachment B** related to the inadequacy of existing essential public facilities in accordance with Section 212.135 of the Texas Local Government Code; and

WHEREAS, the City Council finds that certain essential public water infrastructure, supply, and improvements throughout the City limits and ETJ are inadequate and insufficient to adequately serve new development; and

WHEREAS, relying on the analysis provided by City staff, the outstanding permits issued by the City prior to this moratorium, and the City’s impact fee analysis, the City Council makes the following findings:

1. Taking in account all water that has been committed by contract, the City’s water facilities are at capacity; and
2. The current water system has bottlenecks that threaten the proper operation of the City’s water system; and
3. Based on these bottlenecks and the contractual commitments that will utilize all additional supply of the City’s water system, there is currently no additional supply available to commit to development of lots; and
4. This moratorium is reasonably limited to property located in the City limits and ETJ.

WHEREAS, until actions can be taken to increase the water supply of the City of Parker, allowing for additional water service connections to the Parker water service area will only exacerbate the situation; and

WHEREAS, the City Council finds that a temporary moratorium on the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction in the City limits and ETJ will prevent the situation from becoming worse, and will allow the City time to address the measures needed to remedy the shortage of supply and to secure funds to pay for such remedial measures; and

WHEREAS, additional evaluation of the existing supply, infrastructure, and development are needed to allow for growth and development within the City limits and ETJ while protecting the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, the City desires to study and evaluate the impact of further development, the need for additional water supply and facilities, appropriate zoning districts and district regulations, appropriate land use and water regulations, and issues that will affect future growth and development of the area within its jurisdiction; and

WHEREAS, the City finds this evaluation process will require community input and will take a reasonable amount of time to complete; and

WHEREAS, the City has determined that it is necessary to study and update its development ordinances and procedures in order to clarify and improve its planning policies based on the forthcoming regulations, strengthen the connection between the City's Code of Ordinances and the goals and needs of the City's residents, and to protect the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, in order for the City to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances, and to consider the impact of the ordinances upon future growth, public health and safety, development, the natural environment, and place of architectural and ecological importance and significance within the City limits and ETJ, the City wishes to maintain the *status quo* by implementing a temporary moratorium, during which certain applications for development permits and/or approvals will be suspended; and

WHEREAS, the purpose of prohibiting certain applications for development permits and/or approvals during this period includes, within limitation, preserving the *status quo* during the planning process, eliminating incentives for hurried applications, facilitating thoughtful and consistent planning, avoiding exploitation of the delays inherent in the municipal legislative process, and preventing applications from undermining the effectiveness of the revised rules by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development regulations; and

WHEREAS, in recognition of the importance of development permits and/or approvals to the community, the City desires to implement the moratorium for a stated and fixed time period, and to include a waiver provision in accordance with Texas Local Government Code Chapter 212, Subchapter E; and

WHEREAS, all notices and hearings, including a hearing by the Planning & Zoning Commission, have been published and held in accordance with applicable statutes, law, and regulations; and

WHEREAS, based on findings contained herein, information provided by City staff, and the evidence submitted at public hearings, the City Council has determined that existing development ordinances and regulations and other applicable laws are inadequate to prevent existing essential public water facilities from exceeding capacity, thereby being detrimental to the public health, safety, and welfare of the residents of Parker; and

WHEREAS, the City Council finds that the enactment of this Ordinance is directly related to the immediate preservation of the public peace, health, or safety;

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

**Section 1. INCORPORATION OF RECITALS/FINDINGS OF FACT**

The recitals contained in the preamble of this ordinance are incorporated into the body of this Ordinance as it set out fully herein as legislative findings of fact.

**Section 2. DEFINITIONS**

As used in this Ordinance, these terms shall be defined as follows. Terms appearing in this Ordinance but not defined herein shall have the meanings provided in the City’s Code of Ordinances, or if not defined therein then the common meanings in accordance with ordinary usage.

- A. **“Essential Public Facilities”** means water, sewer/wastewater, or storm drainage facilities or street improvements provided by a municipality or private utility.
- B. **“Permit”** means a license, certificate, approval, registration, consent, permit, contract, or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought
- C. **“Project”** means an endeavor over which a regulatory agency exerts its jurisdiction and for which one (1) or more permits are required to initiate, continue, or complete the endeavor.
- D. **“Property Development”** means the construction, reconstruction, or other alteration or improvement of buildings or the subdivision or replatting of a subdivision of property.

**Section 3. APPLICABILITY**

The City of Parker hereby enacts this Ordinance in order to implement a temporary moratorium on the acceptance and processing of certain applications and issuance of particular permits and other forms of municipal authorizations related to specific construction and land development activities. This temporary moratorium applies to all city zoning district uses within the City limits and ETJ.

Unless a Project falls within an Exception (as provided below), this temporary moratorium applies to all applications for property development permits. Permits that are affected or not affected by the moratorium are attached as Attachment A. The applicability of the moratorium to any permit not listed shall be determined based on the purpose of the moratorium and may be added to the list by the City Administrator.

**Section 4. PURPOSE**

This temporary moratorium is being enacted to maintain the *status quo*, and to:

- A. Assess the short-term and long-term Comprehensive Plan;
- B. Review the City’s policies on the acceptance of applications for municipal Permits for construction or development;
- C. Update the City’s permitting and planning requirements and processes for utility and transportation infrastructure;
- D. Obtain and review public input and expert guidance; and
- E. Update the City’s water utility infrastructure and supply.

**Section 5. ENACTMENT**

The City of Parker hereby enacts this Ordinance implementing a temporary moratorium on the City’s acceptance, review, approval, and issuance of permits in the City limits and ETJ.

**Section 6. DURATION**

The initial duration of this temporary moratorium shall be for a period of ninety (90) days after enactment of this Ordinance, or repeal of this Ordinance by the City, whichever is sooner.

**Section 7. EXTENSION**

If the City determines that the initial period is insufficient for the City to fully complete its study and increase its water supply, this Ordinance may be renewed or extended for an additional period of time necessary to complete the implementation of the changes to the City codes, policies,

and processes and the implementation of actions necessary to expand the City’s water supply in accordance with the time limits as provided by law upon a majority vote of the City Council.

**Section 8. EXCEPTIONS AND EXEMPTIONS**

A. **Exceptions.** Any property owner who believes that he or she falls within the below exceptions shall provide notice of the exception at time of application for any permit with the City-approved form. Exceptions are administratively approved or denied. Any exception that is denied may be appealed to the City Council. Exceptions will be determined within the same time period as the administrative completeness check for each Project, or within ten business days, whichever is sooner. If a Grandfathered Development Status Determination Report is required, then the exception can be applied concurrently with the Request but the time frame of the Request shall be controlling.

1. **No Impact Projects.** The temporary moratorium implemented by this Ordinance does not apply to a Project that does not:
  - Impact Water Supply and/or Capacity; and
  - Require land use modifications inconsistent with the updated Comprehensive Plan.

To make a determination of whether a Project is no impact as listed, an applicant shall apply for an exception to the moratorium.

2. **Ongoing Projects.** The temporary moratorium implemented by this Ordinance does not apply to any Projects that are currently, actively in progress for which valid City permits have been issued and have not expired as of February 25, 2022, such being the fifth business day after the date on which the City published notice of the public hearings to consider this Ordinance. The provisions of this Ordinance do not apply to any completed application or plan for development for a Permit, plat, verification, rezoning, site plan, approved wastewater plan, or new or revised certificate of occupancy for Property Development that were filed prior to February 25, 2022. New Permits applied for as part of a previously approved Project may proceed once an exception is applied for and approved as described herein.

3. **Grandfathered Projects.** The temporary moratorium implemented by this Ordinance shall not apply to Projects that are grandfathered as provided by state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit an application claiming an exception to this temporary moratorium to the planning department for review in accordance with City policy. Grandfathered status can be approved through an approved Grandfathered Development Status Determination Request. If a Grandfathered Development Status Determination Request has been finalized by staff on or after February 25, 2022, then a new request is not required to meet this exception. New

permits applied for as part of a previously vested Project may proceed once an exception is applied for and approved as described herein.

4. **Development Agreement.** Property owners with a negotiated approval granted by the City Council providing for construction standards, platting, wastewater, and development rules pursuant to Texas Local Government Code Chapter 212, Subchapter G may apply for an exception in accordance with City policy. New Permits applied for as part of a Development Agreement Project may proceed once an exception is applied for and approved as described herein.

**B. Waivers.** Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain water infrastructure at property owners' sole expense and who do not require land use modifications in consistent with the updated comprehensive planning, in accordance with Texas Local Government Code Chapter 212, Subchapter E may apply for a waiver in accordance with City policy.

**Section 9. DETERMINATIONS AND APPEALS**

**A. Exceptions.** The Public Works Director or his designee shall make all initial determinations regarding the status of all Projects seeking to apply for Permits during this temporary moratorium and recognition of all Exceptions (as provided herein). Exceptions for Projects filed within thirty (30) days of the effective date of this Ordinance may be filed without a corresponding Permit application. Any exception application filed within this period will be decided within (10) business days of receipt. Any exception that is denied may be appealed to City Council or the applicant may apply for a Waiver. An exception may be applied for by lot, Project, plat, or all area covered by a particular Permit or agreement.

**B. City Council.** City Council shall make a final decision on waivers within 10 days of filing of application.

**C. Waivers.** The decision to approve an Exemption (as provided for above) shall rest solely with the City Council. Any denial will stand until the moratorium is lifted unless the Project requesting the waiver has a substantial change and reapplies for a waiver.

**Section 10. REPEALER**

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance shall control.

**Section 11. SEVERABILITY**

If any article, paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of Ordinance as a whole.

**Section 12. ENFORCEMENT**

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this temporary moratorium is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this Ordinance shall be construed as a waiver of the City’s right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity.

**Section 13. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice and public hearings were also provided as required by Texas Government Code Chapter 212, Subchapter E.

**Section 14. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage.

**READ & ACKNOWLEDGED** on First Reading on the 7<sup>th</sup> day of March 2022.

**READ, PASSED, AND APPROVED ON SECOND READING BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS, THIS 11<sup>th</sup> DAY OF MARCH 2022.**



ATTEST:

*Patti Scott Grey*  
Patti Scott Grey, City Secretary

*Lee Pettle*  
Lee Pettle, Mayor

APPROVED AS TO LEGAL FORM:

*L. M. Lansford, III*  
Larence M. Lansford, III, City Attorney

## ATTACHMENT A

### PERMITS SUBJECT TO MORATORIUM

- Building Permit Application
- Development Agreement
- Development Agreement Minor Modification/Amendment
- Swimming Pool Permit
- Plan Review Application
- Subdivision Application
- Site Development Application
- Conditional Use Permit
- Variance Application
- Wastewater Application
- Special District Agreement/Amendment
- Accessory Dwelling Unit Permit
- Mobile/Modular Home Permit

### PERMITS NOT SUBJECT TO MORATORIUM

- Zoning Amendment/PDD Application
- Contractor Registration Form
- Grandfathered Status Request/Appeal
- City Limits/ETJ Determination Letter
- Street Cut/Driveway Permit
- Operational Permit/Inspection Application
- On Site Sewage Facility Permit Application
- Pre-Development Meeting Form
- Certificate of Appropriateness
- Annexation Application
- Sign Permit
- Master Sign Plan
- License to Encroach
- Exterior Lighting Compliance Review
- Zoning Determination Letter Request
- Building Addition Permit
- Accessory Structure Permit
- Demolition Permit
- Asbestos Compliance Statement
- Pyrotechnics/Fireworks Application
- Certificates of Occupancy Application
- Any Fire Permits

ATTACHMENT B



**BIRKHOFF, HENDRICKS & CARTER, L.L.P.**  
**PROFESSIONAL ENGINEERS**

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Phone (214) 361-7900

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ANDREW MATA, JR., P.E.

DEREK B CHANEY, P.E., R.P.L.S.  
CRAIG M. KERKHOFF, P.E.  
JUSTIN R. IVY, P.E.  
JULIAN T. LE, P.E.  
COOPER E. REINBOLD, P.E.

March 1, 2022

Mr. Luke Olson  
City Administrator  
City of Parker  
5700 E. Parker Road  
Parker, Texas 75002

Re: Water Projections

Dear Mr. Olson:

We have evaluated the City of Parker’s water demand projections and have determined that the demand from the City of Parker is at or beyond the supply of 3.5 MGD from NTMWD. This current evaluation has the same results as in previous years. Based on records provided by the City, the City pumped 3.33 MGD in August 2019 and 3.10 MGD in August of 2021. Water demand in the summer months is driven by higher temperatures and the duration between significant rain events. Historically, the hotter the weather and the longer period between rain events drives up water usage.

The current population is estimated to be 5,664 (meter count 2,030 times persons per meter 2.79). Based on the current population and the 2021 maximum daily usage, the 2021 maximum daily demand calculates to be approximately 472 gallons per capita per day (gpcd). The City also has an additional 834 lots currently being developed. Projecting the maximum daily demand including the upcoming residential lots, the maximum daily water demand will be 3,771,752 gallons. This is in excess of the currently contracted supply.

We recommend that no additional lots be approved within the City of Parker’s CCN until the NTMWD supply contract can be completed and the Central Pump Station brought online. To complete the pump station will require the connection to the NTMWD 84-inch supply line, which will require approximately 30-60 days to schedule and complete.

We are available at your convenience to discuss our findings and recommendations.

Sincerely,

John W. Birkhoff, P.E.



## Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: City Council
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey for Parker Assistant Police Chief Kenny Price
Estimated Cost:	Date Prepared: February 13, 2023
Exhibits:	<ol style="list-style-type: none"> <li>1. <a href="#">2022 Parker PD Racial Profiling Report</a></li> <li>2. <a href="#">2022 Parker PD Annual Report</a></li> </ol>

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION, ACCEPTING THE 2022 RACIAL PROFILING REPORT AND THE 2022 PARKER PD ANNUAL REPORT.

### SUMMARY

Please review the attached 2022 Racial Profiling Report. By reporting this information to the City Council and the Texas Commission on Law Enforcement (TCOLE) this will fulfill the totality of our obligation as required by the Texas Code of Criminal Procedure and State House Bill 3389. Should City Council have any questions, suggestions or in need of any clarification, please contact Asst. Chief Kenny Price. Asst. Chief Price also included the 2022 Parker PD Annual Report for your review. This is the fourth year of a five-year annual report project to provide Council with a long-range statistical tool for identifying trends in police reported activity and to highlight yearly accomplishments.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Kenny Price</i>	Date:	02/16/2023
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/16/2023 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	02/17/2023

# Parker Police Department

## 2022 RACIAL PROFILING REPORT



February 2022

Parker Police Department

Kenneth Price

Assistant Chief of Police

In compliance with the Sandra Bland Act



# Introduction

## Message to the Parker City Council

February 15, 2023  
Parker City Council  
5700 East Parker Road  
Parker, Texas 75002

Honorable Mayor and Distinguished Members of the City Council,

The Texas Legislature, with the intent of addressing the issue of racial profiling, enacted in 2001, the Texas Racial Profiling Law. During the past year, the Parker Police Department, in accordance with the law, has collected and reported motor vehicle-related contact data for the purpose of identifying and addressing, if necessary, areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified, and additional requirements were implemented. Moreover, in 2017, the Sandra Bland Act was passed and signed into law (along with HB 3051 which introduced new racial and ethnic designations). The Sandra Bland Law requires that law enforcement agencies in the State collect additional data and provide a more detailed analysis. All these requirements have been met by the Parker Police Department and are included in this report.

This report contains three sections with information on motor vehicle-related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the way the Parker Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the Table of Contents in addition to the Texas senate Bill (SB1074); which later became the Texas Racial Profiling Law. Further, you will find the Texas HB 3389, which, in 2009, introduced new requirements relevant to racial profiling as well as the Sandra Bland Act. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by the Texas Commission on Law Enforcement (TCOLE) is included. In addition, you will find, in section 2 and 3 documentation which demonstrates compliance by the Parker Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel.

The last section of this report includes statistical data relevant to contacts, made during motor vehicle stops and in accordance with the law, between 01/01/2022 and 12/31/2022. In addition, this section contains the TCOLE Tier 2 form, which is required to be submitted to the governing body of this organization by March 1<sup>st</sup> of each year. The data in this report has been analyzed and compared to data derived from the U.S Census Quick Facts July 1, 2022. The final analysis and recommendations are also included in this report. The findings in this report serve as evidence of the Parker Police Department's commitment to comply with the Racial Profiling Law.

As Council is aware this report has been prepared by a vendor for the last several years. This document is the second report prepared by Department members since 2016. Please take the time to review the information contained in this report to ensure, in your opinion, that the City of Parker is meeting the spirit of the law intended to ensure the Parker Police Department is not engaged in racial profiling practices.

Sincerely,

Kenneth Price  
Assistant Chief of Police

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## Responding to the Law



# Public Education and Filing Compliments or Complaints

## **Informing the Public on the Process of Filing a Compliment or Complaint with the Parker Police Department**

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the way to file a compliment or racial profiling complaint. To comply with this particular component, the Parker Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area, at the municipal courts and on its web site, information relevant to filing a compliment or complaint on a racial profiling violation by a Parker Police officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes. It is believed that through these efforts, the community has been properly informed of the current policies and the complaint processes relevant to racial profiling.

All Parker Police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Parker Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Parker has been included in this report.

The satisfactory completion of the racial profiling training by the sworn personnel of the Parker Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.



# Racial Profiling Course Number 3256

# Racial Profiling



COURSE # 3256

APRIL 2021

# ABSTRACT

This instructor resource guide (IRG) is designed to provide the instructor with the learning objectives and teaching steps needed to construct a complete and effective lesson plan. By itself the IRG is not a lesson plan but is a guide for the instructor to build on and may be used as a student handout as well.

This IRG is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074. In 2001, the 77<sup>th</sup> Texas Legislature passed S.B. 1074 in an attempt to address racial profiling by law enforcement officers. On June 19, 2009, during the 81<sup>st</sup> Regular Session, House Bill 3389 was signed by the Governor of Texas and became effective on September 1, 2009. HB 3389 changed the racial profiling data collection and reporting requirements for Texas law enforcement agencies. Among other changes, HB 3389 required law enforcement agencies to: (1) alter their data collection procedures and methods beginning in 2010, and (2) report such data electronically to the Texas Commission on Law Enforcement (TCOLE) using a mandatory format defined by the department's Tier classification. In the 85<sup>th</sup> Texas Legislature, HB 2702 made further changes to the racial profiling data collection requirements and reporting. During the 85<sup>th</sup> legislative session in 2017, Senate Bill 1849 (the Sandra Bland Act) was signed into law. This act strengthened Texas' racial profiling law and ensured the Texas collections' robust, clear, and accurate. All of these bills are consolidated in statute in the Texas Code of Criminal Procedure Articles 2.131 through 2.138.

**Note to Trainers: It is the responsibility of the training coordinator to ensure this curriculum and its materials are kept up to date. Refer to curriculum and legal resources for changes in subject matter or laws relating to this topic as well as the Texas Commission on Law Enforcement website at [www.tcole.texas.gov](http://www.tcole.texas.gov) for edits due to course review.**

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Target Population: Licensed law enforcement personnel in Texas.

Student Prerequisites:

- None

Instructor Prerequisites:

- Certified TCOLE Instructor and documented knowledge/training in course subject matter OR
- Documented subject matter expert

Length of Course: 4 hours minimum

Equipment:

- None

Training Delivery Method(s):

- Online
- Instructor-led, classroom-based
- Instructor-led, virtual classroom

Method(s) of Instruction:

- Lecture
- Discussion
- Demonstration
- Practical exercise
- Scenarios

Facility Requirements:

- Standard classroom

Assessment: Assessment is required for completion of this course to ensure the student has a thorough comprehension of all learning objectives. Training providers are responsible for assessing and documenting student mastery of all objectives in this course.

In addition, the Commission highly recommends a variety of testing/assessment opportunities throughout the course which could include: oral or written testing, interaction with instructor and students, case study and scenario, and other means of testing student's application of the skills taught as the instructor or department deems appropriate.

Unless otherwise indicated, the minimum passing score shall be 70%.

Reference Materials:

- 77 Legislation (2001) SB 1074
- 81 Legislation (2009) HB 3389.
- 85 Legislation (2017) SB 1849
- Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001.
- TCOLE New Racial Profiling Format. Accessed April 2021. <<https://www.tcole.texas.gov/sites/default/files/documents/Full%20Reporting.pdf>>
- TCOLE Racial Profiling Report Procedures. Accessed April 2021. <<https://www.tcole.texas.gov/content/racial-profiling-reports>>
- Texas Code of Criminal Procedure
- Texas District & County Attorneys Association, Getting Evidence from Cars, 2018. Accessed August 2020. <<https://www.tdcaa.com/journal/getting-evidence-from-cars/>>
- Texas District & County Attorneys Association, V. Basis for Vehicle Stop-Legal Standard. Accessed August 2020. <<https://www.tdcaa.com/resources/dwi/jessica-fraziers-dwi-case-law/v-basis-for-vehicle-stop-legal-standard/>>
- Texas Transportation Code
- **Texas Chiefs of Police Association (TCPA), Texas Law Enforcement Agency Best Practices Program Standards Manual.** <https://www.texaspolicechiefs.org/getting-started-with-recognition>

# Racial Profiling

## Racial Profiling and The Law

**Learning Objective:** The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

**Learning Objective:** The student will be able to write the adopted department policy on racial profiling.

**Learning Objective:** The student will be able to explain Supreme Court decisions and other court decisions regarding traffic stops and prohibited racial profiling.

## Racial Profiling and The Community

**2.1** **Learning Objective:** The student will be able to explain the legal, ethical, and moral responsibilities against racial profiling.

**2.2** **Learning Objective:** The student will be able to identify logical and social arguments against racial profiling.

## Racial Profiling Versus Reasonable Suspicion

**3.1** **Learning Objective:** The student will be able to identify elements of typical racially motivated traffic stops.

**3.2** **Learning Objective:** The student will be able to list the elements of legal contact with drivers and occupants of vehicles.

**3.3** **Learning Objective:** The student will be able to describe the various basis for vehicle stops based on the legal standard.

**3.4** **Learning Objective:** The student will be able to list the valid searches and seizures without warrants.

## Racial Profiling

### UNIT 1. Racial Profiling and The Law

The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

**INSTRUCTOR NOTE:** Refer to Racial Profiling Requirements at Appendix A: Law Requirements.

<b>Code of Criminal Procedure</b>	
Art. 3.05	Racial Profiling.
Art. 2.131	Racial Profiling Prohibited.
Art. 2.132	Law Enforcement Policy on Racial Profiling.
Art. 2.133	Reports Required for Motor Vehicle Stops.
Art. 2.134	Compilation and Analysis of Information Collected.
Art. 2.136	Liability.
Art. 2.137	Provision of Funding or Equipment.
Art. 2.138	Rules.
Art. 2.1385	Civil Penalty.
<b>Education Code</b>	
Sec. 96.641 (a) (k)	Initial Training and Continuing Education for Police Chiefs and Command Staff.
<b>Occupations Code</b>	
Sec. 1701.253 (c) (h)	School Curriculum.
Sec. 1701.402 (e)	Proficiency Certificates.
<b>Transportation Code</b>	
Sec. 543.202 (a)	Form of Record.

The student will be able to write the adopted department policy on racial profiling.

- A. Written departmental policies
  1. Definition of what constitutes racial profiling
  2. Prohibition of racial profiling
  3. Complaint process
  4. Public education

5. Corrective action
  6. Collection of traffic-stop statistics
  7. Annual reports
- B. Not prima facie evidence
  - C. Feasibility of use of video equipment
  - D. Data does not identify officer
  - E. Copy of complaint-related video evidence to officer in question
  - F. Vehicle stop report
    1. Physical description of detainees: gender, race or ethnicity
    2. Alleged violation
    3. Consent to search
    4. Contraband
    5. Facts supporting probable cause
    6. Arrest
    7. Warning or citation issued
  - G. Compilation and analysis of data
  - H. Officer non-liability
  - I. Funding
  - J. Training in racial profiling
    1. Police chiefs
    2. All holders of intermediate certificate

**INSTRUCTOR NOTE:** Share, review, and discuss the following information with the students.

- Appendix B: Sample General Order (Texas Police Chiefs Association Best Practices)
- Appendix C: New [Racial Profiling Report Sample](#)
  - [Racial Profiling Report—Full report](#)

[Note: Please have students review the format and if their agency is currently capturing the new data points, please review their 2019 Racial Profiling Report. This new data is required to be collected for all traffic stops beginning January 1, 2021, and will be required for all future Racial Profiling reports. The new report can be found in their agency's TCLEDDS account.](#)

- [Review Appendix D: 2019 Racial Profiling Report sample](#)

— [TCOLE Racial Profiling Report Sample \(2019\)](#)

The student will be able to explain Supreme Court decisions and other court decisions regarding traffic stops and prohibited racial profiling.

Supreme court cases

- *Whren v. United States*, 517 U.S. 806, 116 S. Ct. 1769 (1996)
- *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868 (1968)

A. Other cases

- *Pennsylvania v. Mimms*, 434 U.S. 106, 98 S. Ct. 330 (1977)
- *Maryland v. Wilson*, 519 U.S. 408, 117 S. Ct. 882 (1997)
- *Graham v. State*, 119 Md. App 444, 705 A.2d 82 (1998)
- *Pryor v. State*, 122 Md. App. 671 (1997), cert. denied 352 Md. 312, 721 A.2d 990 (1998) (other citations omitted)
- *Ferris v. State*, 355 Md. 356, 735 A.2d 491 (1999)
- *New York v. Belton*, 453 U.S. 454 (1981)

Recent cases

- *Brendlin v. California*, 551 U.S. 249, 127 S. Ct. 2400 (2007)
- *Virginia v. Moore*, 553 U.S. 164, 128 S. Ct. 1598 (2008)
- *Arizona v. Johnson*, 555 U.S. 323, 129 S. Ct. 781 (2009)

**INSTRUCTOR NOTE:** Review select court decisions on traffic stops (Review rule, read facts, discuss issue, and Interpret conclusion.) You can find resource on [LexisNexis](#).

**UNIT 2. Racial Profiling and The Community**

**2.1** The student will be able to explain the legal, ethical, and moral responsibilities against racial profiling.

- Declaration of Independence
- Fourth Amendment
- U.S. Constitution Preamble
- Pledge of Allegiance

Texas Constitution (Article 1. Bill of Rights, Section 9. Search and Seizure)

- Holy Bible

## 2.2 The student will be able to identify logical and social arguments against racial profiling.

- A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer’s intuition etc.), but police work must stop short of cultural stereotyping and racism.
- B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly—the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole.
- C. Racial profiling is self-fulfilling bad logic: if you believe that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.
- D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile—a racially-based stop today can throw suspicion on tomorrow’s legitimate stop.
- E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds—it is a waste of law enforcement resources.

Racial profiling is wrong and will not be tolerated: Racial profiling sends the dehumanizing message to our citizens that they are judged by the color of their skin and harms the criminal justice system by eviscerating the trust necessary for law enforcement to effectively protect our communities.

Police cannot ascribe certain behavior traits to a person or a group merely on the basis of their race or ethnic background. If police action is taken, it must be because the person in question has violated a law, not because he or she is of a particular race, ethnicity, or gender. Police can only intervene on the basis of what people do, not on what they look like.

**SCENARIO:** A police officer parked on the side of a highway notices that nearly all vehicles are exceeding the posted speed limit. The officer’s attention is immediately drawn to an older SUV travelling slower than the other vehicles on the highway yet at the posted speed limit. Contained within this SUV are 4 young bearded Middle Eastern men each wearing a “Keffiyeh” (Arabic headdress). The officer initiates a traffic stop based on only a “feeling” as a pretext to further investigate. Would this situation be considered, “racial profiling?”

**INSTRUCTOR NOTE:** Student must articulate that in connection with an initiative to prevent terrorist activity, law enforcement authorities may not target members of any particular race or religion as suspects based on a generalized assumption that members of that race or religion are more likely than non-members to be involved in such activity.

**INSTRUCTOR NOTE:** Display one (or both) of the following TEDx Talks videos on YouTube as applicable.

- How Racial Profiling Hurts Everyone, Including the Police (10:37) [https://www.youtube.com/watch?v=LCX\\_Th-ljjE](https://www.youtube.com/watch?v=LCX_Th-ljjE)
- Policing the Bridge (8:32) <https://www.youtube.com/watch?v=lz7fva4OQzo>

### UNIT 3. Racial Profiling Versus Reasonable Suspicion

#### 3.1 The student will be able to identify elements of typical racially-motivated traffic stops.

##### A. Definition

Racial Profiling: a law enforcement-initiated action based solely on an individual's race, ethnicity, and/or national origin, rather than on the individual's behavior and/or information tending to identify the individual as having engaged in criminal activity.

##### B. Examples of racial profiling include, but are not limited to, the following:

1. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding, solely because of the cited driver's race, ethnicity, or national origin.
2. Stopping or detaining the driver of a vehicle solely based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
3. Stopping or detaining a person solely based on the determination that a person of that race, ethnicity, or national origin does not belong in a specific geographic area or a specific place.

##### C. A typical traffic stop resulting from racial profiling:

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
2. The driver and passengers are questioned about things that do not relate to the traffic violation
3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search—if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

#### 3.2 The student will be able to list the elements of legal contact with drivers and occupants of vehicles.

##### A. Voluntary encounter: no suspicion

##### B. Temporary detention "Terry Stop": **Reasonable suspicion required**

1. Theories for stop
  - a. Traffic Violations

- b. "Pretext" Stops
  - c. Community Caretaking
  - d. Citizen Calls
  - e. Roadblocks/checkpoints
2. Temporary detention options
- a. Detain individual for a reasonable period of time to satisfactorily account for his activity
  - b. Interview (No "Miranda Warning" is required)
  - c. Make reasonable investigative inquiries, i.e., request identity, reason for being in area, explanation of suspicious conduct
  - d. Seek consent for pat down or search
  - e. Transport detainee to possible crime scene
- C. Arrest: Probable cause required

Reasonable Suspicion ≠ Probable Cause

1. Reasonable Suspicion

- a. An officer can briefly detain an individual or make a traffic stop if there is reasonable suspicion a person committed a crime, is currently committing a crime, or plans to engage in criminal activity—based on certain facts or circumstances. Having a gut feeling or a hunch does not qualify as reasonable suspicion.
- b. There must be reasonable suspicion in any type of criminal case, including traffic offenses and driving while intoxicated (DWI). Examples of actions that may establish reasonable suspicion to stop someone for DWI who is driving include:
  - 1. weaving,
  - 2. frequent braking,
  - 3. drifting between lanes,
  - 4. driving without headlights at night
  - 5. following too closely (tailgating)
  - 6. slow response to traffic or officer's signals

2. Probable Cause

- a. An officer can make an arrest or conduct a search or seizure if probable cause is established. To prove probable cause, law enforcement must demonstrate there are

facts or evidence that would lead a reasonable person to believe that a crime has been committed, is being committed, or will be committed in the future.

- b. Making an illegal turn, having a taillight out and expired registration are probable cause reasons for a vehicle stop against the transportation code.

A higher standard is required to establish probable cause than reasonable suspicion. It cannot be shown based on an officer’s suspicions or guesses. It must be based on facts and hard evidence. In some cases, sufficient probable cause can develop after the police detain someone based on reasonable suspicion.

There are many ways that the police can establish probable cause to arrest an individual. Examples include smelling alcohol or drugs on them, seeing evidence, such as a gun, drugs, or stolen property, in plain view, or an admission of guilt.

**3.3** The student will be able to describe the various basis for vehicle stops based on the legal standard.

**A.** Officer’s Mistake of Fact/Law Will Not Make Stop Illegal

State v. Varley, No. 02-15-00076-CR, 2016 WL 4540491 (Tex. App. Fort Worth 2016)

Officer’s mistaken belief that defendant violated statute by driving with only one functioning brake light was reasonable. Because the mistake of law was “reasonable” it provided sufficient reasonable suspicion to justify the traffic stop.

**B.** Information from Citizen/Police Radio/Anonymous Call

Chrisman v. State, No. 06-16-00179-CR, 2017 Tex. App. LEXIS 2785, 2017 WL 2118968 (Tex. App. Texarkana 2017)

This stop was based solely on a 9-1-1 call from a bartender who stated an intoxicated person had just driven away from the bar after being denied service and who refused to take a cab. The defendant argued the stop was improper based on a conclusory statement made by the bartender. The court properly denied the defendant’s motion to suppress even if the statement from the bartender was conclusory it was sufficiently corroborated by other details. For example, when the bartender called 9-1-1, he gave his name, phone number and identified himself as the bartender at the establishment. The court found him to be reliable. Furthermore, the court found the information provided to the dispatcher by the bartender to be sufficiently corroborated by additional details from which the dispatcher could have surmised from the bartender.

**C.** Bad Driving/Conduct Need Not Equal Criminal Offense

Derichsweiler v. State, 348 S.W.3d 906 (Tex. Crim. App. 2011), S. Ct. cert. denied, Oct. 3, 2011.

The defendant was reported to be stopping next to vehicles in parking lots and staring at the occupants of those vehicles. That conduct resulted in a 9-1-1 call which ended with the detention and arrest of the defendant. The issue: was the defendant’s non-criminal behavior enough to justify an investigative stop without reasonable suspicion of

a particular offense? The Court said yes, pointing out there is no requirement to point to a particular offense, but rather reasonable suspicion he was about to engage in criminal activity.

D. "Community Care-Taking Function" (CCF)

Wright v. State, 7 S.W.3d 148 (Tex. Crim. App. 1999) ref'd on remand, 18 S.W.3d 245 (Tex. App. Austin 2000, pet. ref'd).

The case came to the Court of Criminal Appeals when the Austin Court of Appeals failed to apply the "community care-taking function" in holding the stop in this case to be unreasonable. The basis for the stop was the officer observed a passenger in the vehicle vomiting out of a car window. The Court of Appeals did not believe that concept covered a passenger's actions. The Court of Criminal Appeals held the exception could apply to these facts and listed four factors that are relevant in determining when community care-taking provides a sufficient basis for a traffic stop.

1. the nature and level of distress exhibited by the individual
2. the location of the individual
3. whether the individual was alone and/or had access to assistance independent of that offered by the officer; and
4. to what extent the individual—if not assisted-presented a danger to himself or others.

The court added that, "as part of his duty to 'serve and protect' a police officer may stop and assist an individual whom a reasonable person—given the totality of the circumstances—would believe is in need of help." The case was remanded back to the Court of Appeals which in 18 S.W.3d 245 (Tex. App. Austin 2000) applied the above mentioned factors and found the stop to be unreasonable. (INSTRUCTOR NOTE: Open this case and review with students the court's reasoning behind finding the stop unreasonable.) <https://caselaw.findlaw.com/tx-court-of-appeals/1495874.html>

E. Officer's Arrest Authority When Outside Jurisdiction

For A Traffic Offense:

1. Stops made before 9-01-05 = NO

State v. Kurtz, 152 S.W.3d 72 (Tex. Crim. App. 2004) An officer of a municipal police department does not have authority to stop a person for committing a traffic offense when the officer is in another city within the same county.

2. Stops made after 9-01-05 = YES

CCP Article 14.03 (g) (1). Authorizes a municipal police officer to make a warrantless arrest for a traffic offense that occurs anywhere in the county or counties in which the officer's municipality is located.

Note: This legislative change effectively overrules the Kurtz case listed above.

#### F. Operating Vehicle in Unsafe Condition

State v. Kloecker, 939 S.W.2d 209 (Tex. App. Houston [1st Dist.] 1997, no pet.)

Trial judge held there was insufficient basis for the stop. Court of Appeals reversed holding the officer observed the defendant was driving on a tireless metal wheel and knew this constituted the traffic offense of driving a vehicle on a highway in an unsafe condition.

#### G. Rapid Acceleration/Spinning Tires

1. YES. Fernandez v. State, 306 S.W.3d 354 (Tex. App. Fort Worth 2010, no pet.)

Officer heard defendant's pickup loudly squeal its tires and saw light smoke coming from the tires as the pickup fishtailed about two feet outside its lane of traffic supporting officer's opinion that what he observed constituted reckless driving and supported the stop. This was so although there were no vehicles directly around defendant's vehicle though there was testimony there were other vehicles in the area.

2. NO. State v. Guzman, 240 S.W.3d 362 (Tex. App. Austin 2007, pet. ref'd).

The spinning motion of one tire of defendant's truck as truck began to move from a stop after a traffic light turned green did not alone give police officer reasonable suspicion the defendant was unlawfully exhibiting acceleration in violation of statute pertaining to racing on highways, and thus officer's stop of defendant's vehicle on that basis was unlawful.

#### H. Approaching A Vehicle That is Already Stopped

Murray v. State, No. 07-13-00356-CR, 2015 WL 6937922 (Tex. App. Amarillo 2015)

At 1:00 a.m. officer saw Defendant's vehicle parked parallel to road, partially on improved road and partially in driveway next to closed fireworks stand which had been the location of a previous burglary. Officer parked behind vehicle and walked up to closed car window and knocked and yelled to get Defendant to wake up. Officer finally got defendant to awake and encounter led to arrest for DWI. In response to defense argument that this was an illegal stop, Court held this was a voluntary encounter. Even though officer testified the Defendant was not going to be allowed to leave once he approached the car this subjective intent regarding whether he could leave is only relevant when it is in some way communicated to the citizen, which was lacking in this case.

**INSTRUCTOR NOTE:** Resource: TDCAA Basis for Vehicle Stop-Legal Standard

<https://www.tdcaa.com/resources/dwi/jessica-fraziers-dwi-case-law/v-basis-for-vehicle-stop-legal-standard/>

**SCENARIO:** A homeowner in an exclusive small suburban neighborhood noticed a late model maroon Range Rover with an out of state vehicle registration. The vehicle was occupied by two Black males in their early 20's. The homeowner reported this Range Rover as suspicious activity to the local law enforcement agency. This neighborhood is predominately an established one and most of the neighbors know each other.

Fear of crime had created a deliberate neighborhood cooperative effort for assertive and proactive crime prevention with the local department. Residents had been encouraged to report even minor suspicious activity to law enforcement.

A nearby officer/deputy responded to this “suspicious” vehicle call and quickly encountered the maroon Range Rover. The officer/deputy did not observe any traffic or other law violations. Should the officer/deputy activate his overhead lights, detain, and identify the vehicle’s occupants to ease neighborhood concerns?

**INSTRUCTOR NOTE:** Discuss the below topics of interest:

- Student must be able to ascertain if a civilian’s report of suspicious activity creates a reason to detain and identify the Range Rover’s occupants? (Not necessarily. The deputy should consider the totality of all objectively reasonable observations. A civilian’s suspicion should not be ignored but neither is it a free reason to stop without just legal cause.)
- Student should be able to articulate if there was probable cause for a detention? (No. In in this case, no law was broken and unless the deputy sees articulable reasonable suspicions one cannot detain. See CCP [14.03](#).)
- Student should be able to answer does a traffic stop equate to a consensual and voluntary encounter? (In most cases, once overhead emergency lights and equipment are activated it’s not a voluntary nor consensual.)
- Student should be able to answer what could the responding officer/deputy do to ensure the requirements of a safe neighborhood and still safeguard the 4th amendment? (The responding officer/deputy could check the vehicle’s registration, video & photograph the vehicle, registration, and possibly occupants; the officer/deputy could maintain a high visibility patrol methodology and even make contact with the reporter to encourage successful, legal and continued crime suppression partnerships.)
- Although the maroon Range Rover is suspicious in its appearance, it’s not at the standard of CCP 14.03’s “reasonable suspicion.”

**3.4** The student will be able to list the valid searches and seizures without warrants.

- A. Search Incident to Arrest
- B. Consent Searches
- C. Border Searches
- D. Open Fields
- E. Plain View and Plain Feel
- F. Exigent Circumstances
- G. Inventory Searches
- H. Automobile Exception

**INSTRUCTOR NOTE:** Review with students the information provided by the Legal Information Institute <https://www.law.cornell.edu/constitution-conan/amendment-4/valid-searches-and-seizures-without-warrants>

Copied from TCOLE website on 01/10/202



## Reports on Compliments and Racial Profiling Complaints

### Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/2022 - 12/31/2022, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

X

A X above indicates that the Parker Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/2022 - 12/31/2022.

### **Complaints Filed for Possible Violations of The Texas Racial Profiling Law**

Complaint Number	Alleged Violation	Disposition of the Case

Additional Comments:



## Tier 2 Data (Includes Tables)

TOTAL STOPS: 2234

STREET ADDRESS OR APPROXIMATE  
LOCATION OF STOP.

City Street	1260
US Highway	0
County Road	0
State Highway	974
Private Property	0

WAS RACE OR ETHNICITY KNOWN PRIORTO STOP?

Yes	10
No	2224

RACE OR ETHNICITY

Alaska Native/American Indian	6
Asian/Pacific Islander	568
Black	316
White	951
Hispanic/Latino	393

GENDER

**Female Total: 837**

Alaska Native/American Indian	3
Asian/Pacific Islander	183
Black	108
White	420
Hispanic/Latino	123

**Male Total: 1397**

Alaska Native/American Indian	3
Asian/Pacific Islander	385
Black	208
White	531
Hispanic/Latino	270

REASON FOR STOP?

Violation of Law Total: 31

Alaska Native/American Indian	0
Asian/Pacific Islander	9
Black	3
White	16
Hispanic/Latino	3

Pre-existing Knowledge Total: 6

Alaska Native/American Indian	1
Asian/Pacific Islander	2
Black	1
White	1
Hispanic/Latino	1

Moving Traffic Violation Total: 1971

Alaska Native/American Indian	5
Asian/Pacific Islander	494
Black	277
White	850
Hispanic/Latino	345

Vehicle Traffic Violation Total: 226

Alaska Native/American Indian	1
Asian/Pacific Islander	63
Black	34
White	74
Hispanic/Latino	44

Was Search Conducted?                      Yes              No

Alaska Native/American Indian	0	6
Asian/Pacific Islander	4	564
Black	6	310
White	7	944
Hispanic/Latino	7	386
TOTAL	24	2210

Reason for Search?

Consent Total: 6

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	1
White	1
Hispanic/Latino	3

Contraband (in plain view) Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Probable Cause Total: 15

Alaska Native/American Indian	0
Asian/Pacific Islander	2
Black	5
White	4
Hispanic/Latino	4

Inventory Search Total: 2

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	0
White	1
Hispanic/Latino	0

Incident to arrest Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	1
Hispanic/Latino	0

Was Contraband Discovered?                      Yes      No

Alaska Native/American Indian	0	0
Asian/Pacific Islander	2	2
Black	4	2
White	4	3
Hispanic/Latino	4	<b>3</b>
TOTAL	14	10

Did the finding result in arrest (total should equal previous Yes column)?

Yes      No

Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	2
Black	0	4
White	2	2
Hispanic/Latino	0	4
TOTAL	2	12

Description of Contraband

Drugs Total: 12

Alaska Native/American Indian	0
Asian/Pacific Islander	2
Black	4
White	3
Hispanic/Latino	3

Weapons Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Currency Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Alcohol Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	1
Hispanic/Latino	0

Stolen Property Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Other Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	1

Result of Stop

Verbal Warning Total: 35

Alaska Native/American Indian	0
Asian/Pacific Islander	6
Black	4
White	20
Hispanic/Latino	5

Written Warning Total: 1112

Alaska Native/American Indian	3
Asian/Pacific Islander	292
Black	168
White	516
Hispanic/Latino	133

Citation Total: 1078

Alaska Native/American Indian	3
Asian/Pacific Islander	269
Black	144
White	410
Hispanic/Latino	252

Written Warning and Arrest Total: 2

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	1
Hispanic/Latino	1

Citation and Arrest Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Arrest Total: 7

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	0
White	4
Hispanic/Latino	2

Arrest Based On

Violation of Penal Code Total: 5

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	0
White	2
Hispanic/Latino	2

Violation of Traffic Law Total: 2

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	2
Hispanic/Latino	0

Violation of City Ordinance Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Outstanding Warrant Total: 2

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	1
Hispanic/Latino	1

Was physical force resulting in bodily injury used during stop?

Yes Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	1

Resulting in Bodily Injury to:

Suspect	0
Officer	0
Both	0

No Total: 2233

Alaska Native/American Indian	6
Asian/Pacific Islander	568
Black	316
White	951
Hispanic/Latino	392

Number of complaints of racial profiling: 0

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Comparative Analysis:

Use TCOLE's auto generated analysis	X
Use Department's submitted analysis	

Submitted electronically to the



The Texas Commission on Law Enforcement



# **Analysis, Interpretation of Data and Comparative Analysis**

## Analysis, Interpretation of Data and Comparative Analysis

### Background

In 2001, the Texas legislature passed Senate Bill 1074 which became the Texas Racial Profiling Law. This law came into effect on January 1, 2002, and required all police departments in Texas, to collect traffic-related data and report this information to their local governing authority by March 1st of each year. In 2009, the racial profiling law was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued, or arrest made. In addition, the modification to the law further requires that all police officers indicate whether they knew the race or ethnicity of individuals before detaining them. Further, it was required that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year. The purpose in collecting and disclosing this information is to determine if police officers in a particular municipality are engaging in the practice of racially profiling minority motorists.

The Texas Racial Profiling Law also requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if individual police officers are engaging in racial profiling, from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

As referenced earlier, in 2009, the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These changes included, but were not limited to, the re-definition of a contact to include motor vehicles where a citation was issued, or an arrest made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the 2009 law required adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year.

In 2017, the Texas Legislators passed H.B. 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that met the police. In addition, the Sandra Bland Act (S.B. 1849) was passed and became law. Thus, the most significant legislative mandate (Sandra Bland Act) in Texas history regarding data requirements on law enforcement contacts, became law and took effect on January 1, 2018. The Sandra Bland Act not only currently requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

1. A comparative analysis of the information compiled (under Article 2.133):
  - a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities.
  - b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including

- any searches resulting from stops within the applicable jurisdiction.
  - c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.
2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

**Analysis and Interpretation of Data**

In 2022 the Parker Police Department contacted 2234 vehicles that required Tier 2 reporting in the Texas Racial Profiling/Sandra Bland Law. In 99.55% of these stops, the officer did not know the race of the violator prior to the stop. Additionally, of these 2234 stops only 44 or 1.07% resulted in a search of the violator’s vehicle. Of these searches, Whites were 29.17%, Hispanic/Latino were 29.17%, Blacks were 25.00% and Asian/Pacific Islander were 16.67%. This data indicates that Parker Police Officers are following Department policy and the Texas Racial Profiling/Sandra Bland Act Law.

There is no question that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have had an encounter with the Parker Police Department in 2022 but live outside the city limits. In some cases, the percentage of the population that encounters the police but live outside the city limits represents a substantial volume of all motor vehicle-related contacts made each year. The City of Parker estimated population is 5,833 (QuickFacts July 1, 2021) and of the 2234 vehicle stops reported in 2022, 93.11% of those contacted were non-residents of the City of Parker.

When analyzing the enhanced and more detailed Tier 2 data collected in 2021, it was evident that most motor vehicle-related contacts were made with Whites (44.63%), followed by Asian/Pacific Islander (21.9%), then Hispanic/Latino (19.69%), then Blacks (13.64%) and Alaskan/Native American/Indian (0.10%). There is a significant disparity in Asian number compared to the Fair Roads Standard percentage (5%) but the Asian percentage is more in line with the Collin County population percentage (16.3%) and the City of Parker percentage of (15.8%).

The dispositions or results of these stops remain consistent across the racial make-up of the contacts and less the 1% of all contacts resulted in arrests. Hispanic/Latino received a higher percentage of citations rather than a written warning. Less than one percent (0.70%) of all stops resulted in a search. A total of 14 searches makes it difficult to determine pattern but the percentage of each category of race remains somewhat consistent with the overall makeup of the race in total stops by the Parker Police Department.

**Audits**

The most recent Texas racial Profiling Law required that police department perform data audits to validate the data being reported. Consistent with this requirement, the Parker Police Department performs these audits from March 2022, until January 2023. Once starting with this process, these audits were performed on a monthly basis for 2022. As shown in Tables below, the audits performed have shown that the data is valid and reliable. In 2023, we will continue to conduct monthly audits of the data to ensure the validity and reliability of the data is maintained.

Table 1. Motor Vehicle Contacts Including Tickets, Citations and Warnings.  
(1/1/2022 - 12/31/2022)

Race/Ethnicity	All Motor Vehicle Contacts		Tickets or Citations*		Verbal Warnings		Written Warnings	
	N	%	N	%	N	%	N	%
Alaska Native or American Indian	6	0.27%	3	0.28%	0	0.00%	3	0.27%
Asia or Pacific Islander	568	25.43%	269	24.95%	6	17.14%	292	26.26%
Black	316	14.15%	144	13.36%	4	11.43%	168	15.11%
White	951	42.57%	410	38.03%	20	57.14%	516	46.40%
Hispanic or Latino	393	17.59%	252	23.38%	5	14.29%	133	11.96%
<b>TOTAL</b>	<b>2234</b>	<b>100%</b>	<b>1078</b>	<b>100%</b>	<b>35</b>	<b>100%</b>	<b>1112</b>	<b>100%</b>

\*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N" represents "number" of all motor vehicle-related contacts

\*\*Race/Ethnicity is defined by HB 3051.

Table 2. Motor Vehicle Searches and Arrests. (1/1/2022 - 12/31/2022)

Race/Ethnicity**	Searches		Consensual Searches		Custody Arrests	
	N	%	N	%	N	%
Alaska Native or American Indian	0	0.00%	0	0.00%	0	0.00%
Asia or Pacific Islander	4	16.67%	1	16.67%	2	28.57%
Black	6	25.00%	1	16.67%	3	42.86%
White	7	29.17%	1	16.67%	1	14.29%
Hispanic or Latino	7	29.17%	3	50.00%	1	14.29%
<b>TOTAL</b>	<b>24</b>	<b>100%</b>	<b>6</b>	<b>100%</b>	<b>7</b>	<b>100%</b>

\*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N" represents "number" of all motor vehicle-related contacts

\*\*Race/Ethnicity is defined by HB 3051.

Table 3. Instances Where Peace Offices Used Physical Force that Resulted in Bodily Injury (1/1/2022 - 12/31 /2022)

Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury	Location of Stop	Reason for Stop
1	City Street	Moving Traffic Violation

Table 4. Instances Where Use of Force Was Used Which Caused Bodily Injury During a Motor Vehicle Contact. (1/1/2022 - 12/31/2022)

Race/Ethnicity**	Use of Force Causing Bodily Injury	
	N	%
Alaska Native or American Indian	0	0.00%
Asia or Pacific Islander	0	0.00%
Black	0	0.00%
White	0	0.00%
Hispanic or Latino	1	100.00%
<b>TOTAL</b>	<b>1</b>	<b>100.00%</b>

\*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N" represents "number" of all motor vehicle-related contacts

\*\*Race/Ethnicity is defined by HB 3051.

Table 5. Search Data (1/1 /2022 - 12/31/2022)

Race/Ethnicity**	Searches		Contraband/ Evidence Found		Contraband/ Evidence Not Found		Arrests	
	N	%	N	%	N	%	N	%
Alaska Native or American Indian	0	0%	0	0.00%	0	0.00%	0	0.00%
Asian or Pacific Islander	4	16.67%	2	14.29%	2	20.00%	0	0.00%
Black	6	25.00%	4	28.57%	2	20.00%	0	0.00%
White	7	29.17%	4	28.57%	3	30.00%	2	100.00%
Hispanic or Latino	7	29.17%	4	28.57%	3	30.00%	0	0.00%
<b>TOTAL</b>	<b>24</b>	<b>100%</b>	<b>14</b>	<b>100%</b>	<b>10</b>	<b>100%</b>	<b>2</b>	<b>100%</b>

\*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N" represents "number" of all motor vehicle-related contacts

\*\*Race/Ethnicity is defined by HB 3051.

Table 6. Reason for Arrests Resulting from a Motor Vehicle Contact. (1/1 /2022 - 12/31/2022)

Race/Ethnicity**	All Motor Vehicle Contacts		Violation of Penal Code*		Violation of Traffic Law		Outstanding Warrant	
	N	%	N	%	N	%	N	%
Alaska Native or American Indian	6	0.27%	0	0.00%	0	0.00%	0	0.00%
Asia or Pacific Islander	568	25.43%	1	20.00%	0	0.00%	0	0.00%
Black	316	14.15%	0	0.00%	0	0.00%	0	0.00%
White	951	42.57%	2	40.00%	0	0.00%	1	50.00%
Hispanic or Latino	393	17.59%	2	40.00%	2	100.00%	1	50.00%
<b>TOTAL</b>	<b>2234</b>	<b>100%</b>	<b>5</b>	<b>100%</b>	<b>2</b>	<b>100%</b>	<b>3</b>	<b>100%</b>

\*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N" represents "number" of all motor vehicle-related contacts

\*\*Race/Ethnicity is defined by HB 3051.

**Table 7. Report on Audits.**

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/2022 - 12/31/2022.

**Data Audits on Racial Profiling Data**

Number of Data Audits Completed	Date of Completion	Outcome of Audit
2	March 2022	Data reviewed is valid and reliable.
1	April 2022	Data reviewed is valid and reliable.
1	May 2022	Data reviewed is valid and reliable.
1	June 2022	Data reviewed is valid and reliable.
1	July 2022	Data reviewed is valid and reliable.
1	August 2022	Data reviewed is valid and reliable.
1	September 2022	Data reviewed is valid and reliable.
2	November 2022	Data reviewed is valid and reliable.
1	December 2022	Data reviewed is valid and reliable.
1	January 2023	Data reviewed is valid and reliable.

<b>Additional Comments:</b>
Corrections to data found and corrected on monthly basis and Audit letters for those are attached below.
During this period, monthly video reviews were conducted, and no cases of racial profiling were discovered

March 1, 2022

Racial Profiling File  
Parker Police Department  
5700 E. Parker Road  
Parker, TX 75002

**RE: JANUARY DATA AUDIT**

File,

The January data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period, leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and inaccurate data was noted in the classification of "Street Address". We discovered that the report showed 1 stop classified as "US Highway". When we corrected the entry, the report still showed 1. We worked with Murphy PD and ICS to get the error corrected, it took a while. ICS has committed to fixing the data issue that was discovered due to this error. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collections mechanisms in order to assure accuracy with regards to the racial profiling data. If any questions arise, please reach out to me so that I can elaborate on the points made in this audit.

Sincerely,

Richard Brooks  
Chief of Police

March 10, 2022

Racial Profiling File  
Parker Police Department  
5700 E. Parker Road  
Parker, TX 75002

**RE: FEBRUARY DATA AUDIT**

File,

The February data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period, leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and inaccurate data was noted in the classification of "Street Address". We discovered that the report showed 1 stop classified as "County Road". ICS was contacted and corrected the issue the same day. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collections mechanisms to assure accuracy with regards to the racial profiling data. If any questions arise, please reach out to me so that I can elaborate on the points made in this audit.

Sincerely,

Richard Brooks  
Chief of Police

April 18, 2022

Racial Profiling File  
Parker Police Department  
5700 E. Parker Road  
Parker, TX 75002

**RE: MARCH DATA AUDIT**

File,

The March data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period, leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and inaccurate data was noted in the classification of "Street Address". We discovered that the report showed 1 stop classified as "County Road" and 2 stops classified as "US Highway". ICS was contacted to identify the stops and they were correct. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collections mechanisms to assure accuracy with regards to the racial profiling data. If any questions arise, please reach out to me so that I can elaborate on the points made in this audit.

Sincerely,

Richard Brooks  
Chief of Police

May 12, 2022

Racial Profiling File  
Parker Police Department  
5700 E. Parker Road  
Parker, TX 75002

**RE: APRIL DATA AUDIT**

File,

The April data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period, leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and was accurate. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collections mechanisms to assure accuracy with regards to the racial profiling data. If any questions arise, please reach out to me so that I can elaborate on the points made in this audit.

Sincerely,

Richard Brooks  
Chief of Police

June 29, 2022

Racial Profiling File  
Parker Police Department  
5700 E. Parker Road  
Parker, TX 75002

**RE: MAY DATA AUDIT**

File,

The May data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period, leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period had one correction concerning classification of streets. The error was corrected by the issuing officer. Video reviews were also conducted for this period, they were late as training and scheduling conflicts prevented the timely review, and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collections mechanisms to assure accuracy with regards to the racial profiling data. If any questions arise, please reach out to me so that I can elaborate on the points made in this audit.

Sincerely,

Richard Brooks  
Chief of Police

July 20, 2022

Racial Profiling File  
Parker Police Department  
5700 E. Parker Road  
Parker, TX 75002

**RE: JUNE DATA AUDIT**

File,

The June data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period, leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period had one correction concerning missing racial profiling data. The call was reclassified from a Traffic Stop to a Welfare Concern by the officer and ICS Cares. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collections mechanisms to assure accuracy with regards to the racial profiling data. If any questions arise, please reach out to me so that I can elaborate on the points made in this audit.

Sincerely,

Richard Brooks  
Chief of Police

August 19, 2022

Racial Profiling File  
Parker Police Department  
5700 E. Parker Road  
Parker, TX 75002

**RE: JULY DATA AUDIT**

File,

The July data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period, leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period had one correction concerning missing racial profiling data. The call was reclassified from a Traffic Stop to a Traffic Hazard by the officer and Murphy Dispatch. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collections mechanisms to assure accuracy with regards to the racial profiling data. If any questions arise, please reach out to me so that I can elaborate on the points made in this audit.

Sincerely,

Richard Brooks  
Chief of Police

September 23, 2022

Racial Profiling File  
Parker Police Department  
5700 E. Parker Road  
Parker, TX 75002

**RE: AUGUST DATA AUDIT**

File,

The August data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period, leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period had four corrections concerning missing racial profiling data. I attached an email sent to staff that explains the issue. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collections mechanisms to assure accuracy with regards to the racial profiling data. If any questions arise, please reach out to me so that I can elaborate on the points made in this audit.

Sincerely,

Richard Brooks  
Chief of Police

November 1, 2022

Racial Profiling File  
Parker Police Department  
5700 E. Parker Road  
Parker, TX 75002

**RE: SEPTEMBER DATA AUDIT**

File,

The September data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period, leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and had three corrections concerning missing racial profiling data and one street was improperly designated, we also had 5 listed as "Use of Force Resulting in Injury" and those were researched and corrected. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collections mechanisms to assure accuracy with regards to the racial profiling data. If any questions arise, please reach out to me so that I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price  
Assistant Chief of Police

November 1, 2022

Racial Profiling File  
Parker Police Department  
5700 E. Parker Road  
Parker, TX 75002

**RE: OCTOBER DATA AUDIT**

File,

The data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period, leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and had 2 corrections concerning missing Racial Profiling data, and those were researched, found to be traffic enforcement designations and not actual stops, and corrected. Additionally, 2 stop location designations were found to be inaccurately labeled and corrected. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collections mechanisms in order to assure accuracy with regards to the racial profiling data. If any questions arise, please reach out to me so that I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price  
Assistant Chief of Police

December 2, 2022

Racial Profiling File  
Parker Police Department  
5700 E. Parker Road  
Parker, TX 75002

**RE: NOVEMBER DATA AUDIT**

File,

The data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period, leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and had 3 corrections concerning missing Racial Profiling data, and those were researched, found to be traffic enforcement designations and not actual stops, and 1 search PC search not labeled, and all was corrected. Video reviews were also conducted for this period and no incidents of racial profiling were discovered. A potential policy violation was noted, but after researching, no violation was found to have occurred.

The Department will continue to monitor our data collections mechanisms in order to assure accuracy with regards to the racial profiling data. If any questions arise, please reach out to me so that I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price  
Assistant Chief of Police

January 10, 2022

Racial Profiling File  
Parker Police Department  
5700 E. Parker Road  
Parker, TX 75002

**RE: DECEMBER DATA AUDIT**

File,

The data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period, leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and had no missing Racial Profiling data. Video reviews were also conducted for this period and no incidents of racial profiling were discovered. There was 1 reviewed video in which an officers body cam did not activate with the in-car due to a failure to sync and was activated as soon as officer noticed, equipment checked and appears to be working properly and no policy violation noted in that event.

The Department will continue to monitor our data collections mechanisms in order to assure accuracy with regards to the racial profiling data. If any questions arise, please reach out to me so that I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price  
Assistant Chief of Police



## Summary of Findings

## Summary of Findings

The comprehensive analysis of the data included in this report demonstrates that the Parker Police Department has complied with the Texas Racial Profiling Law and all its requirements. Further, this report demonstrates that the Parker Police Department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a complement or complaint, commissions/performs monthly audits to ensure validity and reliability, collects and performs the analysis of Tier 2 data, and ensures that the practice of racial profiling is not tolerated. I am very proud of the men and women of the Parker Police Department in their commitment to excellent customer service and embracing the tenets of the Racial Profiling Law.

With the departure of Chief Brooks during this review period, I assumed the role of Racial Profiling Law compliance. In my review of the Department's activities as it relates to racial profiling compliance, I found two (2) issues that should be noted.

1. Officers were performing stationary radar duties and in doing so they were marking themselves out on a "Traffic Enforcement" designation to document their activity, however, when checking out on traffic stops, some of the racial profiling data would be categorized in both the "Traffic Enforcement" and the "Traffic Stop" designation, thus creating missing data. This has been corrected by the officers using the designation of "Community Oriented Policing". After making this change and reviewing the racial profiling reports, this has made a significant impact on reporting errors.
2. We had an organization change during this time and we have conducted the required reviews and are current as of the writing of this report. The reviews have been assigned to the two patrol sergeants and will be monitored monthly as a part the monthly racial profiling audits I will be conducting in 2023.

I am proud to report that the Parker Police Department has not received a single complaint concerning the 2234 traffic contacts documented in this report. The men and women of the Parker Police Department are to be commended for their hard work and dedication to providing professional police service to all those who travel through our city.



# Checklist

## Checklist

The following requirements were met by the Parker Police Department in accordance with the Texas Racial Profiling Law:

- ✓ Implement a Racial Profiling Policy citing act or action that constitute racial profiling
- ✓ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Parker Police Department from engaging in racial profiling.
- ✓ Implement a process by which an individual may file a complaint regarding racial profiling.
- ✓ Provide public education related to the compliment or complaint process.
- ✓ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling law.
- ✓ Collect, report, and analyze motor vehicle Tier 2 Data.
- ✓ Commission Data Audits and Search Analysis.
- ✓ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ✓ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2023.
- ✓ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.



# Legislative and Administrative Addendum



# TCOLE Guidelines

# TCOLE GUIDELINES

## Guidelines for Compiling and Reporting Data under Senate Bill 1074

### Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of what must be accomplished by an agency but allows wide latitude in determining how the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The standard statement is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

### Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

## Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “ agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

## Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person’s race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer’s best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

## Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting

requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;

- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops

including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

#### Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint, and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the preceding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.



# Texas Law on Racial Profiling

# The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling. Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

- (1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.
- (2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.
- (b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:
  - (1) clearly define acts constituting racial profiling;
  - (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
  - (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
  - (4) provide public education relating to the agency's complaint process;
  - (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
  - (6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:
    - (A) the race or ethnicity of the individual detained; and
    - (B) whether a search was conducted and, if so, whether the person detained consented to the search; and
  - (7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.
- (c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.
- (d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law

enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

- (e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).
- (f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

- (1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).
- (2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.
- (b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:
  - (1) a physical description of each person detained as a result of the stop, including: (A) the person's gender; and
  - (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
  - (2) the traffic law or ordinance alleged to have been violated or the suspected offense; (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
  - (4) whether any contraband was discovered in the course of the search and the type of contraband discovered;
  - (5) whether probable cause to search existed and the facts supporting the existence of that probable cause;
  - (6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
  - (7) the street address or approximate location of the stop; and
  - (8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

## Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

- (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.
- (b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.
- (c) A report required under Subsection (b) must include:
  - (1) a comparative analysis of the information compiled under Article 2.133 to:
    - (A) determine the prevalence of racial profiling by peace officers employed by the agency; and (B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and
  - (2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
- (d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).
- (e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.
- (f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

- (1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:
  - (A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and
  - (B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or
- (2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or

video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

- (b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint
- (c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

- (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:
  - (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
  - (2) smaller jurisdictions; and
  - (3) municipal and county law enforcement agencies.
- (b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.
- (c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.
- (d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

- (j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:
  - (1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;
  - (2) implementing laws and internal agency policies relating to preventing racial profiling;
    - and
  - (3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

- (e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

- (d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

- (b) The record must be made on a form or by a data processing method acceptable to the department and must include:
  - (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
  - (2) the registration number of the vehicle involved;
  - (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;
  - (4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

- (5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;
- (6) whether a search of the vehicle was conducted and whether consent for the search was obtained;
- (7) the plea, the judgment, and whether bail was forfeited;
- (8) the date of conviction; and
- (9) the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

- (1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and
- (2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001

President of the Senate Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference

Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor



## Modifications to the Original Law

## Modifications to the Original Law (H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

- (1) Strike the following SECTIONS of the bill:
  - (A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);
  - (B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);
  - (C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);
  - (D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).
- (2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsection (g) to read as follows:
  - (a) In this article:
    - (1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle[traffic] stops in the routine performance of the officers' official duties.
    - (2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
    - (3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, [or] Native American, or Middle Eastern descent.
  - (b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling.
 

The policy must:

    - (1) clearly define acts constituting racial profiling;
    - (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
    - (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
    - (4) provide public education relating to the agency's complaint process;
    - (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
  - (6) require collection of information relating to motor vehicle [traffic] stops in which a citation is issued and to arrests made as a result of [resulting from] those [traffic] stops, including information relating to:

- (A) the race or ethnicity of the individual detained; and
- (B) whether a search was conducted and, if so, whether the individual [person] detained consented to the search; and
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit [to the governing body of each county or municipality served by the agency] an annual report of the information collected under Subdivision (6) to:
  - (A) the Commission on Law Enforcement Officer Standards and Education; and
  - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.
- (d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle [traffic] stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle [traffic] stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.
- (e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle [traffic] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).
- (g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE [TRAFFIC AND PEDESTRIAN] STOPS. (a) In

this article, "race[:

- (1) "Race] or ethnicity" has the meaning assigned by Article 2.132(a).
- (2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.
- (b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance [regulating traffic or who stops a pedestrian for any suspected offense] shall report to the law enforcement agency that employs the officer information relating to the stop, including:
  - (1) a physical description of any [each] person operating the motor vehicle who is detained as a result of the stop, including:

- (A) the person's gender; and
- (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
- (2) the initial reason for the stop [traffic law or ordinance alleged to have been violated or the suspected offense];
- (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- (4) whether any contraband or other evidence was discovered in the course of the search and a description [the type] of the contraband or evidence [discovered];
- (5) the reason for the search, including whether:
  - (A) any contraband or other evidence was in plain view;
  - (B) any probable cause or reasonable suspicion existed to perform the search; or
  - (C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle [existed and the facts supporting the existence of that probable cause];
- (6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
- (7) the street address or approximate location of the stop; and
- (8) whether the officer issued a written warning or a citation as a result of the stop[, including a description of the warning or a statement of the violation charged].

SECTION. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

- (a) In this article:
  - (1) "Motor vehicle" [pedestrian] stop" has the meaning assigned by Article 2.132(a) [means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].
  - (2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).
- (b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each [local] law enforcement agency shall submit a report containing the incident-based data [information] compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency [in a manner approved by the agency].
- (c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

- (1) a comparative analysis of the information compiled under Article 2.133 to:
  - (A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities [determine the prevalence of racial profiling by peace officers employed by the agency]; and
  - (B) examine the disposition of motor vehicle [traffic and pedestrian] stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from [the] stops within the applicable jurisdiction; and
- (2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
- (d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle [traffic or pedestrian] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).
- (e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.
- (g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

- (1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:
  - (A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle [traffic and pedestrian] stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle [traffic and pedestrian] stops is equipped with transmitter-activated equipment; and
  - (B) each motor vehicle [traffic and pedestrian] stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or
- (2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

- (b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle [traffic and pedestrian] stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle [traffic or pedestrian] stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.
- (c) This article does not affect the collection or reporting requirements under Article 2.132. (d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a). SECTION. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

- (b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.
- (c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO

CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that: (1) involves the operation of a motor vehicle; and

- (2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.
- (b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.
- (c) In this article, a person is considered convicted if:
  - (1) a sentence is imposed on the person;
  - (2) the person receives community supervision, including deferred adjudication; or (3) the court defers final disposition of the person's case.
- (d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.
- (e) The custodian of a county or municipal treasury shall:
  - (1) keep records of the amount of funds on deposit collected under this article; and
  - (2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

- (f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).
- (g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.
- (h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.
- (i) Funds collected under this article are subject to audit by the comptroller.

SECTION. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT:

CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) \$50 [\$5]; [and]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167),

Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT:

CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
  - (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
  - (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
  - (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
  - (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [\$5]; [and]
  - (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
  - (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.
- (b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section. SECTION . Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT:

CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;

- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; [and]
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT:

CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; [and]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW

ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident- based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement

Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

- (a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:
  - (1) this chapter;
  - (2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or
  - (3) a commission rule.

SECTION. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

- (b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.



## Racial and Ethnic Designations

# Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

- (3) "Race or ethnicity" means the following categories:
  - (A) Alaska native or American Indian;
  - (B) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander; (C) black;
  - (D) white; and
  - (E) Hispanic or Latino [, Native American, or Middle Eastern descent].

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

- (a) In this section, "race or ethnicity" means the following categories: (1) Alaska native or American Indian;
  - (2) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander; (3) black;
  - (4) white; and
  - (5) Hispanic or Latino [, or Native American descent].
- SECTION 3. This Act takes effect September 1, 2017.

President of the Senate Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED:

Date Governor



## The Sandra Bland Act

# The Sandra Bland Act (S.B. 1849)

## S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

### ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

### ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision (2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

- (A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and
- (B) provide to the magistrate a written assessment of the information collected under Paragraph
- (2) The magistrate is not required to order the collection of information under Subdivision (1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision (1). A court that elects to use the results of that previous determination may proceed under Subsection (c).
- (3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days.

The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

- (1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];
- (2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and
- (3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b)

or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

- (1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;
  - (2) resume or initiate competency proceedings, if required, as provided by Chapter 46B or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or
  - (3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.
- (d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE

ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

- (1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;
  - (2) it is reasonable to divert the person;
  - (3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and
  - (4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.
- (b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY

COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

- (1) establishing [a] new collaboratives; or
  - (2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].
- (b) The department shall require each entity awarded a grant under this section to:
- (1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

- (2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and
- (3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES.

- (a) The governing body of a county shall develop and make public a plan detailing:
  - (1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;
  - (2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and
  - (3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.
- (b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).
- (c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

- (b) A magistrate shall release a defendant on personal bond unless good cause is shown otherwise if the:
  - (1) defendant is not charged with and has not been previously convicted of a violent offense;

- (2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];
- (3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

  - (A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and
  - (B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

- (4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.
- (c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:
  - (1) mental illness or intellectual disability [mental retardation] is chronic in nature; or
  - (2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,] at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

- (a) The commission shall:
- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
  - (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
  - (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
  - (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
  - (5) revise, amend, or change rules and procedures if necessary;
  - (6) provide to local government officials consultation on and technical assistance for county jails;
  - (7) review and comment on plans for the construction and major modification or renovation of county jails;
  - (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
  - (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;
  - (10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
  - (11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
  - (12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
  - (13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;
  - (14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;
  - (15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;

- (16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:
  - (A) common issues concerning jail administration;
  - (B) examples of successful strategies for maintaining compliance with state law and the rules, standards, and procedures of the commission; and
  - (C) solutions to operational challenges for jails;
- (17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;
- (18) adopt reasonable rules and procedures establishing minimum requirements for jails to:
  - (A) determine if a prisoner is pregnant; and
  - (B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;
- (19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]
- (20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;
- (21) [(20)] require the sheriff of each county to:
  - (A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and
  - (B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;
- (22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:
  - (A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and
  - (B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and
- (23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

- (A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;
- (B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and
- (C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read as follows:

- (d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

- (b) The prisoner safety fund consists of:
  - (1) appropriations of money to the fund by the legislature; and
  - (2) gifts, grants, including grants from the federal government, and other donations received for the fund.
- (c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).
- (d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

- (1) a suicide;
- (2) an attempted suicide;
- (3) a death;
- (4) a serious bodily injury, as that term is defined by Section 1.07, Penal Code;

- (5) an assault;
- (6) an escape;
- (7) a sexual assault; and
- (8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.
- (b) The commission shall prescribe a form for the report required by Subsection (a).
- (c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.
- (d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

- (b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection,
- (a) including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

- (1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and
- (2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

## ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED.

- (a) The Texas Commission on Law Enforcement shall develop, and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.
- (b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.
- (c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this section.
- (d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40- hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

- (n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

- (a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

- (b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:
  - (1) topics selected by the agency; and
  - (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:
    - (A) civil rights, racial sensitivity, and cultural diversity;
    - (B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]
    - (C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and
    - (D) unless determined by the agency head to be inconsistent with the officer's assigned duties:
      - (i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and
      - (ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop, and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections

(b) and (d) and adding Subsection (h) to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:
  - (A) the race or ethnicity of the individual detained;
  - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]
  - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
  - (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
  - (E) the location of the stop; and
  - (F) the reason for the stop; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

- (A) the Texas Commission on Law Enforcement; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.
- (d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter- activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.
- (h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection

- (b) and adding Subsection (c) to read as follows:
- (b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:
  - (1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
    - (A) the person's gender; and
    - (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
  - (2) the initial reason for the stop;
  - (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
  - (4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
  - (5) the reason for the search, including whether:
    - (A) any contraband or other evidence was in plain view;
    - (B) any probable cause or reasonable suspicion existed to perform the search; or
    - (C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

- (6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
  - (7) the street address or approximate location of the stop; [and]
  - (8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and
  - (9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.
- (c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

- (c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:
- (1) a comparative analysis of the information compiled under Article 2.133 to:
    - (A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]
    - (B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and
    - (C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and
  - (2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

- (2) smaller jurisdictions; and
- (3) municipal and county law enforcement agencies.
- (b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)]. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.
- (c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.
- (d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

- (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

- (1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and
- (2) make accessible online:

- (A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and
- (B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

President of the Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote: Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act, Approved:

Date Governor

Chief Clerk of the House



# Parker Police Department Racial Profiling Policy



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**Title:** Racial Profiling **Number:** 112.001  
**Effective Date:** January 12, 2018 **Review Date:** 01/07/2021 **City Attorney Review:** Yes  
**TPCA Recognition Standards:** 2.01

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**I. PURPOSE**

The purpose of this order is to reaffirm the City of Parker Police Department’s commitment to unbiased policing in all its encounters with any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

**II. POLICY**

- A. It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officer shall actively enforce local, state and federal laws in a responsible and professional manner without regard to race, ethnicity, gender, sexual orientation, religion status, age, cultural group, or any other identifiable group rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts. (TPCA Standard 2.01)
- B. This General Order is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedures, which prohibits Texas peace officers from engaging in racial profiling. (TPCA Standard 2.01)

**III. DEFINITIONS**

- A. Racial Profiling – a law enforcement-initiated action based on an individual’s race, ethnicity, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity. Racial



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profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

- B. Race or Ethnicity – persons of a particular descent, including White, Black, Hispanic or Latino, Asian or Pacific Islander, Alaskan Native or American Indian descent.
- C. Acts Constituting Racial Profiling – acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual’s race, ethnicity, gender sexual orientation, religion, economic status, age, culture group, or any other identifiable group rather than upon the individual’s behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
- D. Motor Vehicle Stop – means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- E. Motor Vehicle Contacts – includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings.

**IV. PROHIBITION**

Officers of the Parker Police Department are strictly prohibited from engaging in racial profiling. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision by an officer. Race ethnicity origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.

**V. COMPLAINT PROCESS**

- A. No person shall discouraged, intimidated or coerced from filing a complaint, or be discriminated against because they have filed a complaint.
- B. Any person who believes that a peace officer employed by the Parker Police Department has engaged in racial profiling with respect to that person, may file a complaint in accordance with the provisions of General Order 300, Discipline/Complaints against Police Personnel.



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- 1. An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in General Order 300, Section X, Investigation of Externally Originated Complaints.
  - 2. Citizens who appear in person wishing to file a complaint shall be directed to the Internal Affairs Investigator and provided with a departmental brochure, "How to File a Complaint." Brochures are maintained in the Parker Police Department lobby, and at Parker City Hall. Citizens may also be directed to the Departmental website to file a complaint.
- C. Any Officer or Investigator who becomes aware of an alleged or suspected violation of this General Order shall report the alleged violation in accordance with General Order 300, Discipline, Section XI, Investigation or Internally Originated Complaints.
- D. Complaints of racial profiling shall be classified as a level I complaint, and shall be investigated by the office of the Chief of Police or the Internal Affairs Investigator as directed by the Chief of Police. A log of all Racial Profiling Complaints will be maintained by the Internal Affairs Unit.

**VI. DISCIPLINARY AND CORRECTIVE ACTIONS**

Any officer of this Department who is found, after investigation, to have engaged in racial profiling in violation of this General Order may be subject to disciplinary action, up to and including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

**VII. PUBLIC EDUCATION**

This department shall provide education to the public concerning the racial profiling complaint process. The primary method of public education shall be through a brochure, "How to File a Complaint" which are maintained in the lobby of the Parker Police Department, and at the Parker City Hall. These brochures are available in both English and Spanish versions. Other education methods may be utilized to inform the public, including news media, civic presentations, the internet, public meetings, newsletters, email, phone or by mail. The Department will disclose to others the phone number, name of person and address where a complaint or complement can be filed.



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**VIII. COLLECTION OF INFORMATION AND ANNUAL REPORT OF MOTOR VEHICLE STOPS**

(TPCA Standard 2.01)

A. For each motor vehicle stop and for each arrest resulting from a motor vehicle stop, an officer involved in the stop shall collect the following information:

1. A physical description of any person operating the motor vehicle, who is detained as a result of the stop, including:
  - a. The person's gender.
  - b. The person's race or ethnicity, as stated by the person, or if the person does not state, the person's race or ethnicity, as determined by the officer to the best of his or her ability. Officers will not ask the individual to identify their race or ethnicity;
  - c. Information identifying the race or ethnicity of the individual detained will be documented using the following codes:

W – White

B – Black

H – Hispanic or Latino

A – Asian or Pacific Islander

I – Alaska Native or American Indian

2. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.
3. The initial reason for the stop.
  - a. Violation of the law.
  - b. Pre-existing knowledge (i.e. warrant)
  - c. Moving Traffic Violation.
  - d. Vehicle Traffic Enforcement (Equipment, Inspection or Registration).



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4. Whether the officer conducted a search as a result of the stop, and, if so, whether or not the person detained consented to the search verbally or by signing the form (PPD-020).
5. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence.
  - a. Illegal drugs/drug paraphernalia.
  - b. Currency
  - c. Weapons
  - d. Alcohol
  - e. Stolen Property
  - f. Other
6. The reason for the search, including whether.
  - a. Consent.
  - b. Any contraband or other evidence was in plain view.
  - c. Any probable cause of reasonable suspicion existed to perform the search.
  - d. The search was performed as a result of an impound of the motor vehicle.
  - e. Incident to arrest or arrest by warrant.
7. Whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of Penal Code, a violation of traffic law or City ordinance or an outstanding warrant and a statement of the offense charged.



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8. The street address or approximate location of the stop. Including type of roadway,
    - a. City Street
    - b. US Highway
    - c. County Road
    - d. Private Property or other.
  9. Whether the officer issued a citation or a written or verbal warning as a result of the stop.
  10. Whether the person contacted is a resident or non-resident of the City of Parker.
  11. Whether the peace officer used physical force that resulted in bodily injury. As that term is defined by Section 1.07, Penal Code during the stop.
    - a. The location of the stop.
    - b. The reason for the stop.
- B. The primary mechanism for collecting this data will be the ICS Records Management system. The modules of "Racial Profiling" (Citations and Written Warnings) and "Stop Data" (Verbal Warnings) shall be used. Should this method fail, all required data should be reported to the Commander of the Administrative Services Division using Racial Profiling form PPD-008.
- C. The Internal Affairs Investigator shall ensure all Racial Profiling Data is collected and reported to the Chief of Police. The data collected shall be compiled in an annual report covering the period of January 1 through December 31 of each year, shall be submitted to the governing body of the City of Parker no later than March 1 of the following year. The report will include:
1. A breakdown of citations by race or ethnicity.



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2. Gender.
3. Reason for the Stop.
4. Number of citations that resulted in a search.
5. Number of searches that were:
  - a. Consent,
  - b. Contraband,
  - c. Probable Cause,
  - d. Inventory,
  - e. Incident to Arrest.
6. Number of citations that resulted in custodial arrest.
7. Public education efforts concerning the racial profiling complaint process.
8. A comparative analysis of the information compiled (under Article 2.133):
  - a. Evaluate and compare the number of motor vehicle stops, with the City of Parker, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
  - b. Examine the disposition of motor vehicle stops made by officers employed by Parker Police Department, categorized according to race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops with the City of Parker;
  - c. Evaluate and compare the number of searches resulting from motor vehicle stops within the City of Parker and whether contraband or other evidence was discovered in the course of those searches.
9. Information related to each complaint filed with the Parker Police Department alleging that a peace officer employed by the Parker Police Department has engaged in racial profiling.



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10. Total number of officers who knew or did not know, the race/ethnicity of the individual before being detained.

D. The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection VIII C. 7. to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

E. If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the State for a civil penalty in an amount not to exceed \$5,000.00 for each violation. The Attorney General may be used to collect a civil penalty under this subsection.

F. The annual report shall not include identifying information about any individual stopped or arrested and shall not include identifying information about any peace officer involved in a traffic stop or arrest.

G. Racial Profiling Data will also be reported to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year, following the Commission prescribed format.

**IX. AUDIO AND VIDEO EQUIPMENT**

A. Each motor vehicle regularly used by this department to make motor vehicle stops shall be equipped with a mobile camera system capable of recording video and audio and each officer shall be equipped as well with a synced Digital Media Recorder (DMR).

B. For procedures for the proper use of audio and video equipment refer to General Order 112.013 Computer and Electronic Equipment Usage and Data Security Section VII. (Mobile Video Recording Systems) and Section VIII. (Digital Media Recorders (DMR)(Body Worn Camera))

C. A supervisor shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate. Officers assigned to such units shall collect and document the information listed above for each motor vehicle stop on the Racial Profiling form (PPD-008). All documentation must be



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submitted to the Commander of the Administrative Services Division prior to the end of that tour of duty.

**X. REVIEW OF VIDEO AND AUDIO DOCUMENTATION (TPCA Standard 2.01)**

- A. Each audio and video recording shall be retained for a minimum period of one hundred eighty (180) days, unless a complaint is filed alleging that an officer engaged in racial profiling with response to a motor vehicle stop. The Internal Affairs Investigator shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this General Order.
- B. If a complaint is received alleging that an officer has engaged in racial profiling, the audio / video recording shall be forwarded to the office of the Chief of Police who shall retain the video until final disposition of the complaint has been made.
- C. The Uniformed Services Division Commander or his designee shall review a randomly selected sampling of video and audio recordings, made recently by officers employed by the Department, in order to determine if patterns of racial profiling exist. These reviews shall be conducted monthly and documented on the appropriate form (PPD-009)
  - 1. Written documentation shall include:
    - a. The name of the offices whose stops were reviewed.
    - b. The date(s) of the videos reviewed.
    - c. The date the actual review was conducted.
    - d. The name of the person conducting the review.
  - 2. The Uniformed Division Commander shall forward the required documentation to the Office of the Chief of Police.
  - 3. The Internal Affairs Investigator shall maintain a file of all video review documentation performed, in compliance with this General Order.



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D. In reviewing audio and video recordings, Uniformed Services Commander or his designee, shall seek to determine if the officer(s) reviewed have engaged in a pattern of racial profiling, that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.

**XI. TRAINING** (TPCA Standard 2.01)

A. Each peace officer employed by the department shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement (TCOLE) not later than the second anniversary of the date the officer was licensed, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall complete a TCOLE training and education program on racial profiling.

B. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT).

**XIII EFFECTIVE DATE**

A. Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violation(s) which occur prior to the effective date of this General Order.

B. If any section, sentence, clause or phrase of this General Order is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this General Order.

C. All training in this General Order will be in accordance with General Order 101.001, Written Directive System, Chapter VIII, Training.

D. The effective date is stated in the header block of this General Order.



## Additional Data

# Racial Profiling Analysis Report

## PARKER POLICE DEPT.

01. Total Traffic Stops:	2234	
02. Location of Stop:		
a. City Street	1260	56.40%
b. US Highway	0	0.00%
c. County Road	0	0.00%
d. State Highway	974	43.60%
e. Private Property or Other	0	0.00%
03. Was Race known prior to Stop:		
a. NO	2224	99.55%
b. YES	10	0.45%
04. Race or Ethnicity:		
a. Alaska/ Native American/ Indian	6	0.27%
b. Asian/ Pacific Islander	568	25.43%
c. Black	316	14.15%
d. White	951	42.57%
e. Hispanic/ Latino	393	17.59%
05. Gender:		
a. Female	837	37.47%
i. Alaska/ Native American/ Indian	3	0.13%
ii. Asian/ Pacific Islander	183	8.19%
iii. Black	108	4.83%
iv. White	420	18.80%
v. Hispanic/ Latino	123	5.51%
b. Male	1397	62.53%
i. Alaska/ Native American/ Indian	3	0.13%
ii. Asian/ Pacific Islander	385	17.23%
iii. Black	208	9.31%
iv. White	531	23.77%
v. Hispanic/ Latino	270	12.09%
06. Reason for Stop:		
a. Violation of Law	31	1.39%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	9	29.03%

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# Racial Profiling Analysis Report

iii. Black	3	9.68%
iv. White	16	51.61%
v. Hispanic/ Latino	3	9.68%
b. Pre-Existing Knowledge	6	0.27%
i. Alaska/ Native American/ Indian	1	16.67%
ii. Asian/ Pacific Islander	2	33.33%
iii. Black	1	16.67%
iv. White	1	16.67%
v. Hispanic/ Latino	1	16.67%
c. Moving Traffic Violation	1971	88.23%
i. Alaska/ Native American/ Indian	5	0.25%
ii. Asian/ Pacific Islander	494	25.06%
iii. Black	277	14.05%
iv. White	850	43.13%
v. Hispanic/ Latino	345	17.50%
d. Vehicle Traffic Violation	226	10.12%
i. Alaska/ Native American/ Indian	1	0.44%
ii. Asian/ Pacific Islander	63	27.88%
iii. Black	34	15.04%
iv. White	84	37.17%
v. Hispanic/ Latino	44	19.47%
07. Was a Search Conducted:		
a. NO	2210	98.93%
i. Alaska/ Native American/ Indian	6	0.27%
ii. Asian/ Pacific Islander	564	25.52%
iii. Black	310	14.03%
iv. White	944	42.71%
v. Hispanic/ Latino	386	17.47%
b. YES	24	1.07%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	4	16.67%
iii. Black	6	25.00%
iv. White	7	29.17%
v. Hispanic/ Latino	7	29.17%
08. Reason for Search:		
a. Consent	6	0.27%

# Racial Profiling Analysis Report

i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	16.67%
iii. Black	1	16.67%
iv. White	1	16.67%
v. Hispanic/ Latino	3	50.00%
b. Contraband in Plain View	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Probable Cause	15	0.67%
ii. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	2	13.33%
iii. Black	5	33.33%
iv. White	4	26.67%
v. Hispanic/ Latino	4	26.67%
d. Inventory	2	0.09%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	50.00%
iii. Black	0	0.00%
iv. White	1	50.00%
v. Hispanic/ Latino	0	0.00%
e. Incident to Arrest	1	0.04%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	1	100.00%
v. Hispanic/ Latino	0	0.00%
09. Was Contraband Discovered:		
YES	14	0.63%
i. Alaska/ Native American/ Indian	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
ii. Asian/ Pacific Islander	2	14.29%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	2	
iii. Black	4	28.57%

# Racial Profiling Analysis Report

Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	4	
iv. White	4	28.57%
Finding resulted in arrest - YES	2	
Finding resulted in arrest - NO	2	
v. Hispanic/ Latino	4	28.57%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	4	
b. NO	10	0.45%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	2	20.00%
iii. Black	2	20.00%
iv. White	3	30.00%
v. Hispanic/ Latino	3	30.00%
10. Description of Contraband:		
a. Drugs	12	0.54%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	16.67%
iii. Black	4	33.33%
iv. White	3	25.00%
v. Hispanic/ Latino	3	25.00%
b. Currency	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Weapons	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
d. Alcohol	1	0.04%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	1	100.00%

# Racial Profiling Analysis Report

v. Hispanic/ Latino	0	0.00%
e. Stolen Property	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
f. Other	1	0.04%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	0	0.00%
v. Hispanic/ Latino	1	100.00%
11. Result of Stop:		
a. Verbal Warning	35	1.57%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	6	17.14%
iii. Black	4	11.43%
iv. White	20	57.14%
v. Hispanic/ Latino	5	14.29%
b. Written Warning	1112	49.78%
i. Alaska/ Native American/ Indian	3	0.27%
ii. Asian/ Pacific Islander	292	26.26%
iii. Black	168	15.11%
iv. White	516	46.40%
v. Hispanic/ Latino	133	11.96%
c. Citation	1078	48.25%
i. Alaska/ Native American/ Indian	3	0.28%
ii. Asian/ Pacific Islander	269	24.95%
iii. Black	144	13.36%
iv. White	410	38.03%
v. Hispanic/ Latino	252	23.38%
d. Written Warning and Arrest	2	0.09%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	1	50.00%
v. Hispanic/ Latino	1	50.00%

# Racial Profiling Analysis Report

e. Citation and Arrest	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
f. Arrest	7	0.31%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	14.29%
iii. Black	0	0.00%
iv. White	4	57.14%
v. Hispanic/ Latino	2	28.57%
12. Arrest Based On:		
a. Violation of Penal Code	5	0.22%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	20.00%
iii. Black	0	0.00%
iv. White	2	40.00%
v. Hispanic/ Latino	2	40.00%
b. Violation of Traffic Law	2	0.09%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	2	100.00%
v. Hispanic/ Latino	0	0.00%
c. Violation of City Ordinance	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
d. Outstanding Warrant	2	0.09%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	1	50.00%
v. Hispanic/ Latino	1	50.00%

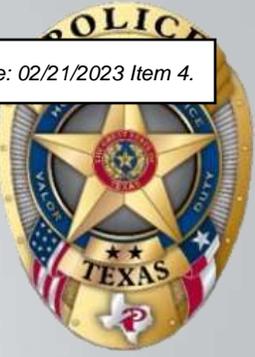
# Racial Profiling Analysis Report

13. Was Physical Force Used:

a. NO	2233	99.96%
i. Alaska/ Native American/ Indian	6	0.27%
ii. Asian/ Pacific Islander	568	25.44%
iii. Black	316	14.15%
iv. White	951	42.59%
v. Hispanic/ Latino	392	17.55%
b. YES	1	0.04%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	0	0.00%
v. Hispanic/ Latino	1	100.00%
b 1. YES: Physical Force Resulting in Bodily Injury to Suspect	1	100.00%
b 2. YES: Physical Force Resulting in Bodily Injury to Officer	0	0.00%
b 3. YES: Physical Force Resulting in Bodily Injury to Both	0	0.00%

14. Total Number of Racial Profiling Complaints Received: 0

REPORT DATE COMPILED 02/15/2023



# Parker Police Department

2022 Annual Report



# Message From The Assistant Chief

2022 remained a challenging year for the Parker Police Department as we continued to fight through the enormous challenges of staff shortages, off-duty injuries, recruitment issues and losing our Chief. Most of these issues plague not only us, but Law Enforcement as a whole. I am extremely proud of the staff and how they managed themselves in the face of these adversities. They have been willing to do whatever it takes to keep the shifts staffed and our citizens protected. They all have done a fantastic job, often times doing the work of more than one person and continue to serve Parker with honor and distinction!

As we look ahead to 2023, we are applying the lessons learned over the past several years to continue to provide law enforcement services in the safest manner possible and with the utmost professionalism. We intend to continue forward and to increase our efforts in community engagement and advancing the Police Department to meet the ever-changing needs of our community and citizens alike.

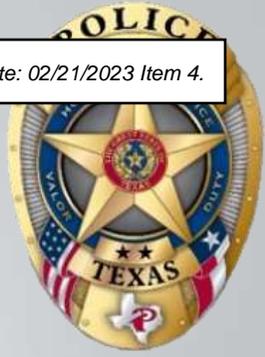
We continue to experience difficulty in recruiting and finding quality candidates to fill our vacant police officer positions. We intend to increase our recruiting efforts to find individuals capable and worthy to become members of our community and police department family.

We would like to thank the Citizens of Parker, the Mayor, and the City Council for your support throughout 2022 and we look forward to your continued support in 2023. Please accept our Parker Police Department 2022 Annual Report.

In service to you,

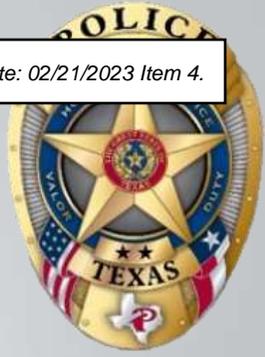
Kenneth Price

Assistant Chief of Police



# Our Vision

- The Parker Police Department is committed to providing high quality police services to the community through community partnerships, problem-solving strategies, innovation, creativity, adaptability to an ever-changing environment and a participative management style through highly trained and disciplined employees using the latest technology.
- Furthermore, we recognize that our most valuable resource in this commitment is our people and we strive to create a positive working atmosphere where creativity and participation abound.

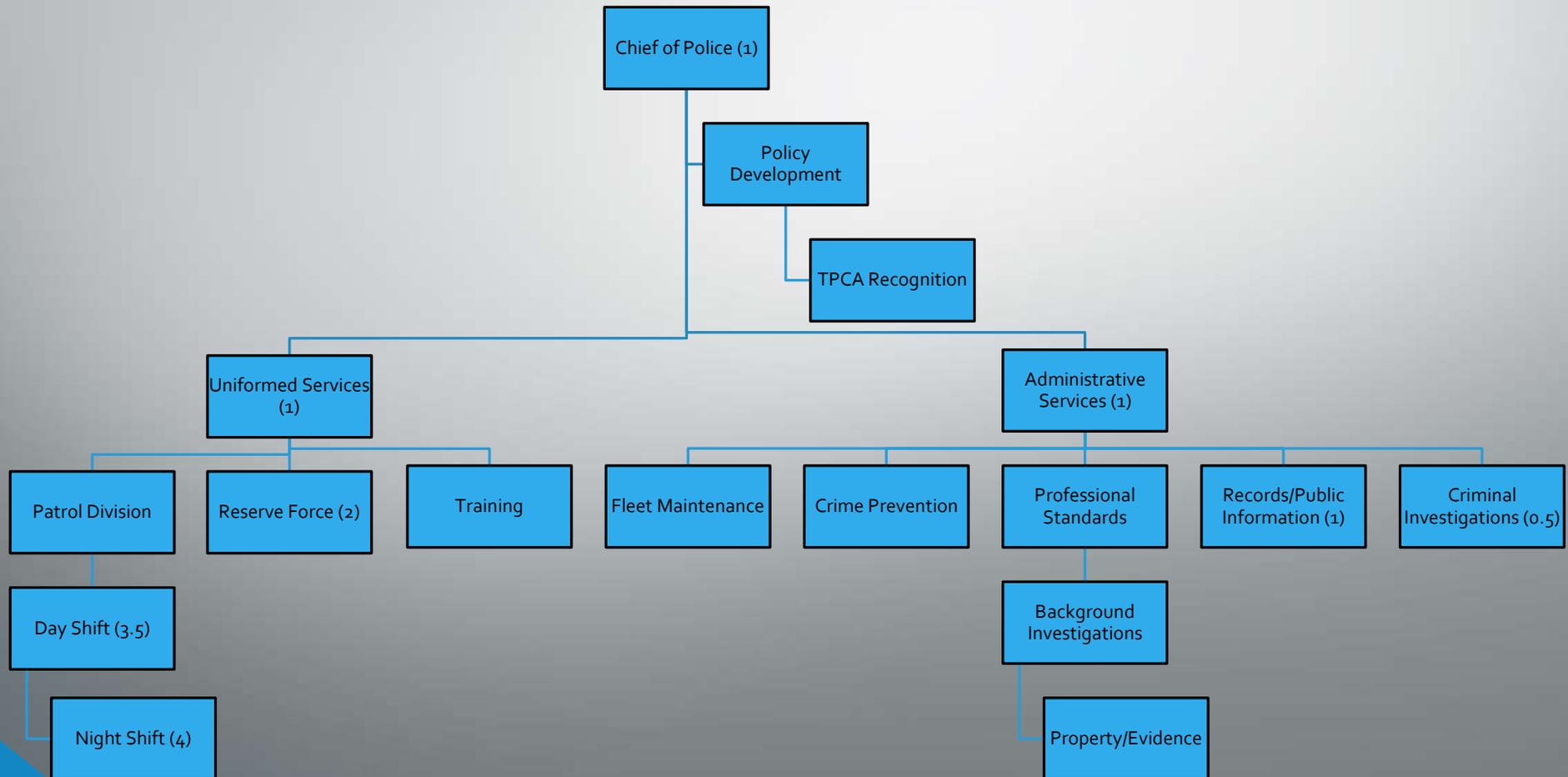


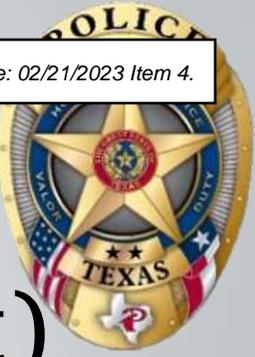
# Our Mission

- The mission of the Parker Police Department is to serve our community by providing professional, courteous and unbiased law enforcement services, thus making the City of Parker a safe place to live, visit and work.

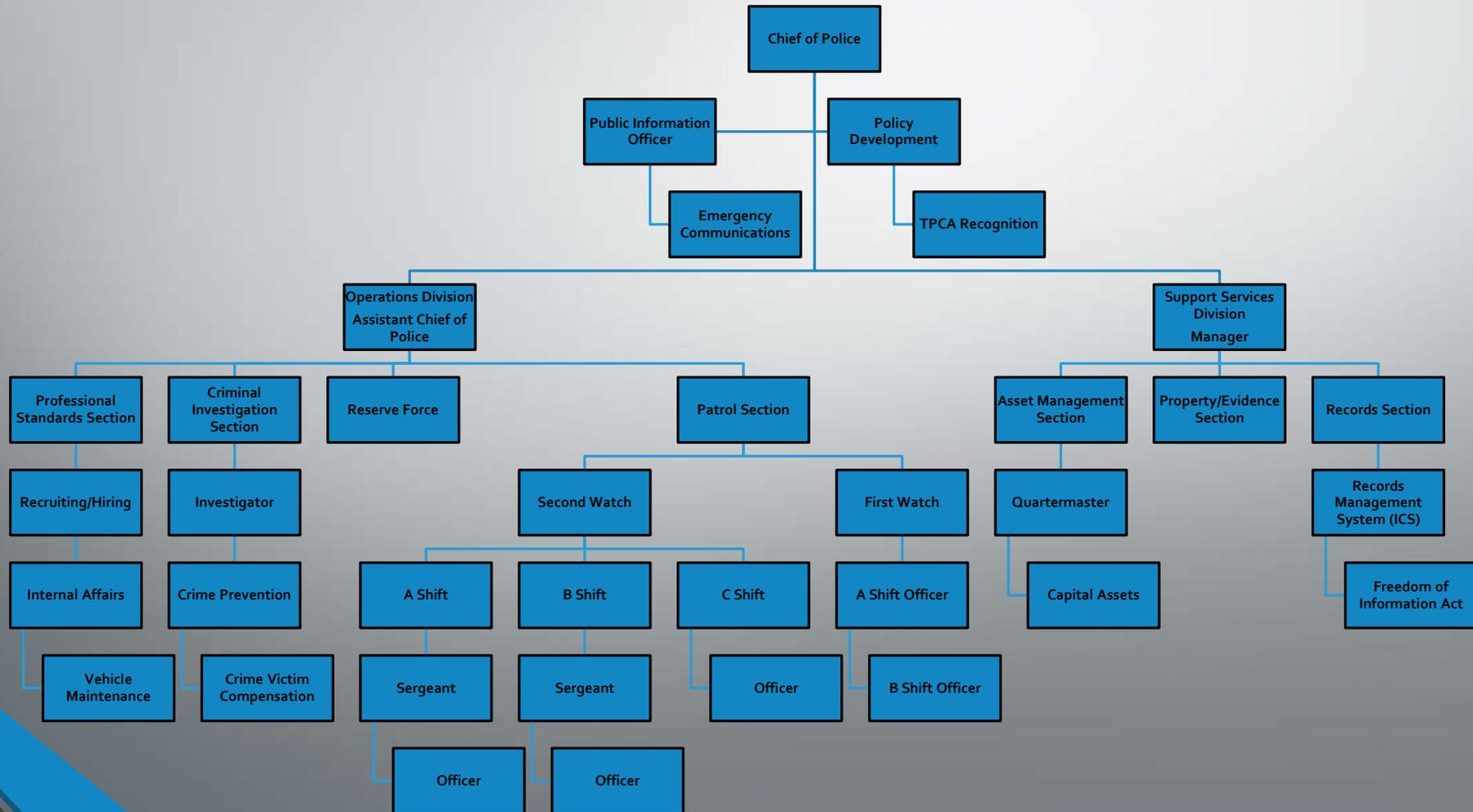


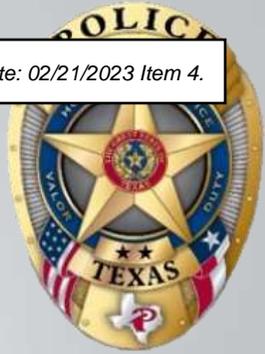
# Organizational Chart (Jan - May)





# Organizational Chart (May - Current)





# Parker Police Structure

## Office of the Chief of Police

- Policy Development
- Recognition Program
- Budget/Purchasing
- Public Information Officer
- Emergency Communications

## Support Services Division

- Asset Management
  - Quartermaster
  - Capital Assets
- Property/Evidence
- Records
  - Records Management System (ICS)
  - Freedom of Information Act

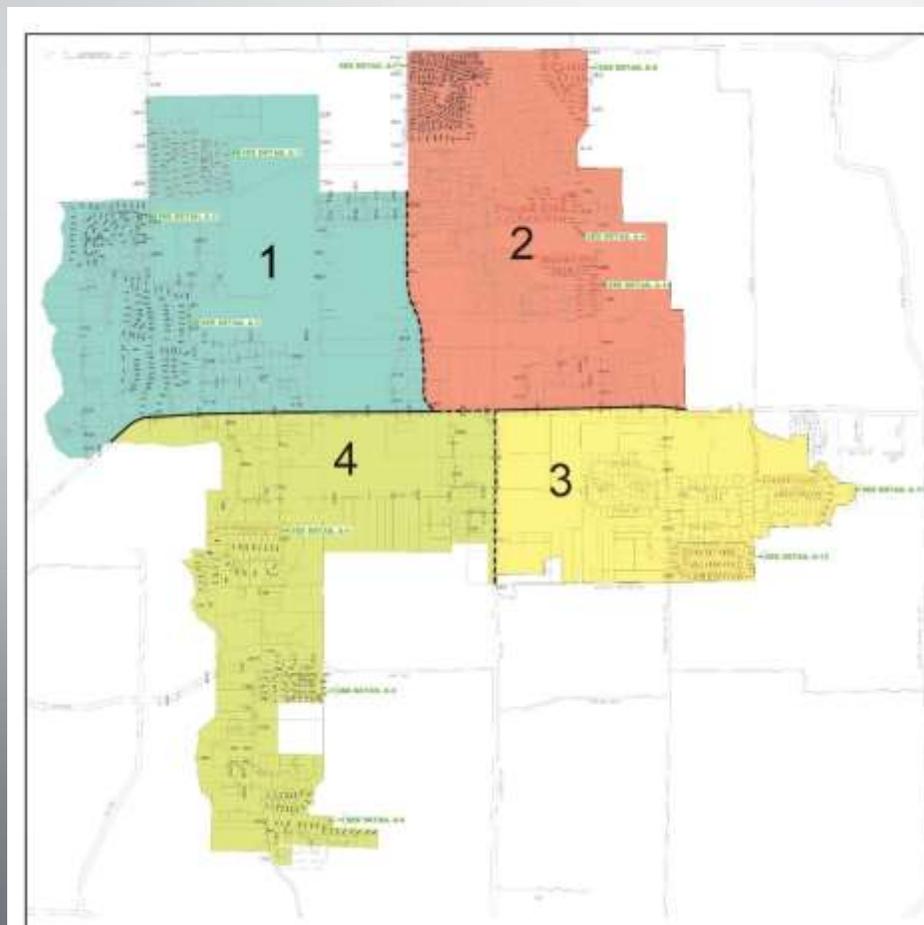
## Operations Division

- Professional Standards
  - Internal Affairs
  - Recruiting/Hiring
  - Vehicle Maintenance
- Criminal Investigation
  - Crime Prevention
  - Crimes Against Persons
  - Property Crimes
  - Juvenile Crimes
  - Crime Analysis
  - Crime Victim Compensation
- Reserve Force
- Uniform Patrol
- Community Services
- Special Events/Part-Time Jobs

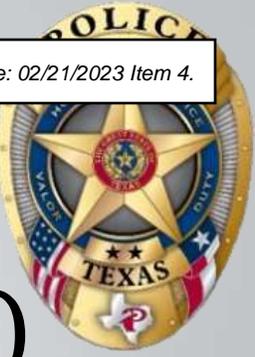


# Police Beat Map - City

- As of Oct. 2022, Police Beat Map have adjusted from 4 sections to 2, with Hogge Road and Dillehay Drive being the east/west dividers

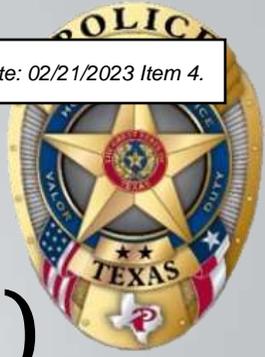


- New Section I - 1 & 4
- New Section II - 2 & 3

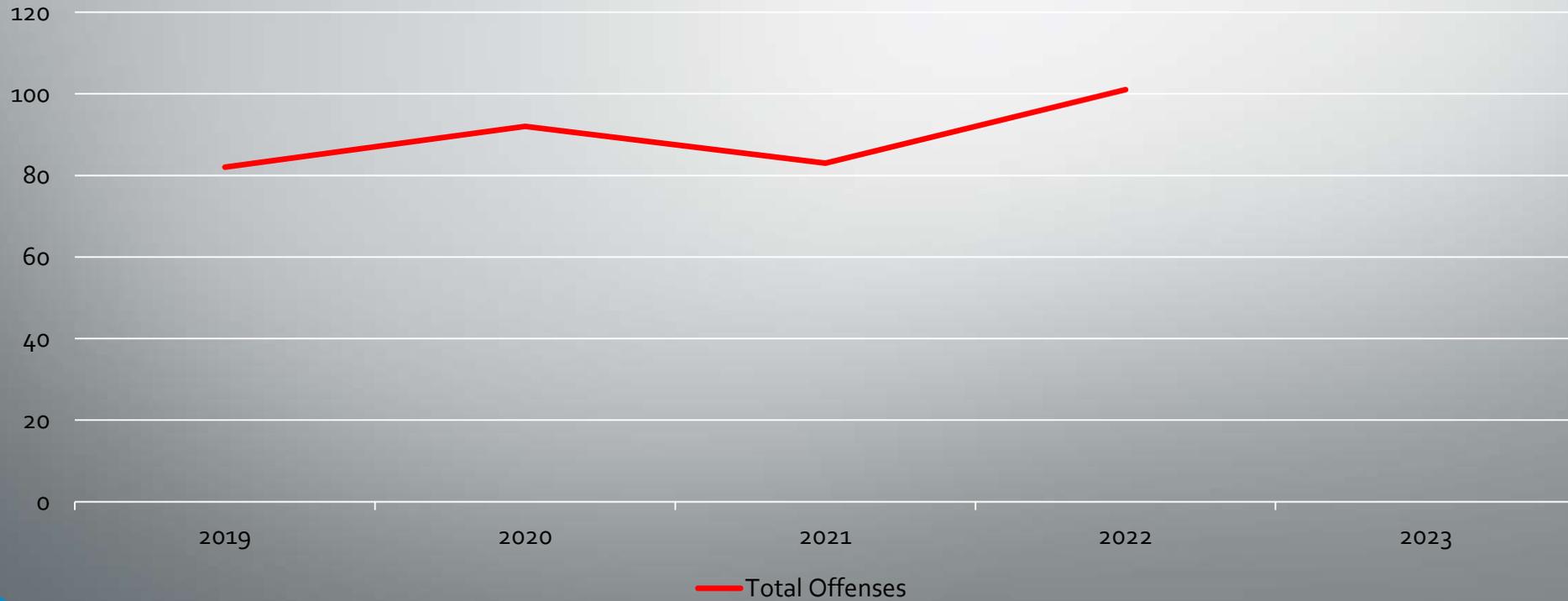


# 5 Year Crime Comparison (Group A)

	2019	2020	2021	2022	2023
Total Reporting Offenses	82	92	83	101	
Arson	0	0	0	0	
Aggravated Assault	7	8	5	9	
Bribery	0	0	0	0	
Burglary/Breaking and Entering	7	12	5	5	
Counterfeiting/Forgery	4	2	1	8	
Destruction/Damage/Vandalism of Property	8	19	12	12	
Drug/Narcotics	17	8	11	18	
Embezzlement	0	0	0	0	
Extortion/Blackmail	0	0	1	1	
Fraud	11	24	20	27	
Gambling	0	0	0	0	
Homicide	0	0	0	0	
Human Trafficking	0	0	0	0	
Kidnapping/Abduction	0	0	0	0	
Theft – Larceny	21	16	22	18	
Motor Vehicle Theft	0	1	0	3	
Pornography/Obscene Material	1	0	0	0	
Prostitution	0	0	0	0	
Robbery	0	0	0	0	
Sex Offenses	4	1	3	0	
Stolen Property	2	0	1	0	
Weapon Law Violations	0	1	2	0	



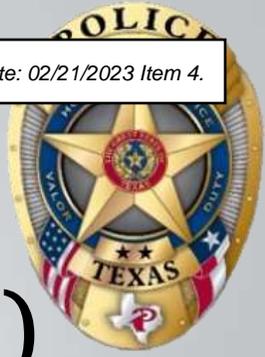
# 5 Year Crime Comparison (Group A)



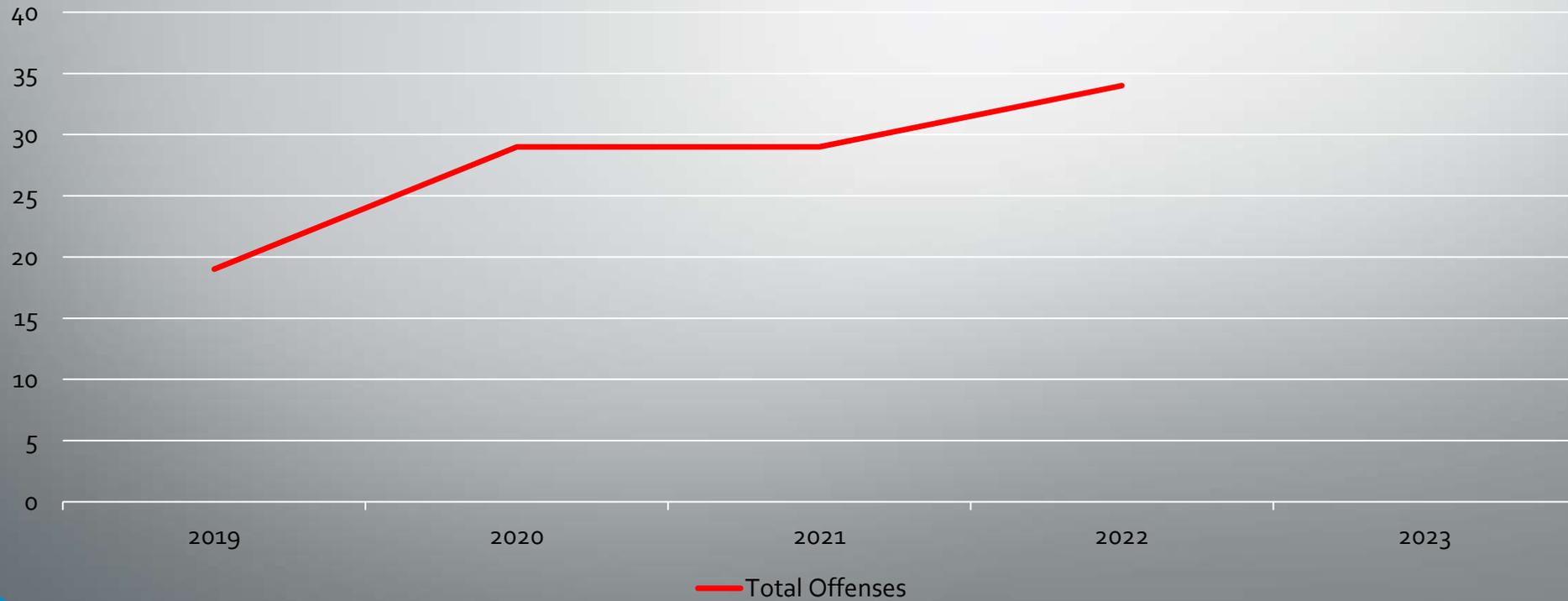


# 5 Year Crime Comparison (Group B)

	2019	2020	2021	2022	2023
Total Reporting Offenses	19	29	29	34	
Bad Checks	0	0	0	0	
Curfew/Loitering/Vagrancy Violations	0	0	0	0	
Disorderly Conduct	0	0	0	0	
Driving Under the Influence	4	4	2	7	
Drunkenness	1	2	1	4	
Family Offenses, Nonviolent	0	0	0	1	
Liquor Violations	0	0	3	0	
Peeping Tom	0	0	0	0	
Runaway	2	3	3	1	
Trespass of Real Property	4	5	3	1	
All Other Offenses	8	15	17	20	



# 5 Year Crime Comparison (Group B)





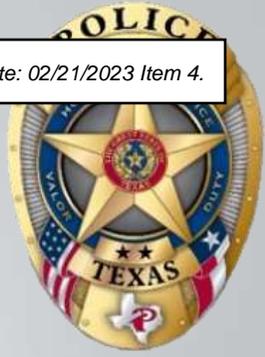
# Crime Rate Per Capita

Population	2019 4840 <sup>+</sup>	2020 5020 <sup>++</sup>	2021 5177 <sup>+++</sup>	2022 5730 <sup>++++</sup>	2023
Group A**	0.01694	0.01833	0.01603	0.01763	
Group B***	0.00393	0.00578	0.00560	0.00593	

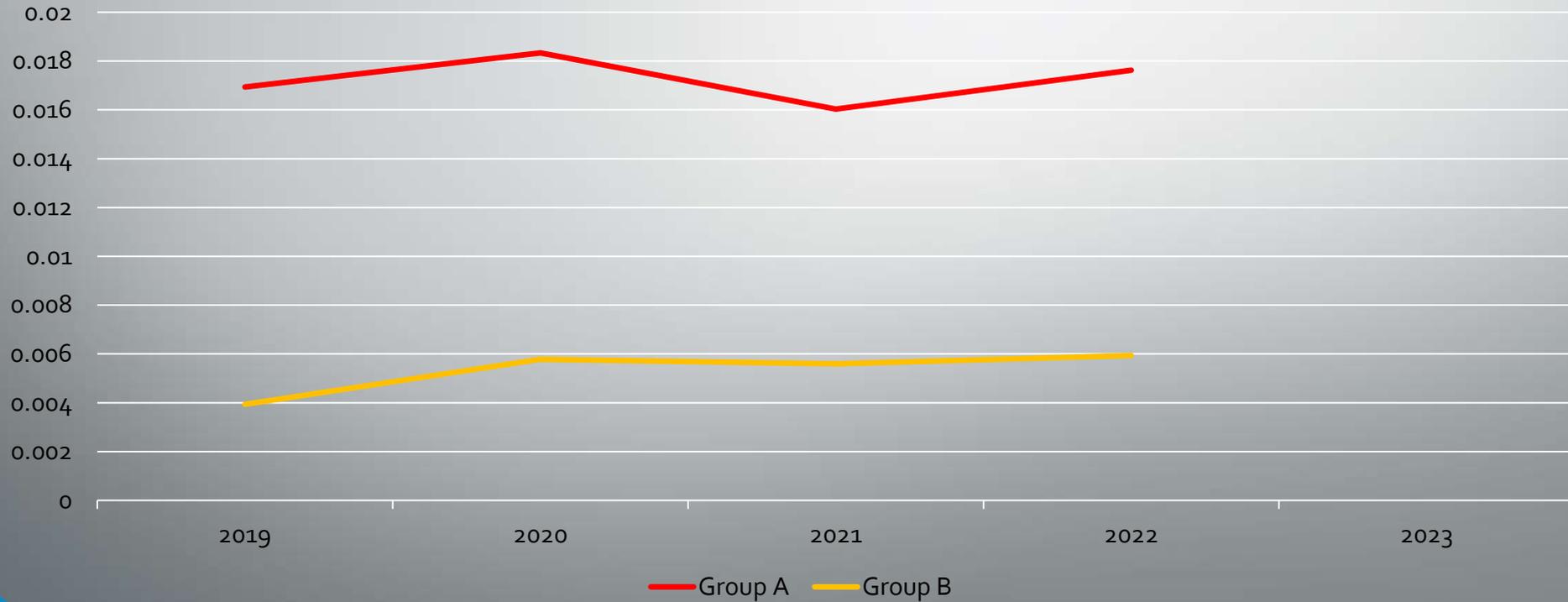
<sup>+</sup>Population count as of Jan. 2019  
<sup>++</sup>Population count as of Jan. 2020

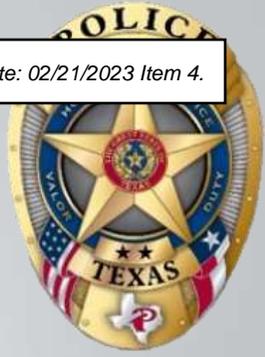
<sup>+++</sup>Population count as of Jan. 2021  
<sup>++++</sup>Population count as of Jan. 2022

- \*\*Group A – Arson, Assault, Bribery, Burglary/Breaking and Entering, Counterfeiting/Forgery, Destruction/Damage/Vandalism of Property, Drug/Narcotic, Embezzlement, Extortion/Blackmail, Fraud, Gambling, Homicide, Human Trafficking, Kidnapping/Abduction, Larceny/Theft, Motor Vehicle Theft, Pornography/Obscene Material, Prostitution, Robbery, Sex Offenses, Stolen Property, Weapon Law Violations
- \*\*\*Group B – Bad Checks, Curfew/Loitering/Vagrancy Violations, Disorderly Conduct, Driving Under Influence, Drunkenness, Family Offenses Nonviolent, Liquor Violations, Peeping Tom, Runaway, Trespass of Real Property, All Other Offenses



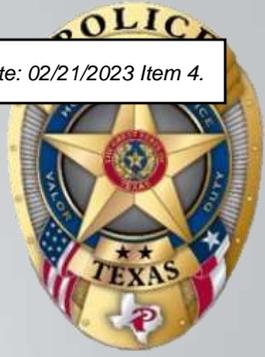
# Crime Rate Per Capita



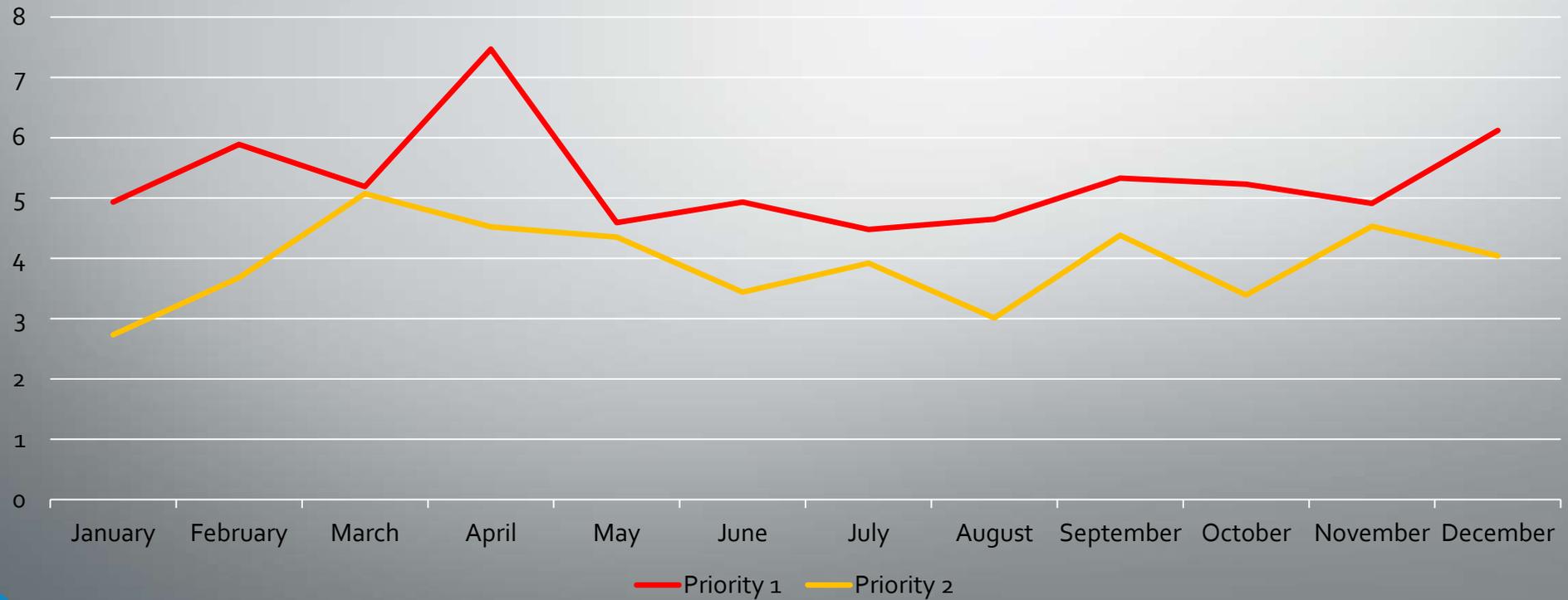


# Response Times - 2022

Response Times (Avg. Mins)	January	February	March	April	May	June
Priority 1	4.93	5.89	5.19	7.47	4.59	4.93
Priority 2	2.73	3.68	5.07	4.52	4.35	3.44
Response Times (Avg. Mins)	July	August	September	October	November	December
Priority 1	4.48	4.65	5.33	5.23	4.91	6.12
Priority 2	3.92	3.01	4.38	3.39	4.53	4.04



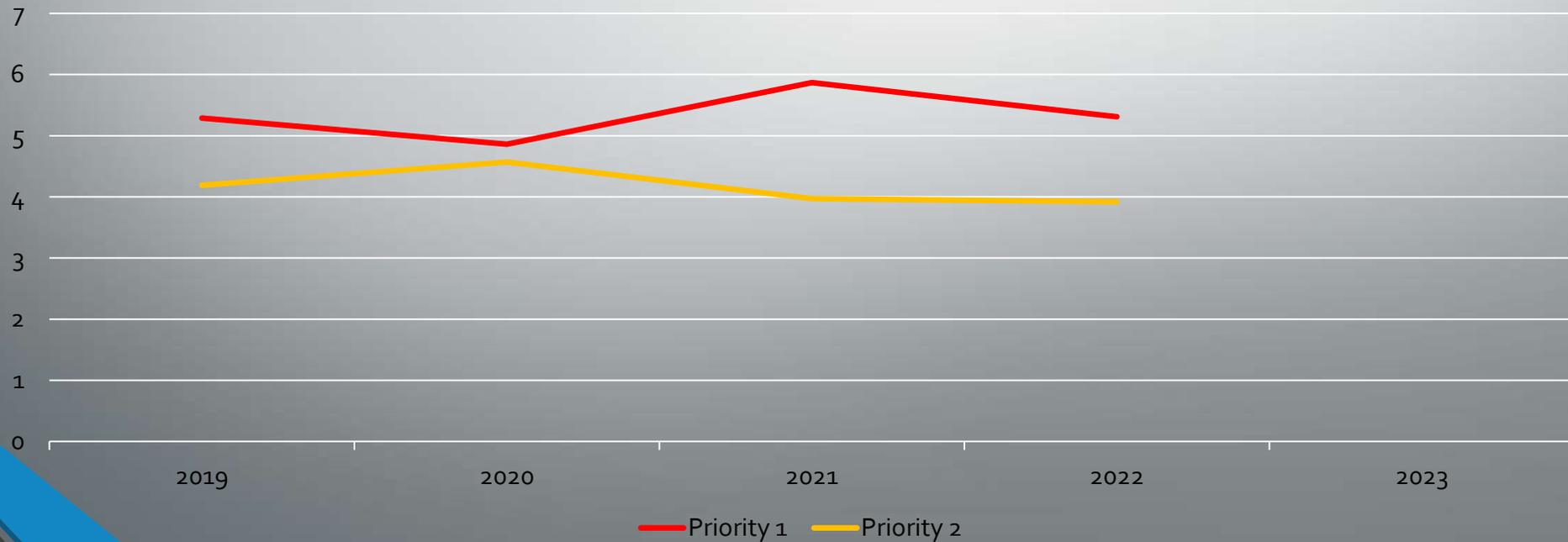
# Response Times - 2022





# Response Times - 5 Years

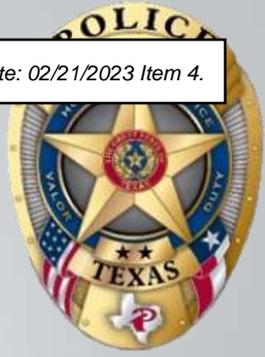
Response Times (Avg. Mins)	2019	2020	2021	2022	2023
Priority 1	5.29	4.86	5.87	5.31	
Priority 2	4.19	4.57	3.97	3.92	



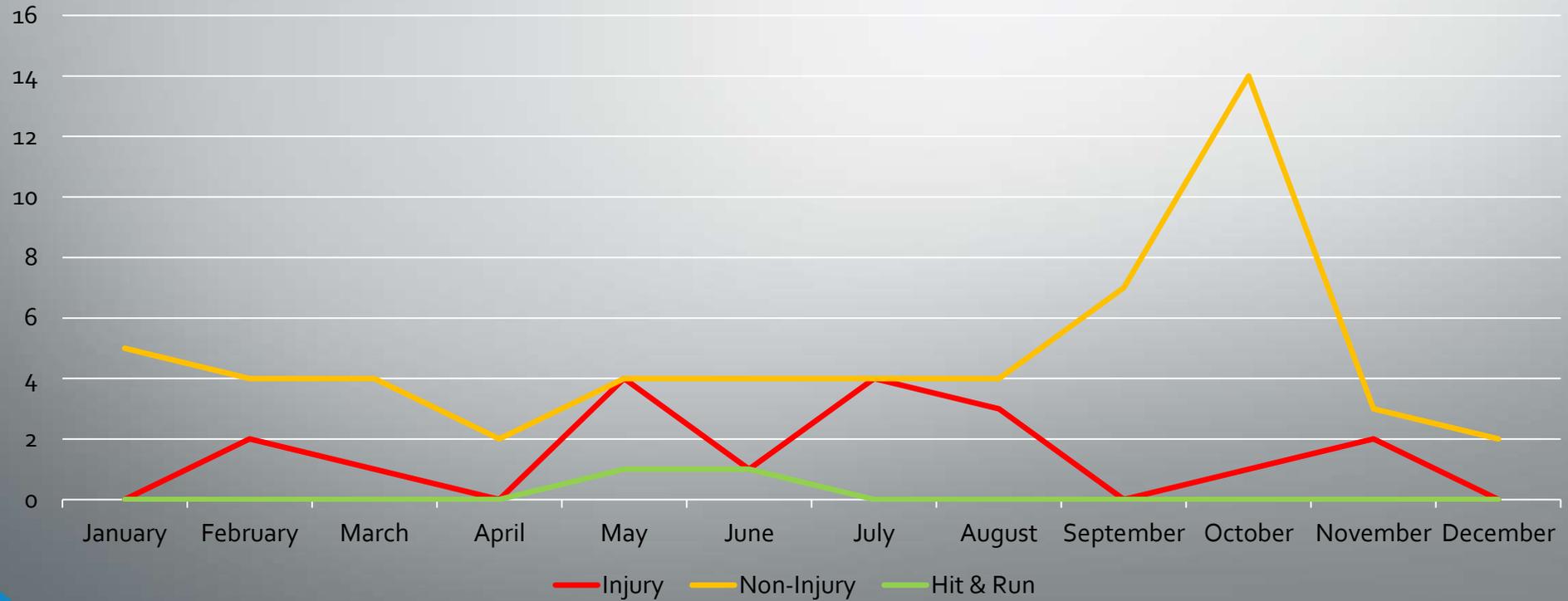


# Accidents - 2022

Accident Types	January	February	March	April	May	June
Injury – Major	0	2	1	0	4	1
Non-Injury – Minor	5	4	4	2	4	4
Hit & Run	0	0	0	0	1	1
Accident Types	July	August	September	October	November	December
Injury – Major	4	3	0	1	2	0
Non-Injury – Minor	4	4	7	14	3	2
Hit & Run	0	0	0	0	0	0



# Accidents - 2022





# Accidents - 5 Years

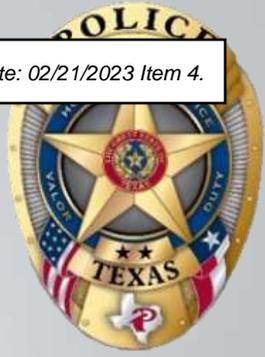
Accident Types	2019	2020	2021	2022	2023
Injury – Major	13	30	21	18	
Non-Injury – Minor	49	42	46	57	
Hit & Run	1	0	2	2	



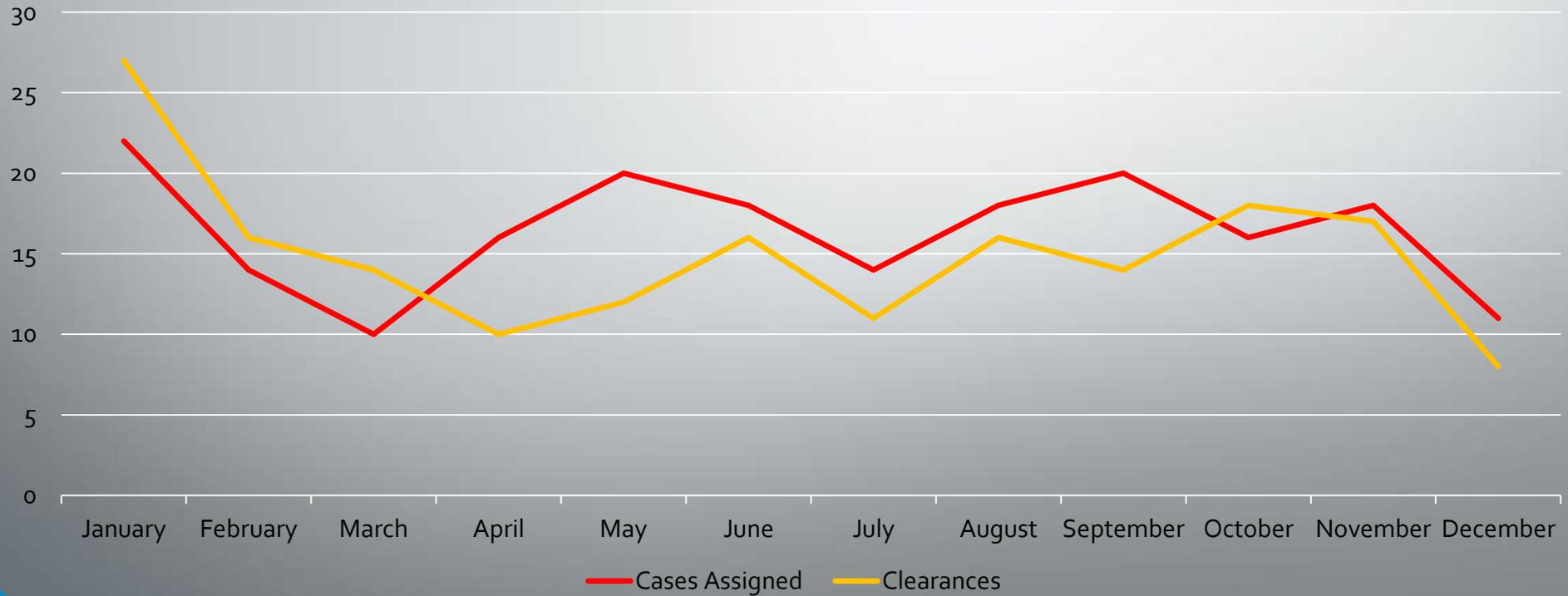


# Investigations - 2022

Investigation	January	February	March	April	May	June
Case Assigned	22	14	10	16	20	18
Clearances	20	27	16	14	10	12
Investigation	July	August	September	October	November	December
Case Assigned	14	18	20	16	18	11
Clearances	11	16	14	18	17	8



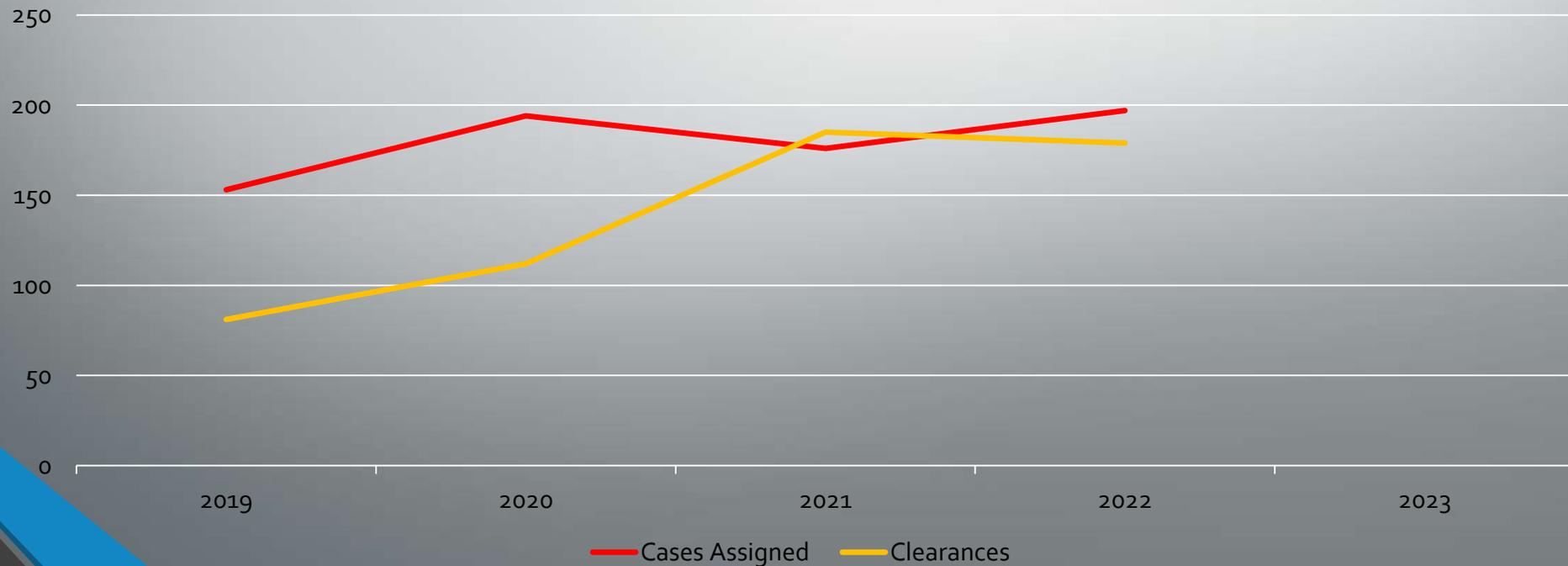
# Investigations - 2022





# Investigations - 5 Years

Investigation	2019	2020	2021	2022	2023
Cases Assigned	153	194	176	197	
Clearances	81	112	185	179	





# Alarms - 2022

Alarm Activity	January	February	March	April	May	June
Residential	11	13	8	19	20	36
Business	11	1	0	0	1	1
Total	22	14	8	19	21	37

Alarm Activity	July	August	September	October	November	December
Residential	14	19	15	21	14	21
Business	0	2	4	3	1	1
Total	14	21	19	24	15	22



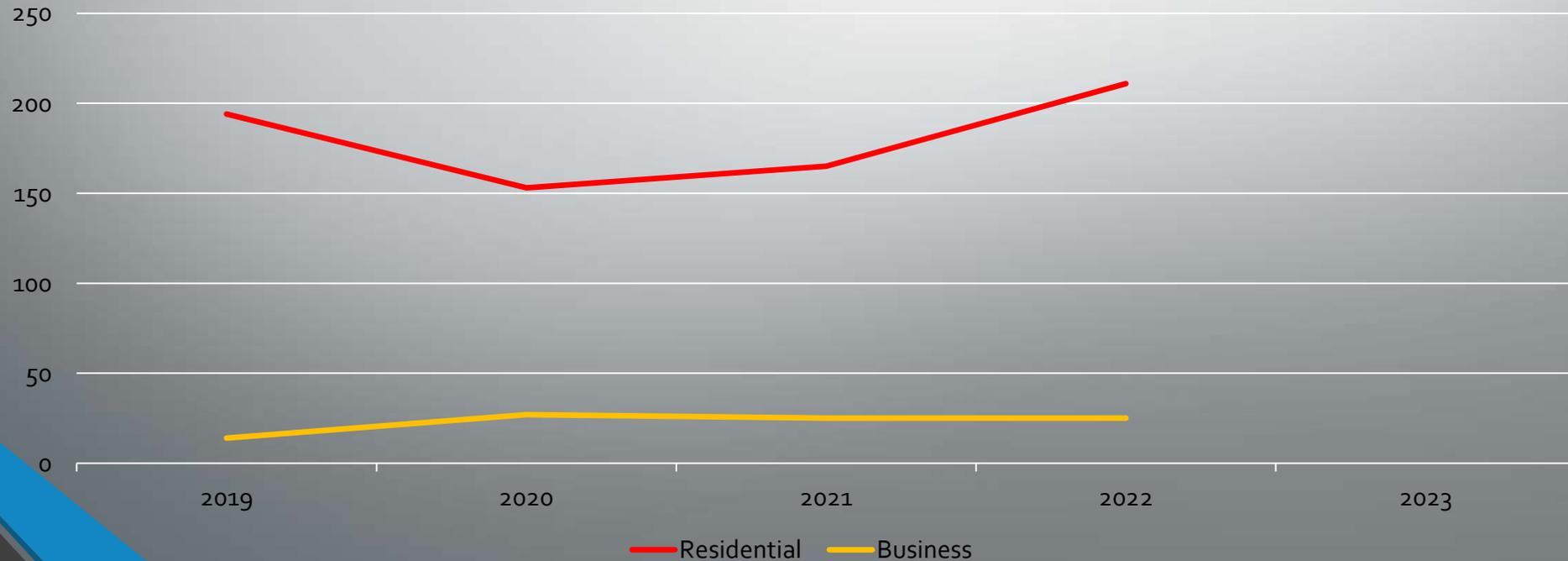
# Alarms - 2022





# Alarms - 5 Years

Alarm Activity	2019	2020	2021	2022	2023
Residential	194	153	165	211	
Business	14	27	25	25	
Total	208	180	190	236	



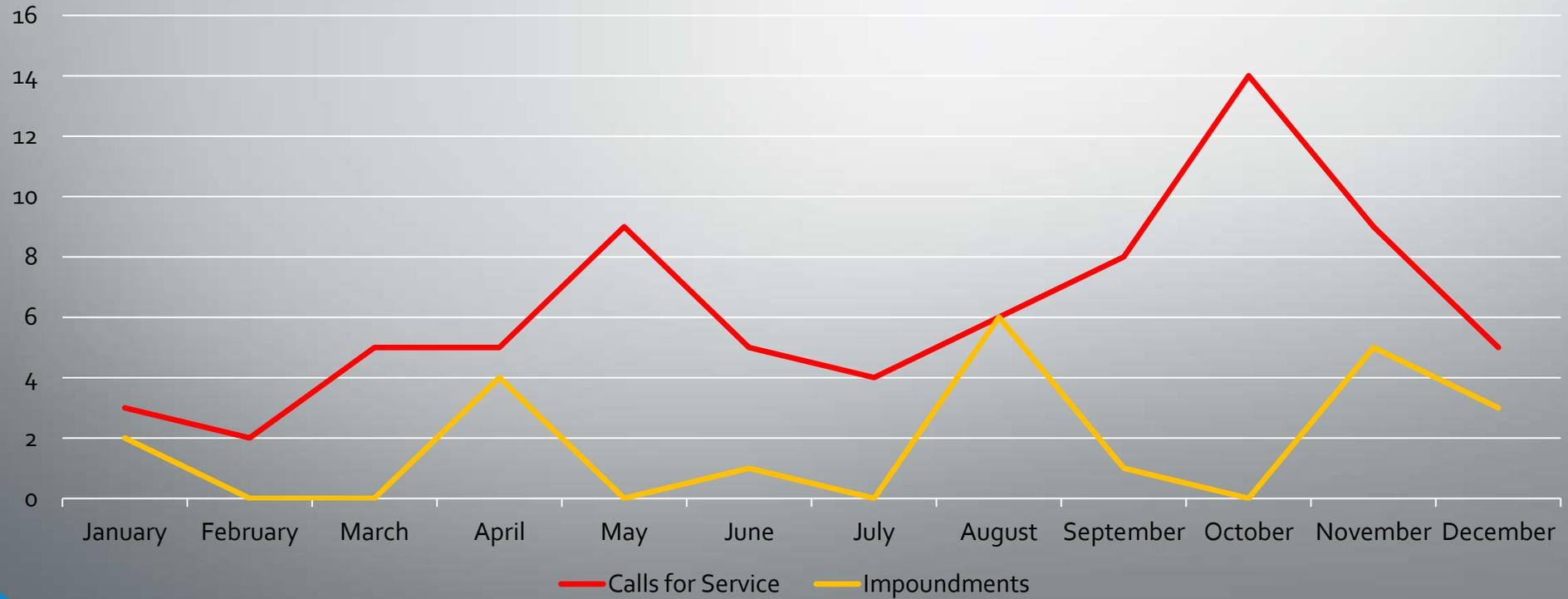


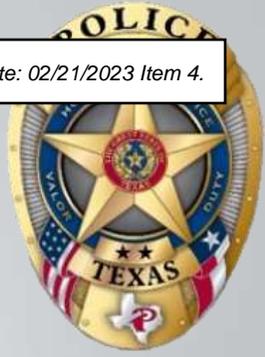
# Animal Services - 2022

Service Activity	January	February	March	April	May	June
Calls for Service	3	2	5	5	9	5
Impoundments	2	0	0	4	0	1
Service Activity	July	August	September	October	November	December
Case Assigned	4	6	8	14	9	5
Impoundments	0	6	1	0	5	3



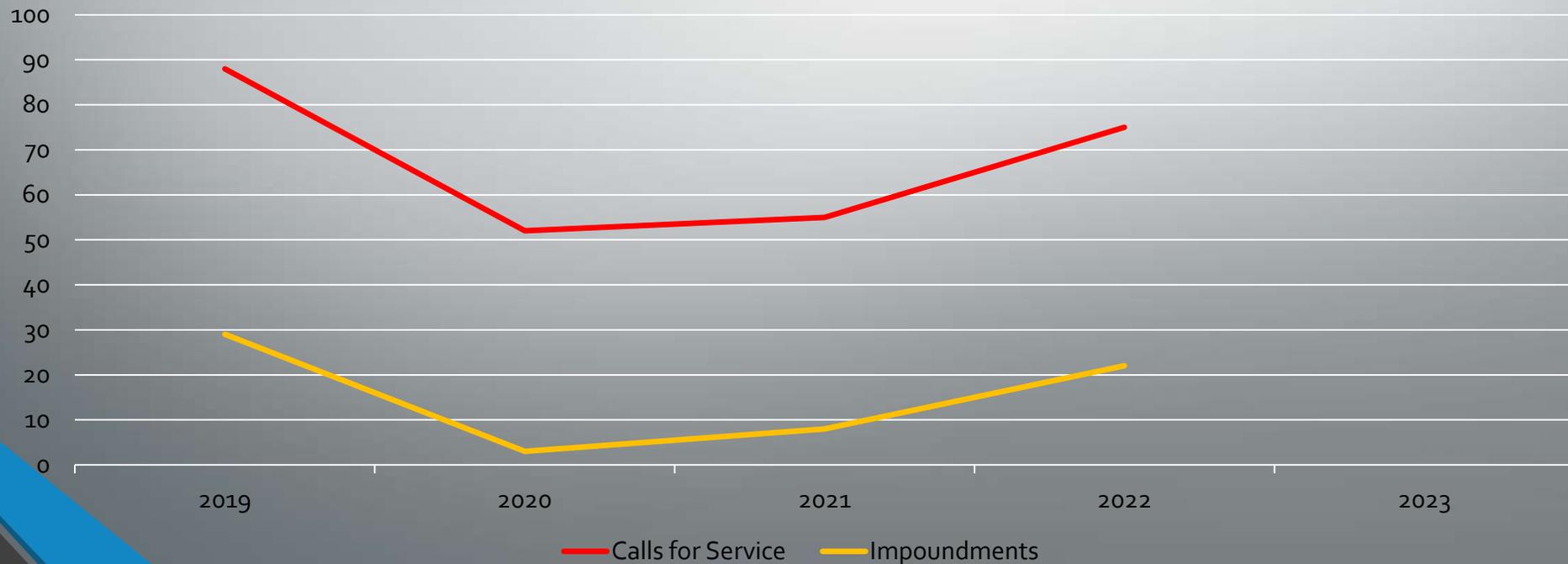
# Animal Services - 2022





# Animal Services - 5 Years

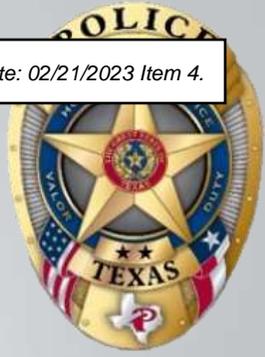
Service Activity	2019	2020	2021	2022	2023
Calls for Service	88	52	55	75	
Impoundments	29	3	8	22	



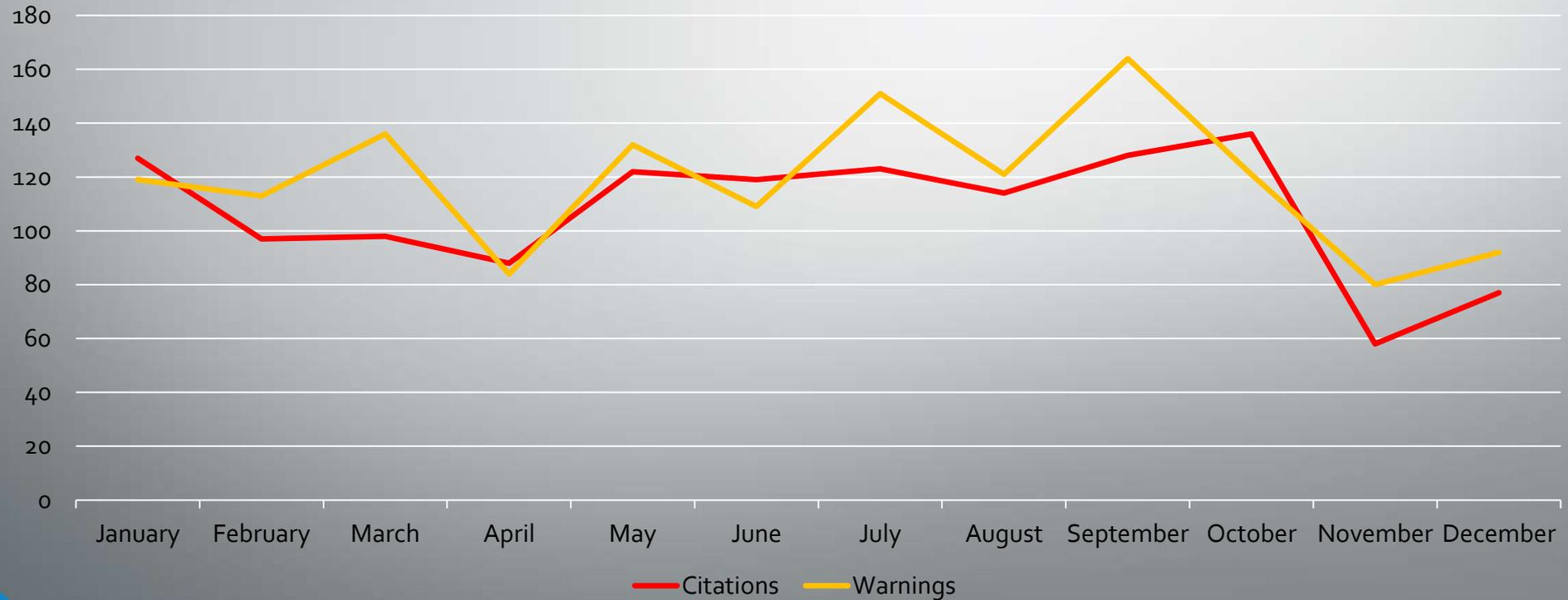


# Citations - 2022

Traffic Enforcement	January	February	March	April	May	June
Citations	127	97	98	88	122	119
Warnings	119	113	136	84	132	109
Traffic Enforcement	July	August	September	October	November	December
Citations	123	114	128	136	58	77
Warnings	151	121	164	121	80	92



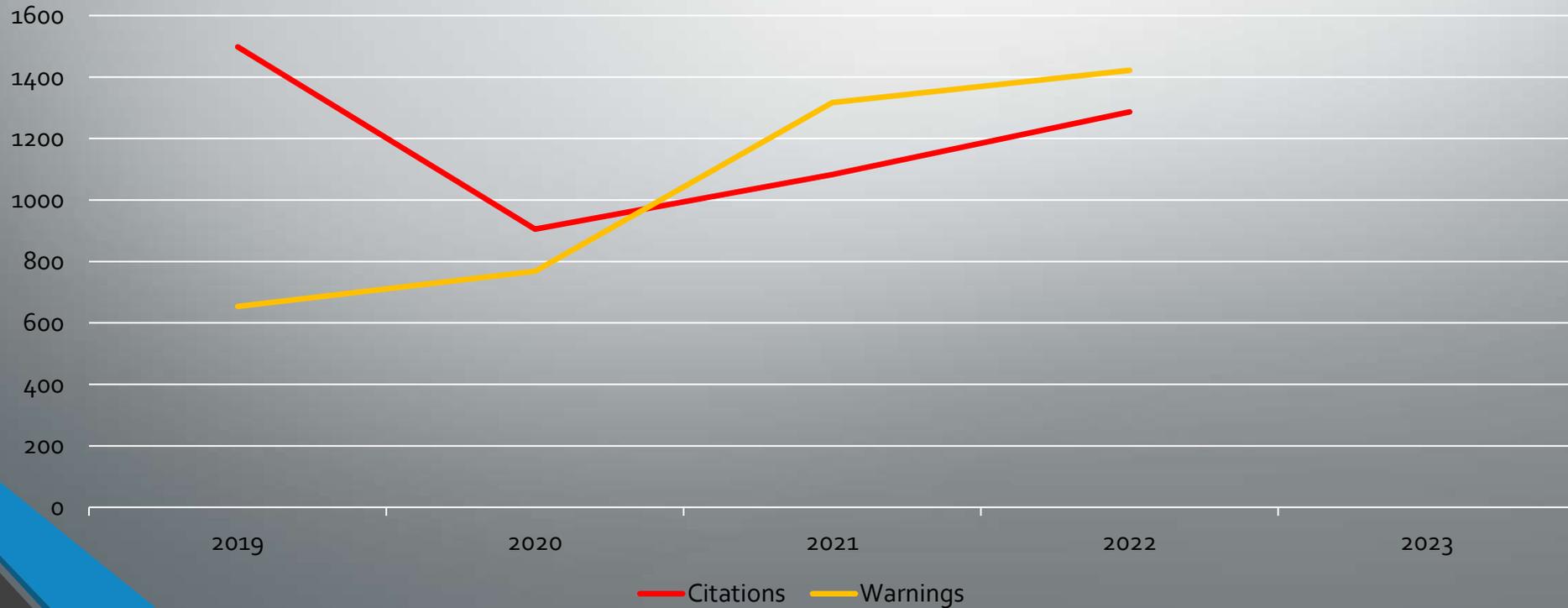
# Citations - 2022

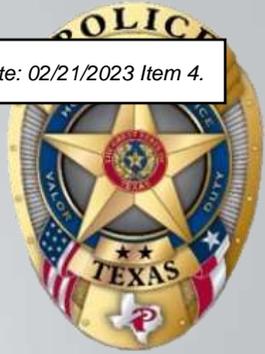




# Citations - 5 Years

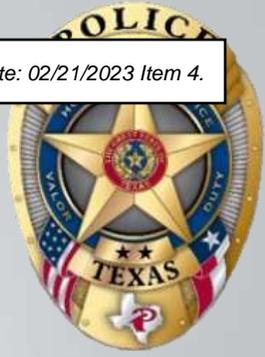
Alarm Activity	2019	2020	2021	2022	2023
Citations	1498	905	1083	1287	
Warnings	654	768	1317	1422	





# Ongoing Community Programs & Events

- National Night Out
  - Held in October in neighborhoods throughout the city, a community-police awareness raising event.
- Speed Radar Trailer
  - This program allows the Parker Police Department to set up a speed radar trailer at different intervals in different locations throughout Parker to help remind motorists to be cautious of the speeds on the road in the City of Parker. This greatly help reduce the amount of speeding and reckless drivers throughout the City. We added a third device to the program which was deployed in the field on 01/18/2022.
- National Drug Take Back
  - This program, in conjunction with the Drug Enforcement Administration (DEA), allows the Parker Police Department to participate in a nation-wide collaborative effort focused on removing potentially dangerous controlled substances from our nation's medicine cabinets. This is a unified opportunity for the public to surrender expired, unwanted, or unused pharmaceutical controlled substances and other medications to law enforcement officers for destruction at no cost to the City or its Citizens.



# Looking Forward

- In the upcoming year, we will strive to
  - Increase our recruiting efforts to bring the department to full staff with quality applicants and expanding our Reserve Officer Program.
  - Increase operational safety and capabilities through advanced training.
  - Increase community engagement. “Fly Our Flag”
    - Coffee with a Cop
    - Community Toy/Food drives
  - Begin a social media presence to better connect with our community.
    - Facebook
    - NextDoor
  - Continue to research the viability of a new Citizen Volunteer Program.



## Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Parker Police Department
Fund Balance-before expenditure:	Prepared by:	City Administrator Olson
Estimated Cost:	Date Prepared:	February 17, 2023
Exhibits:	<u>None</u>	

### AGENDA SUBJECT

PRESENTATION AND DISCUSSION ON A CONTEMPLATED DONATION(S) TO THE PARKER POLICE DEPARTMENT FROM THE BERKSHIRE FECHT QUAIL CONSERVANCY, AND THE FECHT FAMILY.

### SUMMARY

The Berkshire Fecht Quail Conservancy, and the Fecht Family are contemplating a donation to the Parker Police Department. Mr. Fecht would like to discuss the donation(s) with the City Council.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/16/2023
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/16/2023 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	02/17/2023



## Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Public Works Director Machado
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey for Public Works Director Machado
Estimated Cost:	Date Prepared:	February 13, 2023
Exhibits:	<ol style="list-style-type: none"> <li>1. <a href="#">Justin R. Ivy, P.E. letter, dated February 7, 2023</a></li> <li>2. <a href="#">Development Application</a></li> <li>3. <a href="#">Waiver w-Fee receipt</a></li> <li>4. <a href="#">Preliminary Plat</a></li> </ol>	

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON KING'S CROSSING PHASE 5 PRELIMINARY PLAT.

### SUMMARY

King's Crossing Phase 5 Preliminary Plat, 36 Residential Lots, 2 Common Area Lots; being 49.583 acres situated in the Ann S. Hurt Survey, Abstract No. 428, City of Parker, Collin County, Texas, was recommended for approval February 9, 2023 by the Parker Planning and Zoning (P&Z) Commission, 5-0. Per Justin R. Ivy, P.E. letter, dated February 7, 2023, "review of the Engineering Plans is for general compliance with the City of Parker's development requirements and good engineering practice and does not relieve the engineer of record of their responsibilities under the Texas Engineering Practice Act." See letter for further details.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Gary Machado</i>	Date:	02/16/2023
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/16/2023 via Municode Software
City Administrator	<i>Luke B. Olson</i>	Date:	02/17/2023

**BIRKHOFF, HENDRICKS & CARTER, L.L.P.**  
**PROFESSIONAL ENGINEERS**

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Phone (214) 361-7900

www.bhcllp.com

JOHN W. BIRKHOFF, P.E.  
 GARY C. HENDRICKS, P.E., R.P.L.S.  
 JOE R. CARTER, P.E.  
 ANDREW MATA, JR., P.E.

DEREK B. CHANEY, P.E., R.P.L.S.  
 CRAIG M. KERKHOFF, P.E., CFM  
 JUSTIN R. IVY, P.E.  
 COOPER E. REINBOLD, P.E.

February 7, 2023

Mr. Gary Machado  
 City of Parker  
 5700 E. Parker Rd.  
 Parker, Texas 75002

Re: Kings Crossing Phase 5  
 Preliminary Plat and Engineering Plan Review

Dear Mr. Machado:

As you requested, we have completed our fourth review of the Preliminary Plat & Engineering Plans for the Kings Crossing – Phase 5 development prepared by Engineering Concepts and Design.

Our review of the Engineering Plans is for general compliance with the City of Parker’s development requirements and good engineering practice and does not relieve the engineer of record of their responsibilities under the Texas Engineering Practice Act.

Conflicts or issues that arise during construction that are unforeseen or unknown at the time of construction plan design and permitting will be required to be corrected or completed by the development prior to the acceptance of public improvements by the City. Listed below are our review comments.

**Drainage Plan Comments**

1. Driveway culvert calculations were provided per previous review comments. Per the calculations, four 24-inch diameter RCP culverts will be required at each driveway for Lots 16 through 24, Block F. The roadway ditches are shown to be in a ‘V’ configuration. The grading at all multiple barrel driveway culverts should be detailed to show how the pipes and headwall will fit in the proposed ditches.

The following comments pertain to a conference call between the City, BHC, and Engineering Concepts & Design on January 18, 2023:

1. Middleton Drive (Sheet 7) – The street is shown to end short of the property line. An agreement between the City and Developer will need to be executed prior to construction.
2. Utility Plan 2 (Sheet 23) – For Lots 26 and 27, Block F: Add a note stating water services shall end inside a meter box with lid and corporation stop. Meters shall not be installed. Add a note for sanitary sewer services to extend to right-of-way and marked at the end with capped PVC pipe 2-3 feet above ground.

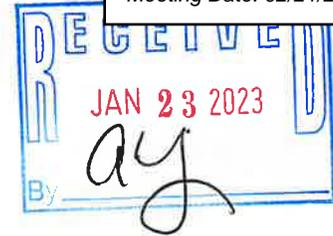
We are available to discuss further at your convenience.

Sincerely,

Justin R. Ivy

Justin R. Ivy, P.E.

Digitally signed by Justin R. Ivy  
 Reason: I am the author of this  
 document  
 DN: c=US, e=ejivy@bhcllp.com,  
 o=Birkhoff, Hendricks & Carter,  
 L.L.P., cn=Justin R. Ivy  
 Date: 2023.02.07 11:13:25-06'00'



**DEVELOPMENT APPLICATION**  
**City of Parker, Texas**

Proposed Name of Subdivision: Kings Crossing - Phase 5

Plat Approval Requested	Filing Fee	Filing Fee
<input checked="" type="checkbox"/> Preliminary Plat	<u>\$800.00 + \$30/acre = \$2,338</u>	<input type="checkbox"/> Final Plat <u>\$800.00 + \$30/acre</u>
<input type="checkbox"/> Site Plan	<u>\$300.00 + \$25/acre</u>	<input type="checkbox"/> Minor Plat (5 acres or less) <u>\$500.00 + \$100/lot</u>
<input type="checkbox"/> Replat/Amended	<u>\$500.00 plus \$15/lot</u>	<input type="checkbox"/> Development Plat <u>\$300.00 + \$30/acre</u>

Physical Location of Property: North of Middleton Drive, 250' west of Lewis Lane  
(Address and General Location – Approximate distance to the nearest existing street corner)

Brief Legal description of Property (must attach accurate metes and bound description to application):  
ABS A0428 ANN S HURT SURVEY, TRACT 7, 51.265 ACRES  
(Survey/Abstract No. and Tracts: or platted Subdivision Name with Lot/Block)

Acreage: 51.265 Existing # of Lots/Tracts: 1 Existing Zoning: PD  
(If a PD, include the Ordinance with application)

Property Owner's Name: Kings Crossing Five, Ltd Phone Number: 214-368-0238

Applicant/Contact Person: Stephen L Sallman Title: Manager

Company Name: Kings Crossing Five, Ltd

Street/Mailing Address: 4040 North Central Expressway, Suite 850 City: Dallas State: TX Zip: 75204

Phone: 214-368-0238 Fax: \_\_\_\_\_ Email Address: ssallman@warnergroup.com and pwalhood@warnergroup.com

Engineering Company: Petit - ECD

Contact Person: Ryan King, PE Title: Engineer

Street/Mailing Address: 201 Windco Circle STE 100 City: Wylie State: TX Zip: 75098

Phone: 972-941-8400 Fax: \_\_\_\_\_ Email Address: ryan@petitt-eed.com

**\*\* READ BEFORE SIGNING BELOW:** If there is more than one property owner, complete a separate sheet with the same wording as below. The City requires all Original Signatures. If applicant is other than the property owner, a "Power of Attorney" with original, notarized signatures is required.

STATE OF TEXAS    )  
COUNTY OF COLLIN    )

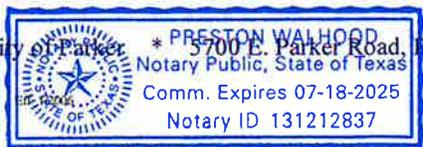
BEFORE ME, a Notary Public, on this day personally appeared Stephen L Sallman  
the undersigned applicant, who, under oath, stated the following "I herby certify that I am the owner, or duly authorized agent of the owner, (**Proof must be attached, e.g. "Power of Attorney"**) for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."

Stephen L Sallman  
Owner    Agent (circle one)

SUBSCRIBED AND SWORN TO before me, this the 19 day of JANUARY, 2023.

Notary Public in and for the State of Texas: [Signature]

Over



1026

**Kings Crossing Five, Ltd.**  
Development Account  
4040 N. Central Expwy., Suite 850  
Dallas, Texas 75204

**Simmons Bank**   
MEMBER FDIC  
81-43/829

1/12/2023

PAY TO THE  
ORDER OF City of Parker

\$ \*\*2,338.00

Two Thousand Three Hundred Thirty-Eight and 00/100\*\*\*\*\* DOLLARS

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

MEMO  
Prelim Plat App Fee

Security features. Details on back.

⑈ 00 10 26 ⑈

<b>Kings Crossing Five, Ltd.</b>			1026
City of Parker		1/12/2023	
	Prelim Plat App Fee (\$800 @ 51.265 Ac) Invoice #010523		2,338.00

Kings Five-Chkg (Sim Prelim Plat App Fee	2,338.00
--	----------

**SUBMITTAL DEADLINES:** Twenty eight (28) days prior to the Planning and Zoning Commission Meeting Date. Planning and Zoning Commission meets the second and fourth Thursday of each month.

**SUBMISSIONS.** Failure to submit all materials (including three sets of bound engineering plans) to the City with this application will result in delays scheduling the agenda date. Submit twelve (12) FOLDED to 8 1/2" X 11" copies of 24" X 36" prints [1"=100' scale] + electronic version in .jpeg, .tiff, or .pdf format. Applicant is to submit a complete copy of this application and drawings to the City Engineer

**ALL APPLICATIONS MUST BE COMPLETE BEFORE THEY WILL BE PLACED ON A CITY AGENDA.** It is the applicant's responsibility to be familiar with and to comply with, all City submittal requirements in the Zoning and Subdivision Ordinance ([www.parkertexas.us](http://www.parkertexas.us)), and any separate submittal policies, requirements and/or checklists that may be obtained from City staff)

**NOTICE OF PUBLIC RECORDS:** The submission of plans/drawings/etc. with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings/etc.) will be considered consent by the applicant that the general public may view and/or reproduce (i.e. copy) such documents.

**SUBMITTAL FEES:** All fees are due and payable at the time of application, except inspection, engineering and legal fees, which are due at the time of pre-Construction meeting with the City. No construction shall take place prior to the pre-construction meeting and submission of certified construction cost bid(s) by the contractor(s) and Owner. No hearing will be scheduled nor will any reviews be made until payment of required filing fees has been accomplished. Fees are non-refundable regardless of outcome of request.

**City Contact Information:**

**Public Workers Superintendent  
City of Parker, Texas  
5700 E. Parker Road \* Parker, Texas 75002  
Phone 972-442-6811 \* Fax 972-442-2894 \* [www.parkertexas.us](http://www.parkertexas.us)**

OFFICE USE ONLY This submittal meets the City of Parker's requirements per City ordinances for processing.

\_\_\_\_\_  
Signature Title   
OFFICIAL SUBMISSION DATE

Fees Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_ From : \_\_\_\_\_

P&Z Agenda Date: \_\_\_\_\_ Action: \_\_\_\_\_ CC Agenda Date: \_\_\_\_\_ Action: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Ordinance Number: \_\_\_\_\_ Date Approved: \_\_\_\_\_

Staff Comments forwarded to applicant on: \_\_\_\_\_ Revisions Due no later than: \_\_\_\_\_

Plans routed for review on \_\_\_\_\_, to:  Public Works Director  
 City Engineer  
 Building Official  
 Fire Department

Public Hearing Required:  Yes  No  
 Paper Notice \_\_\_\_\_ (date)  
 Written Notice \_\_\_\_\_ (date)

20220323000468380 03/23/2022 03:54:22 PM D1 1/8

CHICAGO TITLE  
GF# 8058672100555

Kings Crossing  
Phase 5

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

STATE OF TEXAS

COUNTY OF COLLIN

§  
§  
§

KNOW ALL PERSONS BY THESE PRESENTS:

That Bedell Family Limited Partnership, a Texas limited partnership ("Grantor"), whose mailing address is 2205 W. Lucas Road, Allen, Texas 75002, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration paid by Kings Crossing Five, Ltd., a Texas limited partnership ("Grantee"), whose mailing address is 4040 N. Central Expressway, Suite 850, Dallas, Texas 75204, and in further consideration of the sum of [REDACTED]

[REDACTED] as is evidenced by the execution and delivery by Grantee of that certain Promissory Note ("Note") dated of even date herewith in the principal amount of [REDACTED] with interest as therein provided and payable to Simmons Bank ("Lender"), said Note being secured by, among other things, a Deed of Trust ("Deed of Trust") of even date herewith from Grantee to Mark A. Crawford, as Trustee, for the benefit of Lender and by vendor's lien herein retained in favor of Lender, the receipt and sufficiency of all of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does hereby grant, bargain, sell and convey unto Grantee all those certain lots, tracts or parcels of land situated in Collin County, Texas, described on Exhibit A attached hereto and incorporated herein by reference for all purposes, together with all of Grantor's right, title and interest, if any, in and to adjacent streets, alleys, easements, rights-of-way, and existing rights of ingress and egress thereto, any adjacent strips or gores of real estate and oil, gas and other minerals (said land and appurtenances being herein together referred to as the "Property"); provided, however, Grantor hereby reserves an undivided one-half (1/2) of Grantor's right, title and interest in and to the oil, gas, and other minerals that are in and under the Property; provided, further, however, Grantor and Grantor's successors and assigns do hereby waive and release any and all rights of ingress and egress to and from the surface of the Property for any and all purposes, including, without limitation, exploring, prospecting, drilling or mining of oil, gas and other minerals. Notwithstanding the foregoing, incident to any pooling or unitization of portions of the Property with land other than the Property, Grantor may explore or produce oil and gas from the Property by means of wells that are drilled or mines that are open on land other than the Property, but which enter or bottom under the Property if and only if such operations do not interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property or the use of the surface by Grantee or Grantee's successors and assigns. The development of the Property as Phase 5 of Kings Crossing, a subdivision of Collin County, Texas, (the "Subdivision") is restricted to future development of a single-family residential subdivision and each platted single-family residential lot developed on the Property containing a minimum of forty-three thousand five hundred sixty (43,560) square feet.

Without limiting the foregoing, Grantor hereby assigns, transfers and conveys to Grantee, any and all development rights relating to, associated with or appurtenant to the Property, including, but not limited to, all right, title and interest of Grantor in and to: (a) utilities, sewage treatment capacity, water capacity, drainage and detention rights, if any, to serve or which will serve the Property and improvements now or hereafter constructed thereon; (b) surveys, engineering, soils, seismic, geological and environmental reports, studies, certificates and other technical descriptions applicable to the Property; (c) warranties, guaranties, indemnities, claims and causes of action, to the extent applicable to the Property; (d) licenses, permits, governmental approvals, utility commitments, utility rights, reimbursement rights, development rights or other similar rights; (e) rights to credits, refunds, and reimbursements, including, without limitation, any credits against, or right to pay reduced application fees, permit fees, inspection fees or impact fees; (f) rights under zoning cases, preliminary plans, plats, and other development applications and approvals; (g) rights

in and to engineering and architectural plans and specifications; (h) awards or proceeds relating to the Property that are unpaid as of the date hereof; (i) rights of an owner under any declaration of covenants, conditions, and restrictions, but not including any rights as declarant; and (j) all other development rights, powers, privileges, options, or other benefits associated with, that pertain to, are attributable to, are appurtenant to, apply to, or which otherwise benefit the Property.

This conveyance is made subject to the easements, covenants and other matters and exceptions set forth in **Exhibit B** attached hereto and incorporated herein by reference for all purposes (the "Permitted Exceptions"), but only to the extent the same are valid and subsisting and affect the Property as of the date hereof, and without limitation or expansion of the scope of the warranty herein contained.

**TO HAVE AND TO HOLD** the Property, subject to the Permitted Exceptions, unto Grantee and Grantee's successors and assigns forever, and Grantor does hereby bind Grantor and Grantor's successors and assigns to warrant and forever defend, all and singular the Property unto Grantee and Grantee's successors and assigns, when the claim is made by, through or under Grantor, but not otherwise.

It is expressly agreed and stipulated that a vendor's lien and the superior title are retained against the Property until the Note, and all interest thereon, are fully paid according to the face and tenor, effect and reading thereof, when this deed shall become absolute. The vendor's lien and superior title are hereby assigned and transferred to Lender by Grantor without recourse on Grantor.

**IN WITNESS WHEREOF**, Grantor has executed this Special Warranty Deed with Vendor's Lien to be effective as of March 21, 2022, although this Special Warranty Deed with Vendor's Lien may not have been executed on that date.

**GRANTOR:**

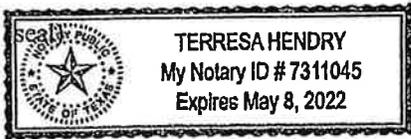
**Bedell Family Limited Partnership,**  
a Texas limited partnership

By: Bedell Investments, Inc.,  
a Texas corporation,  
General Partner

By: Sandy L. Bedell  
Sandy L. Bedell,  
Vice President

STATE OF TEXAS                   §  
   §  
COUNTY OF COLLIN           §

This instrument was acknowledged before me on March 21<sup>st</sup>, 2022, by Sandy L. Bedell, Vice President of Bedell Investments, Inc., a Texas corporation, General Partner of **Bedell Family Limited Partnership**, a Texas limited partnership, on behalf thereof and in the capacity herein stated.



*[Handwritten Signature]*  
\_\_\_\_\_  
Notary Public, State of Texas

**After recording, return to:**

Kings Crossing Five, Ltd.  
4040 N. Central Expressway, Suite 850  
Dallas, Texas 75204  
Attn: Stephen L. Sallman

F:\Doc\1g\WaterGr\KingCrossing\Final 5\Cloug Doc\SWDVL-01-18-2022\_v2.rpd

**Prepared in the law offices of:**

Sims Moore Hill & Gannon , L.L.P.  
211 E. Franklin Street  
P. O. Box 1096  
Hillsboro, Texas 76645

**EXHIBIT A**

**51.265 Acres**

**BEING 51.265 ACRES OF LAND LOCATED IN THE ANN HURT SURVEY, ABSTRACT NO. 428, COLLIN COUNTY, TEXAS, BEING ALL OF THE BEDELL FAMILY PARTNERSHIP CALLED 1.362 ACRE TRACT DESCRIBED AS TRACT 2 IN CC#20060313000332290, (O.P.R.C.C.T.) AND A PORTION OF THE BEDELL FAMILY LIMITED PARTNERSHIP CALLED 356 ACRE TRACT DESCRIBED AS FIRST TRACT IN CC#2000-0050958, (O.P.R.C.C.T.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING AT A 1/2" IRON ROD WITH CAP STAMPED "WESTWOOD" FOUND IN THE WEST LINE OF THE ABOVE-MENTIONED 356 ACRE TRACT, SAME BEING THE COMMON EAST LINE OF PARKER LAKE ESTATES PHASE 3-A, AN ADDITION TO THE CITY OF PARKER BY PLAT THEREOF RECORDED IN CABINET N, SLIDE 806, PLAT RECORDS, COLLIN COUNTY, TEXAS (P.R.C.C.T.) AT THE NORTHWEST CORNER OF KINGS CROSSING PHASE 4, AN ADDITION TO THE CITY OF PARKER BY PLAT THEREOF RECORDED IN CC#20170802010003680, (O.P.R.C.C.T.);**

**THENCE NORTH 00 DEGREES 47 MINUTES 58 SECONDS WEST, A DISTANCE OF 887.08 FEET TO A 3/4" IRON ROD FOUND AT AN INTERIOR CORNER OF SAID 356 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF THE ABOVE-MENTIONED PARKER LAKE ESTATES PHASE 3-A, FROM WHICH A 5/8" IRON ROD FOUND IN THE NORTH LINE OF SAID PARKER LAKE ESTATES 3-A AT AN EXTERIOR CORNER OF SAID 356 ACRE TRACT AND THE SOUTHEAST CORNER OF PARKER LAKE ESTATES, PHASE 1, AN ADDITION TO THE CITY OF PARKER BY PLAT THEREOF RECORDED IN CABINET M, SLIDE 203, (P.R.C.C.T.) BEARS SOUTH 89 DEGREES 39 MINUTES 11 SECONDS WEST, A DISTANCE OF 538.86 FEET;**

**THENCE GOING OVER AND ACROSS SAID 356 ACRE TRACT, THE FOLLOWING FIVE (5) COURSES AND DISTANCES:**

- 1) NORTH 35 DEGREES 55 MINUTES 37 SECONDS EAST, A DISTANCE OF 229.49 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET (HEREAFTER CALLED IRON ROD SET);
- 2) NORTH 68 DEGREES 32 MINUTES 41 SECONDS EAST, A DISTANCE OF 1108.34 FEET TO AN IRON ROD SET AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 20 DEGREES 25 MINUTES 55 SECONDS, A RADIUS OF 841.00 FEET AND A LONG CHORD THAT BEARS NORTH 78 DEGREES 45 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 298.32 FEET;
- 3) NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 299.90 FEET TO AN IRON ROD SET;
- 4) NORTH 88 DEGREES 58 MINUTES 36 SECONDS EAST, A DISTANCE OF 854.39 FEET TO AN IRON ROD SET;
- 5) NORTH 79 DEGREES 18 MINUTES 46 SECONDS EAST, A DISTANCE OF 130.55 FEET TO AN IRON ROD SET AT AN EXTERIOR ANGLE CORNER OF LOT 24, KINGS CROSSING PHASE 1, AN ADDITION TO THE CITY OF PARKER BY PLAT THEREOF RECORDED IN CC#20140205010000360, (O.P.R.C.C.T.), FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "WESTWOOD" FOUND AT AN EXTERIOR CORNER OF JUST MENTIONED KINGS CROSSING PHASE 1 BEARS NORTH 37 DEGREES 10 MINUTES 08 SECONDS WEST, A DISTANCE OF 1617.25 FEET;

**THENCE** SOUTH 53 DEGREES 40 MINUTES 04 SECONDS EAST, A DISTANCE OF 223.30 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "WESTWOOD" FOUND AT THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID KINGS CROSSING PHASE 1, SAME BEING THE NORTHEAST CORNER OF THE ABOVE-MENTIONED 1.362 ACRE TRACT AND THE NORTHWEST CORNER OF THE CHRIS J. HENDRIX AND LAURA B. HENDRIX CALLED 15.366 ACRE TRACT AS DESCRIBED IN CC#2000-0071566, (O.P.R.C.C.T.);

**THENCE** SOUTH 01 DEGREES 00 MINUTES 08 SECONDS EAST, ALONG THE EAST LINE OF A 1.362 ACRE TRACT AND SAID 356 ACRE TRACT AND THE COMMON WEST LINE OF THE ABOVE-MENTIONED 15.366 ACRE TRACT, A DISTANCE OF 514.22 FEET TO AN IRON ROD SET AT THE NORTHEAST CORNER OF THE ABOVE-MENTIONED KINGS CROSSING PHASE 4 ADDITION;

**THENCE** ALONG THE NORTH LINE OF SAID KINGS CROSSING PHASE 4 ADDITION, THE FOLLOWING SIX (6) COURSES AND DISTANCES:

- 1) SOUTH 88 DEGREES 58 MINUTES 36 SECONDS WEST, A DISTANCE OF 970.33 FEET TO A 1/2" IRON ROD FOUND
- 2) SOUTH 80 DEGREES 16 MINUTES 05 SECONDS WEST, A DISTANCE OF 250.07 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "WESTWOOD" FOUND;
- 3) SOUTH 36 DEGREES 00 MINUTES 15 SECONDS WEST, A DISTANCE OF 275.95 FEET TO A 1/2" IRON ROD FOUND;
- 4) SOUTH 08 DEGREES 15 MINUTES 31 SECONDS WEST, A DISTANCE OF 197.26 FEET TO A 1/2" IRON ROD FOUND;
- 5) SOUTH 23 DEGREES 54 MINUTES 30 SECONDS WEST, A DISTANCE OF 133.15 FEET TO A 1/2" IRON ROD FOUND;
- 6) SOUTH 70 DEGREES 26 MINUTES 56 SECONDS WEST, A DISTANCE OF 213.04 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET AT THE EAST CORNER OF PARKER BEDELL FARMS, LTD. CALLED 0.247 ACRE TRACT AS DESCRIBED IN CC#20200709001061490, (O.P.R.C.C.T.);

**THENCE** LEAVING SAID NORTH LINE OF KINGS CROSSING PHASE 4 ADDITION AND GOING OVER AND ACROSS SAID 356 ACRE TRACT, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- 1) NORTH 19 DEGREES 33 MINUTES 06 SECONDS WEST, A DISTANCE OF 94.78 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET AT THE NORTH CORNER OF SAID 0.247 ACRE TRACT;
- 2) SOUTH 74 DEGREES 14 MINUTES 10 SECONDS WEST, A DISTANCE OF 106.48 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET AT THE WEST CORNER OF SAID 0.247 ACRE TRACT;
- 3) SOUTH 15 DEGREES 45 MINUTES 50 SECONDS EAST, A DISTANCE OF 99.86 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET IN THE NORTH LINE OF SAID KINGS CROSSING PHASE 4 ADDITION AT THE SOUTH CORNER OF SAID 0.247 ACRE TRACT;

**THENCE** ALONG THE NORTH LINE OF SAID KINGS CROSSING PHASE 4 ADDITION, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

- 1) SOUTH 74 DEGREES 14 MINUTES 10 SECONDS WEST, A DISTANCE OF 84.73 FEET TO A 1/2" IRON ROD FOUND;
- 2) SOUTH 89 DEGREES 10 MINUTES 32 SECONDS WEST, A DISTANCE OF 160.00 FEET TO A 5/8" IRON ROD FOUND (DISTURBED);

- 3) SOUTH 00 DEGREES 47 MINUTES 44 SECONDS EAST, A DISTANCE OF 100.06 FEET TO A 1/2" IRON ROD FOUND;
- 4) SOUTH 89 DEGREES 12 MINUTES 16 SECONDS WEST, A DISTANCE OF 275.00 FEET TO AN IRON ROD SET AT THE MOST NORTHERLY SOUTHEAST CORNER OF THE PARKER BEDELL FARMS, LTD. CALLED 0.151 ACRE TRACT AS DESCRIBED IN CC# 20200709001061490, (O.P.R.C.C.T.);

**THENCE** LEAVING SAID NORTH LINE OF KINGS CROSSING PHASE 4 ADDITION AND GOING OVER AND ACROSS SAID 356 ACRE TRACT, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. NORTH 00 DEGREES 47 MINUTES 44 SECONDS WEST, A DISTANCE OF 16.21 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET AT THE NORTHEAST CORNER OF SAID 0.151 ACRE TRACT;
2. SOUTH 89 DEGREES 12 MINUTES 16 SECONDS WEST, A DISTANCE OF 105.00 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;
3. SOUTH 00 DEGREES 47 MINUTES 44 SECONDS EAST, A DISTANCE OF 105.00 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET IN THE NORTH LINE OF SAID KINGS CROSSING PHASE 4 ADDITION;

**THENCE** SOUTH 89 DEGREES 12 MINUTES 16 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 230.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 51.265 ACRES OF LAND, MORE OR LESS.

**EXHIBIT B****Permitted Exceptions**

1. Standby fees, taxes and assessments by any taxing authority for the year 2022, and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership.
2. Restrictive covenants and other matters of record contained in instrument recorded as Collin County Clerk's Document No. 2007001331830, Real Property Records, Collin County, Texas.
3. Interest in and to all coal, lignite, oil, gas and other minerals contained in instrument dated March 3, 2006, recorded on March 13, 2006, as Collin County Clerk's Document No. 200600032290, corrected by instrument recorded as Collin County Clerk's Document No. 2006000444410, Official Records, Collin County, Texas, and noted on survey dated August 6, 2021, and last revised on December 6, 2021, prepared by Daniel Chase O'Neal, RPLS No. 6570.
4. Interest in and to all coal, lignite, oil, gas and other minerals contained in instrument dated February 28, 1956, recorded on March 12, 1956, in Volume 512, Page 411, Official Records, Collin County, Texas, and noted on survey dated August 6, 2021, and last revised on December 6, 2021, prepared by Daniel Chase O'Neal, RPLS No. 6570.
5. Easement granted to CoServ Gas, Ltd. by instrument recorded on January 31, 2001, in Volume 4845, Page 1320, Real Property Records, Collin County, Texas, and noted on survey dated August 6, 2021, and last revised on December 6, 2021, prepared by Daniel Chase O'Neal, RPLS No. 6570.
6. Easement granted to Parker Lake Estates III, Ltd. and Parker Lake Estates HOA, Inc. by instrument recorded on September 2, 2002, recorded in Volume 5143, Page 419, Real Property Records, Collin County, Texas, and noted on survey dated August 6, 2021, and last revised on December 6, 2021, prepared by Daniel Chase O'Neal, RPLS No. 6570.
7. Easement granted to North Texas Municipal Water District by instrument recorded on November 27, 2006, recorded as Collin County Clerk's Document No. 2006001670830, Real Property Records, Collin County, Texas, and noted on survey dated August 6, 2021, and last revised on December 6, 2021, prepared by Daniel Chase O'Neal, RPLS No. 6570.
8. Right of First Refusal Agreement recorded on October 2, 2007, as Collin County Clerk's Document No. 2007001358320, Real Property Records, Collin County, Texas, and noted on survey dated August 6, 2021, and last revised on December 6, 2021, prepared by Daniel Chase O'Neal, RPLS No. 6570.
9. Easement granted to Parker Bedell Farms, Ltd. by instrument recorded on September 4, 2009, as Collin County Clerk's Document No. 2009001114490, Real Property Records, Collin County, Texas, and noted on survey dated August 6, 2021, and revised on December 6, 2021, prepared by Daniel Chase O'Neal, RPLS No. 6570.
10. Easement granted to Parker Bedell Farms, Ltd. by instrument recorded on September 4, 2009, as Collin County Clerk's Document No. 2009001114510, Real Property Records, Collin County, Texas, and noted on survey dated August 6, 2021, and revised on December 6, 2021, prepared by Daniel Chase O'Neal, RPLS No. 6570.

11. Easement granted to Parker Bedell Farms, Ltd. by instrument recorded on July 17, 2013, as Collin County Clerk's Document No. 20130717000998220, Real Property Records, Collin County, Texas, and noted on survey dated August 6, 2021, and revised on December 6, 2021, prepared by Daniel Chase O'Neal, RPLS No. 6570.
12. Easement granted to Parker Bedell Farms, Ltd. by instrument recorded on April 7, 2010, as Collin County Clerk's Document No. 20100407000333730, Real Property Records, Collin County, Texas, and noted on survey dated August 6, 2021, and revised on December 6, 2021, prepared by Daniel Chase O'Neal, RPLS No. 6570.



Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
03/23/2022 03:54:22 PM  
\$54.00 CGRAFIS  
20220323000468380

KING'S CROSSING  
PHASE 5

**BEING** 49.583 ACRES OF LAND LOCATED IN THE ANN HURT SURVEY, ABSTRACT NO. 428, COLLIN COUNTY, TEXAS, BEING ALL OF THE PARKER BEDELL FARMS, LTD. CALLED 0.151 AND 0.247 ACRE TRACTS AS DESCRIBED IN INSTRUMENT 20200709001061490, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (OPRCCT), AND A PORTION OF THE KINGS CROSSING FIVE, LTD. CALLED 51.265 ACRE TRACT AS DESCRIBED IN INSTRUMENT 20220323000468380, OPRCCT AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 1/2-INCH IRON ROD WITH CAP STAMPED "WESTWOOD" FOUND AT THE SOUTHWEST CORNER OF THE ABOVE-MENTIONED 51.265-ACRE TRACT AND THE NORTHWEST CORNER OF KINGS CROSSING PHASE 4, AN ADDITION TO THE CITY OF PARKER BY PLAT THEREOF RECORDED IN INSTRUMENT 20170802010003680, OPRCCT, SAME BEING THE COMMON EAST LINE OF PARKER LAKE ESTATES PHASE 3-A, AN ADDITION TO THE CITY OF PARKER BY PLAT THEREOF RECORDED IN CABINET N, SLIDE 806, PLAT RECORDS, COLLIN COUNTY, TEXAS (PRCCT);

**THENCE** NORTH 00 DEGREES 47 MINUTES 58 SECONDS WEST, ALONG THE COMMON LINE OF SAID PARKER LAKE ESTATES PHASE 3-A AND SAID 51.265-ACRE TRACT, A DISTANCE OF 887.08 FEET TO A 3/4-INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID PARKER LAKE ESTATES PHASE 3-A, FROM WHICH A 5/8-INCH IRON ROD FOUND IN THE NORTH LINE OF SAID PARKER LAKE ESTATES 3-A AND THE SOUTHEAST CORNER OF PARKER LAKE ESTATES, PHASE 1, AN ADDITION TO THE CITY OF PARKER BY PLAT THEREOF RECORDED IN CABINET M, SLIDE 203, PRCCT BEARS SOUTH 89 DEGREES 39 MINUTES 11 SECONDS WEST, A DISTANCE OF 538.86 FEET;

**THENCE** ALONG THE NORTH LINE OF SAID 51.265-ACRE TRACT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

- 1) NORTH 35 DEGREES 55 MINUTES 37 SECONDS EAST, A DISTANCE OF 229.49 FEET TO A 1/2-INCH IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET (HEREAFTER CALLED IRON ROD SET);
- 2) NORTH 68 DEGREES 32 MINUTES 41 SECONDS EAST, A DISTANCE OF 1108.34 FEET TO AN IRON ROD SET AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 20 DEGREES 25 MINUTES 55 SECONDS, A RADIUS OF 841.00 FEET AND A LONG CHORD THAT BEARS NORTH 78 DEGREES 45 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 298.32 FEET;
- 3) NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 299.90 FEET TO AN IRON ROD SET;
- 4) NORTH 88 DEGREES 58 MINUTES 36 SECONDS EAST, A DISTANCE OF 550.03 FEET TO AN IRON ROD SET;

**THENCE**, OVER AND ACROSS SAID 51.265-ACRE TRACT, THE FOLLOWING FIVE COURSES AND DISTANCES:

- 1) SOUTH 01 DEGREES 01 MINUTES 24 SECONDS EAST, A DISTANCE OF 291.19 FEET TO AN IRON ROD SET;
- 2) NORTH 88 DEGREES 59 MINUTES 38 SECONDS EAST, A DISTANCE OF 202.71 FEET TO AN IRON ROD SET AT THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 56 DEGREES 08 MINUTES 03 SECONDS, A RADIUS OF 60.00 FEET AND A LONG CHORD THAT BEARS SOUTH 60 DEGREES 22 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 56.46 FEET;
- 3) SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 58.78 FEET TO AN IRON ROD SET;
- 4) NORTH 88 DEGREES 58 MINUTES 54 SECONDS EAST, A DISTANCE OF 53.08 FEET TO AN IRON ROD SET;
- 5) NORTH 01 DEGREES 01 MINUTES 24 SECONDS WEST, A DISTANCE OF 320.04 FEET TO AN IRON ROD SET IN THE NORTH LINE OF SAID 51.265-ACRE TRACT;

**THENCE** NORTH 79 DEGREES 18 MINUTES 46 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 130.55 FEET TO AN IRON ROD SET AT AN EXTERIOR ANGLE CORNER OF LOT 24, KINGS CROSSING PHASE 1, AN ADDITION TO THE CITY OF PARKER BY PLAT THEREOF RECORDED IN INSTRUMENT 20140205010000360, OPRCCT, FROM WHICH A 1/2-INCH IRON ROD WITH CAP STAMPED "WESTWOOD" FOUND AT AN EXTERIOR CORNER OF JUST MENTIONED KINGS CROSSING PHASE 1 BEARS NORTH 37 DEGREES 10 MINUTES 08 SECONDS WEST, A DISTANCE OF 1617.25 FEET;

**THENCE** SOUTH 53 DEGREES 40 MINUTES 04 SECONDS EAST, ALONG THE COMMON LINE OF SAID KINGS CROSSING, PHASE 1 AND SAID 51.265-ACRE TRACT, A DISTANCE OF 223.30 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "WESTWOOD" FOUND AT THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID KINGS CROSSING PHASE 1, SAME BEING THE NORTHWEST CORNER OF THE CHRIS J. HENDRIX AND LAURA B. HENDRIX CALLED 15.366 ACRE TRACT AS DESCRIBED IN INSTRUMENT 2000-0071566, OPRCCT;

**THENCE** SOUTH 01 DEGREES 00 MINUTES 08 SECONDS EAST, ALONG THE EAST LINE OF SAID 51.265-ACRE TRACT AND THE COMMON WEST LINE OF THE ABOVE-MENTIONED 15.366 ACRE TRACT, A DISTANCE OF 514.22 FEET TO AN IRON ROD SET AT THE NORTHEAST CORNER OF THE ABOVE-MENTIONED KINGS CROSSING PHASE 4 ADDITION;

**THENCE** ALONG THE NORTH LINE OF SAID KINGS CROSSING PHASE 4 ADDITION, THE FOLLOWING TWELVE (12) COURSES AND DISTANCES:

- 1) SOUTH 88 DEGREES 58 MINUTES 36 SECONDS WEST, A DISTANCE OF 970.33 FEET TO A 1/2-INCH IRON ROD FOUND;
- 2) SOUTH 80 DEGREES 16 MINUTES 05 SECONDS WEST, A DISTANCE OF 250.07 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "WESTWOOD" FOUND;
- 3) SOUTH 36 DEGREES 00 MINUTES 15 SECONDS WEST, A DISTANCE OF 275.95 FEET TO A 1/2-INCH IRON ROD FOUND;
- 4) SOUTH 08 DEGREES 15 MINUTES 31 SECONDS WEST, A DISTANCE OF 197.26 FEET TO A 1/2-INCH IRON ROD FOUND;

- 5) SOUTH 23 DEGREES 54 MINUTES 30 SECONDS WEST, A DISTANCE OF 133.15 FEET TO A 1/2-INCH IRON ROD FOUND;
- 6) SOUTH 70 DEGREES 26 MINUTES 56 SECONDS WEST, A DISTANCE OF 293.09 FEET TO AN IRON ROD SET;
- 7) SOUTH 74 DEGREES 14 MINUTES 10 SECONDS WEST, A DISTANCE OF 117.60 FEET TO A 1/2-INCH IRON ROD FOUND;
- 8) SOUTH 89 DEGREES 10 MINUTES 32 SECONDS WEST, A DISTANCE OF 160.00 FEET TO A 5/8-INCH IRON ROD FOUND (DISTURBED);
- 9) SOUTH 00 DEGREES 47 MINUTES 44 SECONDS EAST, A DISTANCE OF 100.06 FEET TO A 1/2-INCH IRON ROD FOUND;
- 10) SOUTH 89 DEGREES 12 MINUTES 16 SECONDS WEST, A DISTANCE OF 325.00 FEET TO AN IRON ROD SET;
- 11) SOUTH 00 DEGREES 47 MINUTES 44 SECONDS EAST, A DISTANCE OF 88.79 FEET TO AN "X" FOUND;
- 12) SOUTH 89 DEGREES 12 MINUTES 16 SECONDS WEST, A DISTANCE OF 285.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 49.583 ACRES OF LAND, MORE OR LESS.



**OWNER'S CERTIFICATE & DEDICATION**

STATE OF TEXAS  
COUNTY OF COLLIN

WHEREAS, KINGS CROSSING FIVE, LTD., BEING THE OWNER OF 49.583 ACRES OF LAND LOCATED IN THE ANN HURT SURVEY, ABSTRACT NO. 428, COLLIN COUNTY, TEXAS, BEING ALL OF THE PARKER BEDELL FARMS, LTD. CALLED 0.151 AND 0.247 ACRE TRACTS AS DESCRIBED IN INSTRUMENT 20200709001061490, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (OPRCCT), AND A PORTION OF THE KINGS CROSSING FIVE, LTD. CALLED 51.265 ACRE TRACT AS DESCRIBED IN INSTRUMENT 20220323000468380, OPRCCT AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD WITH CAP STAMPED "WESTWOOD" FOUND AT THE SOUTHWEST CORNER OF THE ABOVE-MENTIONED 51.265-ACRE TRACT AND THE NORTHWEST CORNER OF KINGS CROSSING PHASE 4, AN ADDITION TO THE CITY OF PARKER BY PLAT THEREOF RECORDED IN INSTRUMENT 20170802010003680, OPRCCT, SAME BEING THE COMMON EAST LINE OF PARKER LAKE ESTATES PHASE 3-A, AN ADDITION TO THE CITY OF PARKER BY PLAT THEREOF RECORDED IN CABINET N, SLIDE 806, PLAT RECORDS, COLLIN COUNTY, TEXAS (PRCCT);

THENCE NORTH 00 DEGREES 47 MINUTES 58 SECONDS WEST, ALONG THE COMMON LINE OF SAID PARKER LAKE ESTATES PHASE 3-A AND SAID 51.265-ACRE TRACT, A DISTANCE OF 887.08 FEET TO A 3/4-INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID PARKER LAKE ESTATES PHASE 3-A, FROM WHICH A 5/8-INCH IRON ROD FOUND IN THE NORTH LINE OF SAID PARKER LAKE ESTATES 3-A AND THE SOUTHEAST CORNER OF PARKER LAKE ESTATES, PHASE 1, AN ADDITION TO THE CITY OF PARKER BY PLAT THEREOF RECORDED IN CABINET M, SLIDE 203, PRCT BEARS SOUTH 89 DEGREES 39 MINUTES 11 SECONDS WEST, A DISTANCE OF 538.86 FEET;

- THENCE ALONG THE NORTH LINE OF SAID 51.265-ACRE TRACT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:
- 1) NORTH 35 DEGREES 55 MINUTES 37 SECONDS EAST, A DISTANCE OF 229.49 FEET TO A 1/2-INCH IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET (HEREAFTER CALLED IRON ROD SET);
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  - 3) NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 299.90 FEET TO AN IRON ROD SET;
  - 4) NORTH 88 DEGREES 58 MINUTES 36 SECONDS EAST, A DISTANCE OF 550.03 FEET TO AN IRON ROD SET;

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  - 5) NORTH 01 DEGREES 01 MINUTES 24 SECONDS WEST, A DISTANCE OF 320.04 FEET TO AN IRON ROD SET IN THE NORTH LINE OF SAID 51.265-ACRE TRACT;

THENCE NORTH 79 DEGREES 18 MINUTES 46 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 130.55 FEET TO AN IRON ROD SET AT AN EXTERIOR ANGLE CORNER OF LOT 24, KINGS CROSSING PHASE 1, AN ADDITION TO THE CITY OF PARKER BY PLAT THEREOF RECORDED IN INSTRUMENT 20140205010000360, OPRCCT, FROM WHICH A 1/2-INCH IRON ROD WITH CAP STAMPED "WESTWOOD" FOUND AT AN EXTERIOR CORNER OF JUST MENTIONED KINGS CROSSING PHASE 1 BEARS NORTH 37 DEGREES 10 MINUTES 08 SECONDS WEST, A DISTANCE OF 1617.25 FEET;

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  - 5) SOUTH 23 DEGREES 54 MINUTES 30 SECONDS WEST, A DISTANCE OF 133.15 FEET TO A 1/2-INCH IRON ROD FOUND;
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  - 11) SOUTH 00 DEGREES 47 MINUTES 44 SECONDS EAST, A DISTANCE OF 88.79 FEET TO AN "X" FOUND;
  - 12) SOUTH 89 DEGREES 12 MINUTES 16 SECONDS WEST, A DISTANCE OF 285.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 49.583 ACRES OF LAND, MORE OR LESS.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT, KINGS CROSSING FIVE, LTD., does hereby adopt this plat designating the herein described property as KINGS CROSSING, PHASE 5, an addition to the City of Parker, Texas, and does hereby dedicate to the City of Parker, the roads, rights-of-way and easements shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, to the City of Parker forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Parker's use thereof. The City of Parker and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the systems in said Easements. The City of Parker and public utility entities shall at all times have the full right of Ingress and Egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of their respective systems without the necessity at any time procuring the permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolution of the City of Parker, Texas.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 2023.

For: Kings Crossing Five, Ltd

By: KC Advisors, LLC  
a Texas limited liability company

By: Stephen L Sallman  
Manager

STATE OF TEXAS §  
COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Stephen L Sallman, Manager of KC Advisors, LLC, a Texas limited liability company as general partner of Kings Crossing Five, Ltd., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same on behalf of thereof and in the capacity herein stated for the purposes and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2023.

Notary Public in and for the State of Texas  
My Commission Expires:

**SURVEYOR'S CERTIFICATE**

This is to certify that I, Daniel Chase O'Neal, a Registered Professional Land Surveyor of the State of Texas, have platted the above subdivision from an actual survey on the ground; and that all lot corners, angle points, and points of curvature have been properly marked on the ground, and that this plat correctly represents that survey made under my supervision.

GIVEN UNDER MY HAND AND SEAL THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document. Released for review only.

DANIEL CHASE O'NEAL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 6570

STATE OF TEXAS §  
COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Paul J. Hubert, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2023.

Notary Public in and for the State of Texas  
My Commission Expires:

**CITY APPROVAL CERTIFICATE**

Recommended for Approval:

\_\_\_\_\_  
Chairman, Planning and Zoning Commission  
City of Parker, Texas

\_\_\_\_\_  
Date

Approved and Accepted:

\_\_\_\_\_  
Mayor, City of Parker, Texas

\_\_\_\_\_  
Date

The undersigned, the City Secretary of the City of Parker, hereby certifies that the foregoing final plat of **KINGS CROSSING PHASE 5**, a subdivision or addition to the City of Parker was submitted to the City Council on this \_\_\_\_ day of \_\_\_\_\_, 2023, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the mayor to note the approval thereof by signing his name herein above subscribed,

Witness my hand this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
City Secretary  
City of Parker, Texas

\_\_\_\_\_  
Date

LOT SIZE TABLE			
BLOCK	LOT	AREA	ACREAGE
B	27	44,176	1.014
B	28	44,177	1.014
B	29	44,179	1.014
B	30	44,181	1.014
B	31	44,676	1.026
B	32-X	131,182	3.012
B	33	43,679	1.003
B	34	50,959	1.170
E	4	43,560	1.000
E	5	43,560	1.000
E	6	43,560	1.000
E	7	47,651	1.094
E	8	43,608	1.001
E	9	47,351	1.087
E	10	47,036	1.080
E	11	45,797	1.051
E	12	43,568	1.000
F	13	44,001	1.010
F	14	45,920	1.054
F	15	54,458	1.250
F	16	43,750	1.004
F	17	43,566	1.000
F	18	51,758	1.188
F	19	47,140	1.082
F	20	44,714	1.026
F	21	43,564	1.000
F	22	43,564	1.000
F	23	43,564	1.000
F	24	62,794	1.442
F	25-X	176,541	4.053
F	28	43,679	1.003
F	29	43,679	1.003
F	30	43,679	1.003
F	31	46,019	1.056
F	32	50,639	1.163
F	33	44,324	1.018
F	34	43,679	1.003
F	35	50,959	1.170

**PRELIMINARY PLAT  
KING'S CROSSING**

**PHASE 5**

36 RESIDENTIAL LOTS  
2 COMMON AREA LOTS

BEING  
49.583 ACRES  
SITUATED IN THE

ANN S. HURT SURVEY, ABSTRACT NO. 428  
CITY OF PARKER, COLLIN COUNTY, TEXAS

**ENGINEERING CONCEPTS & DESIGN, L.P.**  
ENGINEERING/PROJECT MANAGEMENT/CONSTRUCTION SERVICES

201 WINDCO CIRCLE, SUITE 200, WYLIE, TEXAS 75098  
(972) 841-8400 FAX (972) 841-8401

OWNER/DEVELOPER  
**KINGS CROSSING FIVE, LTD.**  
4040 N. CENTRAL EXPRESSWAY, SUITE 850  
DALLAS, TX, 75204  
(214) 368-0238

LAND SURVEYOR  
**O'NEAL SURVEYING COMPANY**  
205 WINDCO CIRCLE, SUITE 100  
WYLIE, TX 75098  
TBPLS Firm No. 10194132 JOB NO. 19082  
daniel.oneal@onealsurveying.com  
(903) 804-2891



## Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	City Secretary Scott Grey for City Administrator Olson
Estimated Cost:	Date Prepared:	February 15, 2023
Exhibits:	<b>None</b>	

### AGENDA SUBJECT

#### UPDATE(S):

FM2551

MONTHLY/QUARTERLY REPORTS

[January 2023 - Building Permit/Code Report](#)

[January 2023 – Court Report](#)

[January 2023 – Finance \(monthly financials\) Report](#)

[Investment 4th Qtr. Report 2022](#)

[January 2023 – Police Report](#)

[January 2023 – Website \(PIWIK\) Report](#)

### SUMMARY

Please review information provided.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/16/2023
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/16/2023 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	02/17/2023



## Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	City Secretary Scott Grey for City Administrator Olson
Estimated Cost:	Date Prepared:	February 15, 2023
Exhibits:	<b><u>None</u></b>	

### **AGENDA SUBJECT**

#### ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$500)

Jerry Dorough donated \$100 cash to the Parker Fire Department.

Yingyan Katherine Li donated assorted chips, a 12 pk Green Tea and a 12 pk of Strawberries and Cream Dr. Pepper valued at approximately \$36.00 to the Parker Police Department.

Alyssa Aguilar donated chips and Gatorade valued at approximately \$30.00 to the Parker Police Department.

### **SUMMARY**

*Please review information provided.*

### **POSSIBLE ACTION**

City Council may direct staff to take appropriate action.

Inter – Office Use			
<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/16/2023
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/16/2023 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	02/17/2023



## Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: Council
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey
Estimated Cost:	Date Prepared: February 15, 2023
Exhibits:	<a href="#">Future Agenda Items</a>

### AGENDA SUBJECT

FUTURE AGENDA ITEMS

### SUMMARY

Please review information provided.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/16/2023
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/16/2023 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	02/17/2023

**FUTURE AGENDA ITEMS**

AGENDA DATE	ITEM DESCRIPTION	CONTACT	Notes
<b>2023</b>			
Feb(Mar), May (July), Aug, Nov	Fire Department Quarterly Report	Sheff/Miller	4th Qtr 2023 0221 CC Agenda
Feb(Mar), May (July), Aug, Nov	Investment Quarterly Report	Savage	4th Qtr 2023 0221CC Agenda
	<b>Council Committee Updates</b>	Council	
	Public Safety Committee (MLP, MPTMS, & CMDA)	Council	2022 1115 and 2022 1206
	Website Dev. Subcommittee (CMCM, CMTL, & MLP)	Council	2022 1115
<b>Tentatively - Saturday, 2023 - 4+ hr</b>	CIP Workshop	Mayor	Added 2023 0208
<b>Tentatively - 2023</b>	Updating Rs. No. 2022-701 - Alt. Prosecuting Attorney Trey Lansford	Pettle/C'Sec	Remv'd from 2023 0221 - Mayor pushed, but soon.
<b>Tentatively - 2023</b>	Enterprise Fleet Management	Council	Added 2023 0117
<b>Tentatively - 2023</b>	Water Rate Workshop	Pettle/Olson	Added 2023 0111 Mayor Agenda Meeting
<b>Tentatively - 2023</b>	Water Rate Ord.	Pettle/Olson	Added 2023 0111 Mayor Agenda Meeting
<b>Tentatively - 2023</b>	Water Rate/Usage Education	Lynch	2022 0906 CC Mtg
<b>Tentatively - 2023</b>	Fences in Drainage Easements	Lynch	Requested @ 2022 0802 CC Mtg
<b>Tentatively - 2023</b>	Oncor & Frontier Franchise (All?) - Review Ongoing	Savage	2021 0615 added - When due
<b>Tentatively - 2023</b>	Boards & Commissions - Attendance Policy Review	Mayor & CM Meyer	Added at 2022 1115 CC Meeting



## Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: Council
Fund Balance-before expenditure:	Prepared by: City Secretary Scott Grey for City Administrator Olson
Estimated Cost:	Date Prepared: February 15, 2023
Exhibits:	<a href="#">City of Parker – 2022 Water &amp; Wastewater Rate Study PowerPoint, dated December 2022</a>

### AGENDA SUBJECT

WORKSHOP  
WATER RATE

### SUMMARY

Please review information provided.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/16/2023
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/16/2023 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	02/17/2023

# City of Parker

## 2022 Water & Wastewater Rate Study

### Council Presentation



December 2022



# Agenda

- Background on Rates
- Customers and Volumes
- Current and Forecast Cost of Service
- Rate Plan Scenarios
- Summary



# BACKGROUND ON RATES

# 21<sup>st</sup> Century Water & Wastewater Rate Facts

- Average utility has been increasing rates **5-6% per year**, a trend that is expected to continue and may accelerate
- American Water Works Association (AWWA) forecasts that water and wastewater rates across the U.S. will **triple** in the next 15 years
- 30-40% of utilities charge rates that **do not cover their costs**
- Rate adjustments are primarily due to reasons beyond a utility's direct control – inflation, necessary Capital Improvement Plans, wholesale costs, and other indirect expenses

# Water & Wastewater Rate Background

- City has not adjusted rates since 2020
- Inflation is driving up utility operating and capital costs
- Utility plans to fund \$12.4 million in capital improvements over next ten years
- NTMWD forecasts significantly higher rate increases in the next ten years
- Combination of above factors results in need to implement a new long-term rate plan



# Current Water and Wastewater Rate Structure



PRELIMINARY & SUBJECT TO CHANGE

## Water Rates

### Residential and Irrigation Rates

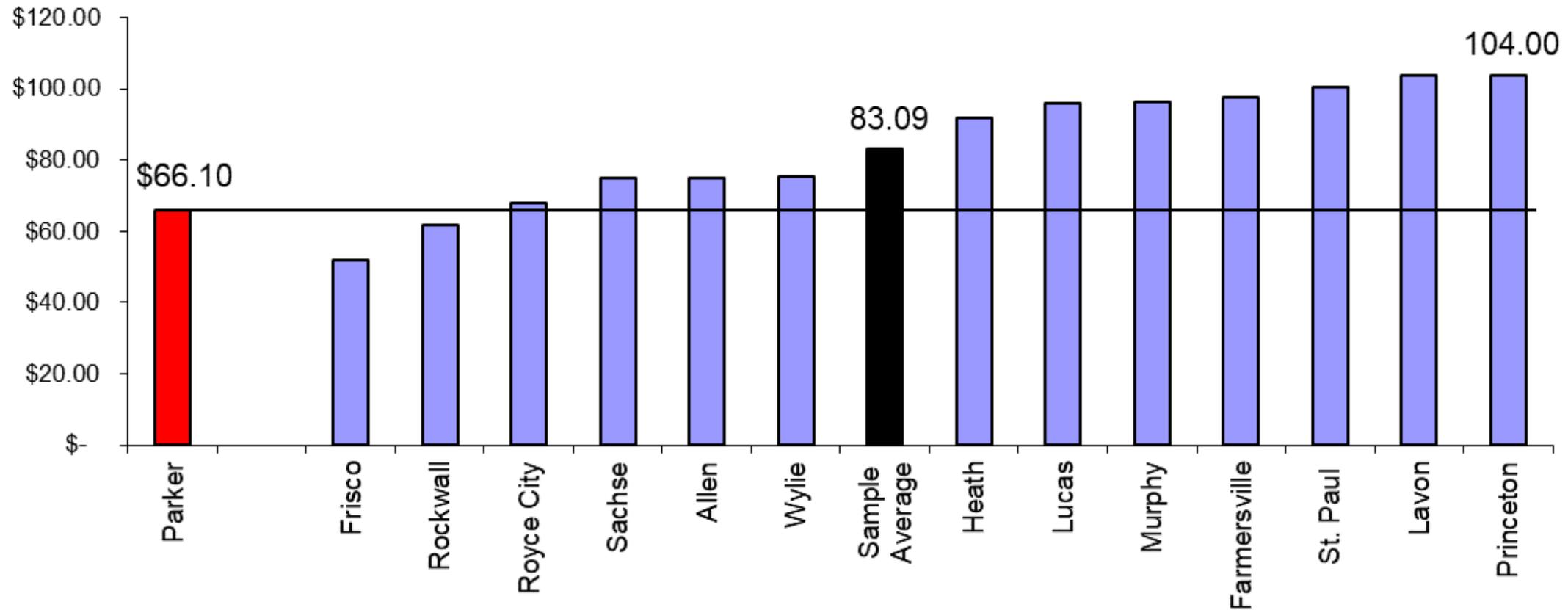
Minimum Charge (Includes 4,000 Gallons in Base)	\$	40.00
Volume Rate (per 1,000 Gallons)		
4,001 - 15,000	\$	4.35
15,001 - 30,000		5.40
30,001 - 50,000		6.75
50,001 - 70,000		10.75
70,001 - Above		14.85

## Wastewater Rates

### Residential Rates

Monthly Charge	\$	78.98
----------------	----	-------

# Current Monthly Residential Charges | 10,000 Gal Water



PRELIMINARY & SUBJECT TO CHANGE

# CUSTOMERS & VOLUMES

# Water and Wastewater Accounts | Test Year 2022



Account growth over period 2022-2031 forecast to be on average 61 new accounts per year.

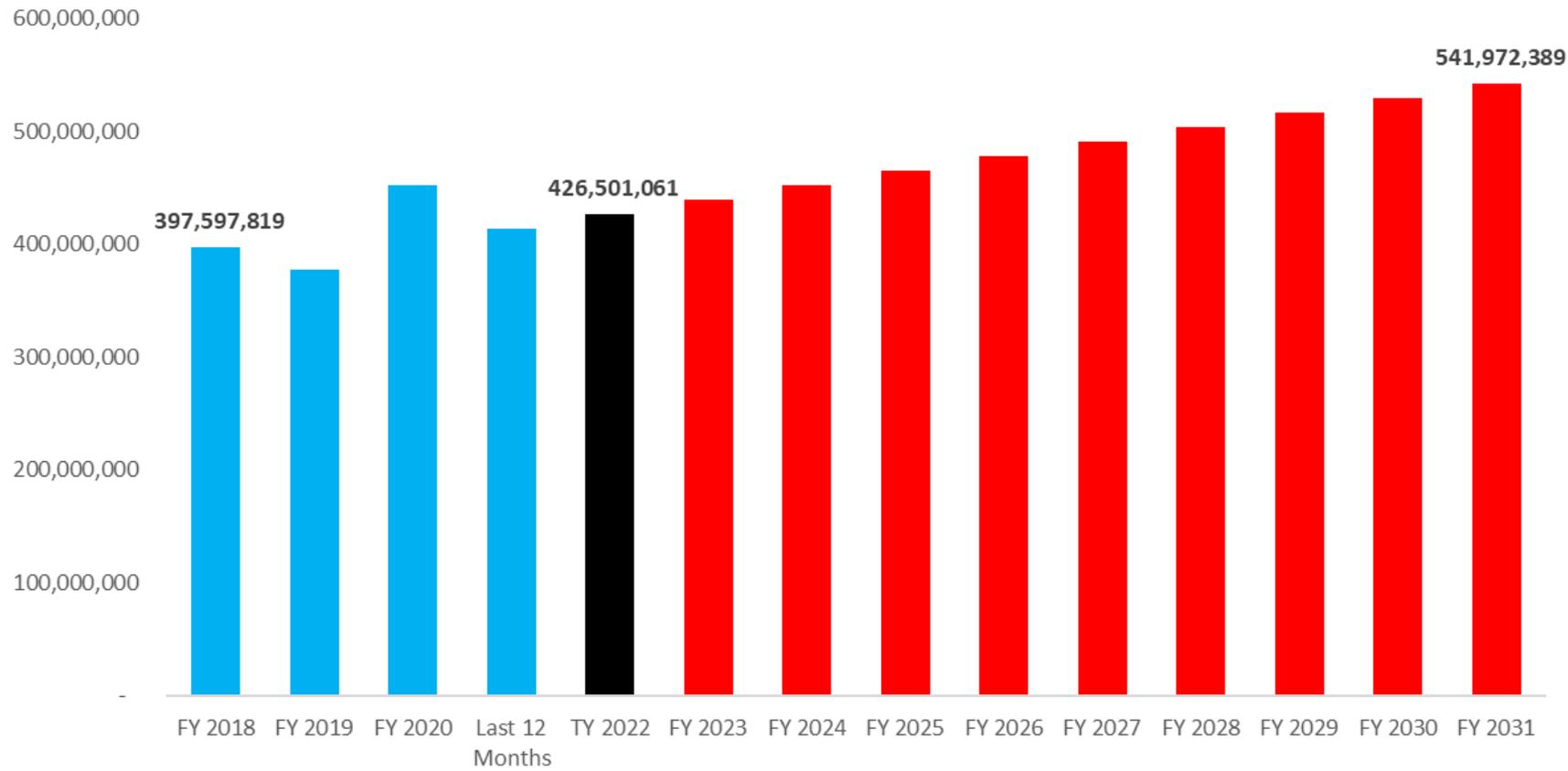
## WATER Customers

Residential	1,895
Irrigation	46
Outside City	91
<b>Total</b>	<b>2,032</b>

## WASTEWATER Customers

Residential	423
<b>Total</b>	<b>423</b>

# Historical and Forecast Water Consumption (gallons)



**Billed consumption average annual growth rate of 2.7%.**

**Water usage varies considerably with weather patterns, the model is based on the overall trend. Annual results may vary significantly.**

PRELIMINARY & SUBJECT TO CHANGE

# **WATER & WASTEWATER CURRENT AND FORECAST COST OF SERVICE**

# Key Assumptions Driving Forecast Financial & Rate Plan

Meeting Date: 02/21/2023 Item 10.

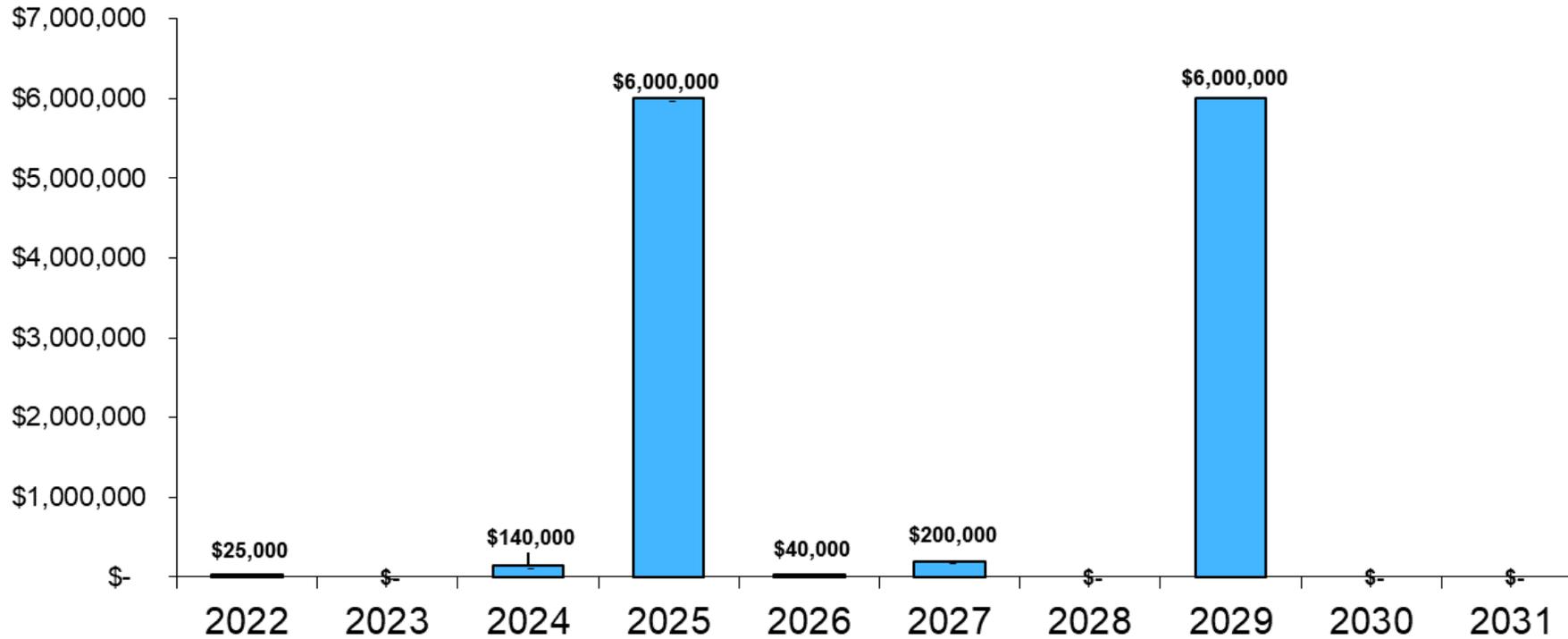


- Wholesale assumptions:
  - NTMWD water rate increases **11-13%** per year through 2024, 5-9% afterwards
  - NTMWD wastewater rate increases **12-20%** per year through 2025, lower increases afterwards
- General inflation adjustment assumed to be higher in 2023 and 2024, 3.0% afterwards
- Water CIP totals **\$12,405,000** through 2031
- 3 Rate Scenarios presented:
  - **Scenario I** -- City funds majority of CIP through long-term debt
  - **Scenario II** – City funds entire CIP through rate revenues
  - **Scenario III** – Long-Term Debt; City does not change minimum charge; all increases through volumetric rate

# Forecast Water and Wastewater CIP



**Water = \$12,405,000**  
**WW = \$ 0**  
**Total = \$12,405,000**



**Forecast Bond Issues**

**\$6,000,000**

**\$6,000,000**

# Forecast Revenue Requirement | Water



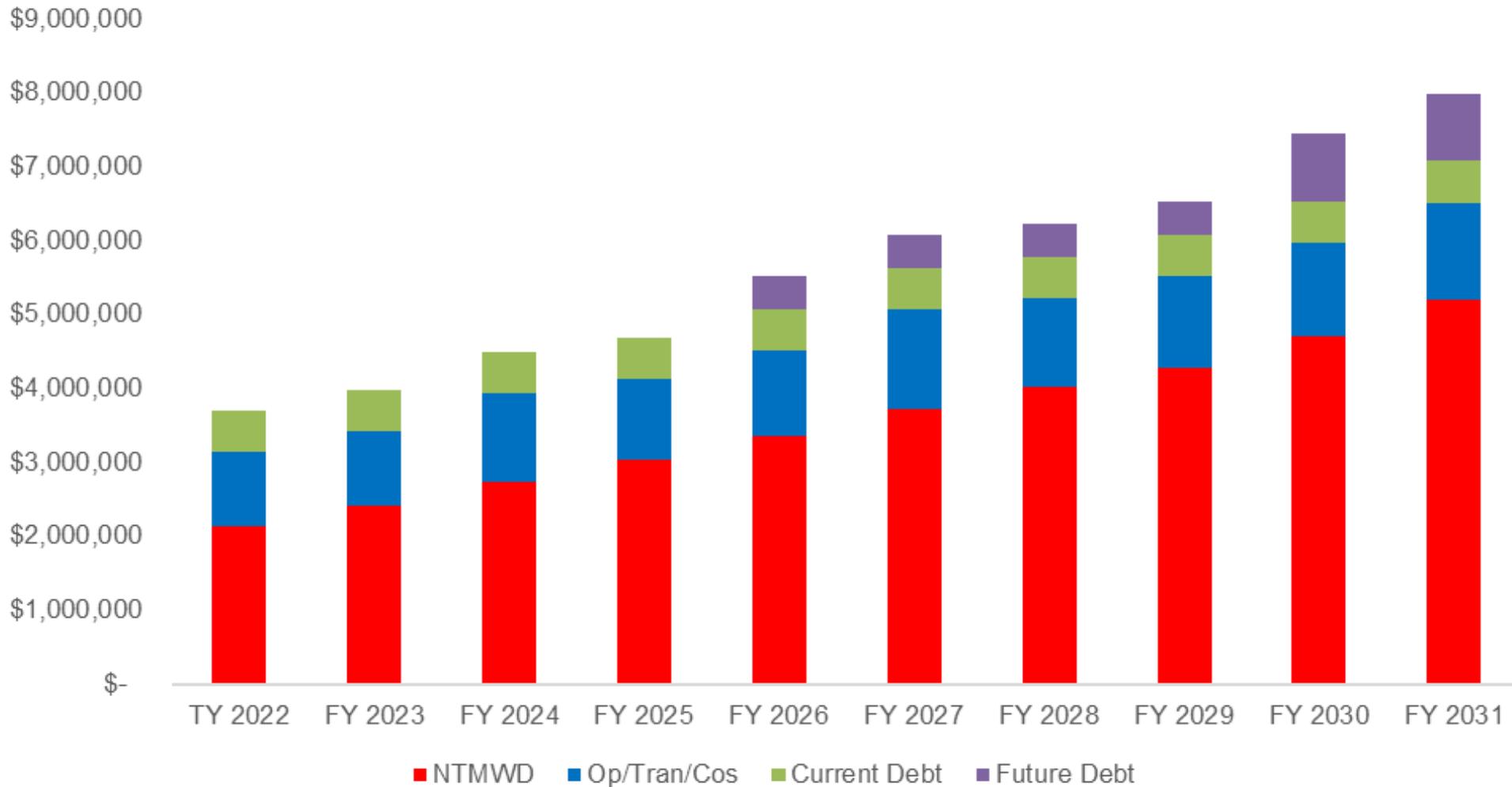
	Operating Expenses	NTMWD	Transfers/ Cap Outlays	Current Debt Service	Future Debt Service	Total Cost of Service	Less Non-Rate Revenues	Net Revenue Requirement
<b>WATER Utility</b>								
TY 2022	\$ 828,947	\$ 1,771,548	\$ 121,329	\$ 553,326	\$ -	\$ 3,275,150	\$ 231,906	\$ 3,043,244
FY 2023	864,162	2,004,646	97,747	549,063	-	3,515,618	231,906	3,283,712
FY 2024	900,882	2,279,978	239,207	554,978	-	3,975,045	231,906	3,743,139
FY 2025	931,323	2,510,396	100,711	552,672	-	4,095,102	231,906	3,863,196
FY 2026	962,828	2,768,881	142,260	551,774	454,735	4,880,477	231,906	4,648,572
FY 2027	995,433	3,089,340	303,855	551,472	454,735	5,394,835	231,906	5,162,930
FY 2028	1,029,180	3,356,211	105,498	550,698	454,735	5,496,322	231,906	5,264,416
FY 2029	1,064,109	3,591,673	107,191	562,100	454,735	5,779,809	231,906	5,547,903
FY 2030	1,100,265	3,974,282	108,934	561,400	909,470	6,654,351	231,906	6,422,445
FY 2031	1,137,691	4,442,656	110,730	560,100	909,470	7,160,647	231,906	6,928,742

# Forecast Revenue Requirement | Wastewater



	Operating Expenses	NTMWD	Transfers/ Cap Outlays	Current Debt Service	Future Debt Service	Total Cost of Service	Less Non-Rate Revenues	Net Revenue Requirement
<b>WASTEWATER Utility</b>								
TY 2022	\$ 41,048	\$ 368,539	\$ 5,921	\$ -	\$ -	\$ 415,508	\$ 20,944	\$ 394,564
FY 2023	42,745	406,439	5,921	-	-	455,104	20,944	434,160
FY 2024	44,511	454,939	5,921	-	-	505,371	20,944	484,427
FY 2025	45,966	528,161	5,921	-	-	580,048	20,944	559,104
FY 2026	47,471	577,939	5,921	-	-	631,330	20,944	610,386
FY 2027	49,026	622,748	5,921	-	-	677,695	20,944	656,751
FY 2028	50,635	668,959	5,921	-	-	725,516	20,944	704,571
FY 2029	52,300	690,989	5,921	-	-	749,210	20,944	728,266
FY 2030	54,021	723,339	5,921	-	-	783,281	20,944	762,336
FY 2031	55,802	757,131	5,921	-	-	818,854	20,944	797,910

# Forecast Revenue Requirement | Water and Wastewater



PRELIMINARY & SUBJECT TO CHANGE

# WATER & WASTEWATER RATE PLAN SCENARIOS

# Rate Plan Scenario I

- 5-year rate plan with adjustments assumed to be effective October 1 of each year
- Assumes no change in fundamental rate structure
- Uniform percentage adjustments for base and volume charges
- Funds \$12,000,000 in CIP-related long-term debt
  - 20 years
  - 4.0% interest





# Recommended Rate Plan – Scenario I

The rate plan fully funds all aspects of the water and wastewater utility based on the existing market conditions and assumptions.

Rate Plan will also enable the City to fully fund its capital improvements.

<b>Water Rates - Residential and Irrigation</b>	<b>Current</b>	<b>Effective Oct-22</b>	<b>Effective Oct-23</b>	<b>Effective Oct-24</b>	<b>Effective Oct-25</b>	<b>Effective Oct-26</b>
Minimum Chg	\$ 40.00	\$ 43.60	\$ 47.09	\$ 50.86	\$ 54.92	\$ 59.32
<b>Volume Rate Per 1,000 Gal</b>						
4,001 15,000	4.35	4.74	5.12	5.53	5.97	6.45
15,001 30,000	5.40	5.89	6.36	6.87	7.41	8.01
30,001 50,000	6.75	7.36	7.95	8.58	9.27	10.01
50,001 70,000	10.75	11.72	12.65	13.67	14.76	15.94
70,001 Above	14.85	16.19	17.48	18.88	20.39	22.02
Outside City Premium	0%	10%	10%	10%	10%	10%
<b>Wastewater Rates</b>						
Monthly Charge	\$ 78.98	\$ 86.88	\$ 95.57	\$ 105.12	\$ 114.58	\$ 123.75

PRELIMINARY & SUBJECT TO CHANGE

# Impact on Monthly Bills | Scenario I

Meeting Date: 02/21/2023 Item 10.

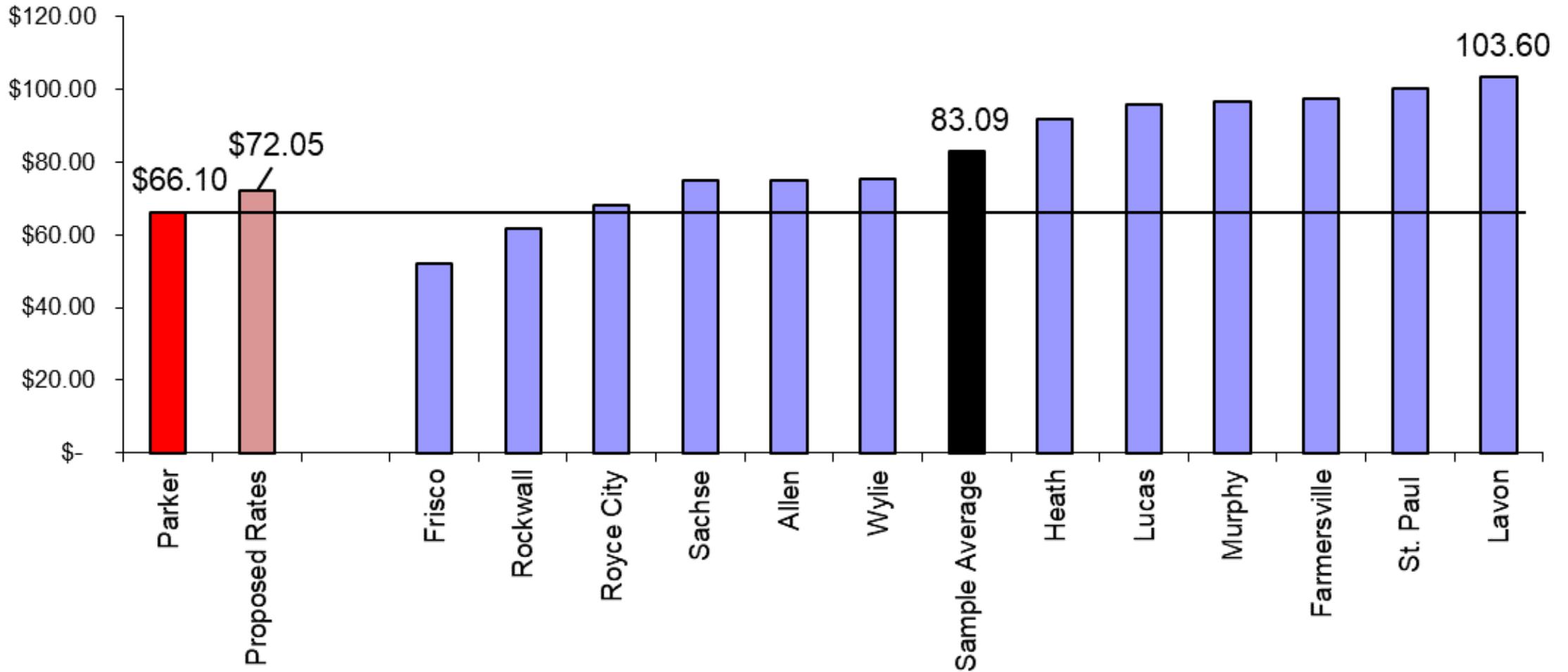


		Current	Effective Oct-22	Effective Oct-23	Effective Oct-24	Effective Oct-25	Effective Oct-26
<b>Residential Average Monthly Water Bill</b>							
5,000 Gal W	Total	\$ 44.35	\$ 48.34	\$ 52.21	\$ 56.39	\$ 60.90	\$ 65.77
	Increase -- \$		3.99	3.87	4.18	4.51	4.87
	Increase -- %		9.0%	8.0%	8.0%	8.0%	8.0%
10,000 Gal W	Total	\$ 66.10	\$ 72.05	\$ 77.81	\$ 84.04	\$ 90.76	\$ 98.02
	Increase -- \$		5.95	5.76	6.23	6.72	7.26
	Increase -- %		9.0%	8.0%	8.0%	8.0%	8.0%
20,000 Gal W	Total	\$ 114.85	\$ 125.19	\$ 135.20	\$ 146.02	\$ 157.70	\$ 170.31
	Increase -- \$		10.34	10.01	10.82	11.68	12.62
	Increase -- %		9.0%	8.0%	8.0%	8.0%	8.0%

PRELIMINARY & SUBJECT TO CHANGE

# Current and Proposed Monthly Residential Charges | 10,000 Gal Water

Meeting Date: 02/21/2023 Item 10.



PRELIMINARY & SUBJECT TO CHANGE

# Rate Plan Scenario II

- **Assumes no debt issued to fund the CIP**
- Continues 5-year rate plan with no change in fundamental rate structure
- Results in higher water rate adjustments over 5-year period
- If CIP or operational assumptions change, a corresponding impact on the rate plan may be considered



# Total Cost of Service – Scenarios I and II



## Scenario I - Debt

	Operating Expenses	NTMWD	Transfers/ Cap Outlays	Current Debt Service	Future Debt Service	Cost of Service	Non-Rate Revenues	Revenue Requirement
<b>TOTAL Revenue Requirement</b>								
TY 2022	\$ 869,995	\$ 2,140,087	\$ 127,250	\$ 553,326	\$ -	\$ 3,690,658	\$ 252,850	\$ 3,437,808
FY 2023	906,907	2,411,085	103,668	549,063	-	3,970,722	252,850	3,717,872
FY 2024	945,393	2,734,918	245,128	554,978	-	4,480,416	252,850	4,227,566
FY 2025	977,290	3,038,557	106,631	552,672	-	4,675,150	252,850	4,422,300
FY 2026	1,010,298	3,346,819	148,180	551,774	454,735	5,511,807	252,850	5,258,957
FY 2027	1,044,460	3,712,088	309,776	551,472	454,735	6,072,530	252,850	5,819,680
FY 2028	1,079,815	4,025,170	111,419	550,698	454,735	6,221,837	252,850	5,968,987
FY 2029	1,116,409	4,282,663	113,112	562,100	454,735	6,529,019	252,850	6,276,169
FY 2030	1,154,286	4,697,620	114,855	561,400	909,470	7,437,631	252,850	7,184,781
FY 2031	1,193,493	5,199,787	116,651	560,100	909,470	7,979,501	252,850	7,726,651

## Scenario II – No Debt

	Operating Expenses	NTMWD	Transfers/ Cap Outlays	Current Debt Service	Future Debt Service	Cost of Service	Non-Rate Revenues	Revenue Requirement
<b>TOTAL Revenue Requirement</b>								
TY 2022	\$ 869,995	\$ 2,140,087	\$ 1,342,750	\$ 553,326	\$ -	\$ 4,906,158	\$ 252,850	\$ 4,653,308
FY 2023	906,907	2,411,085	1,344,168	549,063	-	5,211,222	252,850	4,958,372
FY 2024	945,393	2,734,918	1,345,628	554,978	-	5,580,916	252,850	5,328,066
FY 2025	977,290	3,038,557	1,347,131	552,672	-	5,915,650	252,850	5,662,800
FY 2026	1,010,298	3,346,819	1,348,680	551,774	-	6,257,572	252,850	6,004,722
FY 2027	1,044,460	3,712,088	1,350,276	551,472	-	6,658,295	252,850	6,405,445
FY 2028	1,079,815	4,025,170	1,351,919	550,698	-	7,007,602	252,850	6,754,752
FY 2029	1,116,409	4,282,663	1,353,612	562,100	-	7,314,783	252,850	7,061,933
FY 2030	1,154,286	4,697,620	1,355,355	561,400	-	7,768,661	252,850	7,515,811
FY 2031	1,193,493	5,199,787	1,357,151	560,100	-	8,310,531	252,850	8,057,681



# Recommended Rate Plan – Scenario II

The rate plan results in higher water rate adjustments.

No change in wastewater adjustments.

Rate Plan will also enable the City to fully fund its capital improvements without issuing new debt.

<b>Water Rates - Residential and Irrigation</b>	<b>Current</b>	<b>Effective Oct-22</b>	<b>Effective Oct-23</b>	<b>Effective Oct-24</b>	<b>Effective Oct-25</b>	<b>Effective Oct-26</b>
<b>Minimum Chg</b>	\$ 40.00	\$ <b>46.00</b>	\$ 52.90	\$ 60.84	\$ 68.74	\$ 70.81
<b>Volume Rate Per 1,000 Gal</b>						
4,001 15,000	4.35	<b>5.00</b>	5.75	6.62	7.48	7.70
15,001 30,000	5.40	<b>6.21</b>	7.14	8.21	9.28	9.56
30,001 50,000	6.75	<b>7.76</b>	8.93	10.27	11.60	11.95
50,001 70,000	10.75	<b>12.36</b>	14.22	16.35	18.47	19.03
70,001 Above	14.85	<b>17.08</b>	19.64	22.58	25.52	26.29
<b>Outside City Premium</b>	0%	10%	10%	10%	10%	10%
<b>Wastewater Rates</b>						
<b>Monthly Charge</b>	\$ 78.98	\$ <b>86.88</b>	\$ 95.57	\$ 105.12	\$ 114.58	\$ 123.75

PRELIMINARY & SUBJECT TO CHANGE

# Impact on Monthly Bills | Scenario II

Meeting Date: 02/21/2023 Item 10.



Residential Average Monthly Bill	Current	Effective Oct-22	Effective Oct-23	Effective Oct-24	Effective Oct-25	Effective Oct-26
<b>5,000 Gal Water</b>						
Scenario 1 - Debt	\$ 44.35	\$ 48.34	\$ 52.21	\$ 56.39	\$ 60.90	\$ 65.77
Scenario 2 - No Debt	44.35	51.00	58.65	67.45	76.22	78.51
<b>Difference</b>		<b>2.66</b>	<b>6.44</b>	<b>11.06</b>	<b>15.32</b>	<b>12.74</b>
<b>10,000 Gal Water</b>						
Scenario 1 - Debt	66.10	72.05	77.81	84.04	90.76	98.02
Scenario 2 - No Debt	66.10	76.02	87.42	100.53	113.60	117.01
<b>Difference</b>		<b>3.96</b>	<b>9.61</b>	<b>16.49</b>	<b>22.84</b>	<b>18.99</b>
<b>20,000 Gal Water</b>						
Scenario 1 - Debt	114.85	125.19	135.20	146.02	157.70	170.31
Scenario 2 - No Debt	114.85	132.08	151.89	174.67	197.38	203.30
<b>Difference</b>		<b>6.89</b>	<b>16.69</b>	<b>28.65</b>	<b>39.68</b>	<b>32.99</b>

PRELIMINARY & SUBJECT TO CHANGE

# Rate Plan Scenario III

- Continues 5-year rate plan with no change in fundamental rate structure
- **Percentage adjustments applied only for volumetric charges (no base charge increase)**
- Funds \$12,000,000 in CIP-related long-term debt



# Recommended Rate Plan – Scenario III

The rate plan results in higher water volumetric rate adjustments.

No change in wastewater adjustments.

Only increasing the volumetric rates makes the revenues depend more on annual weather patterns.

<b>Water Rates - Residential and Irrigation</b>	<b>Current</b>	<b>Effective Oct-22</b>	<b>Effective Oct-23</b>	<b>Effective Oct-24</b>	<b>Effective Oct-25</b>	<b>Effective Oct-26</b>
<b>Minimum Chg</b>	\$ 40.00	\$ <b>40.00</b>	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00
<b>Volume Rate Per 1,000 Gal</b>						
4,001 15,000	4.35	<b>5.00</b>	5.60	6.28	6.90	7.59
15,001 30,000	5.40	<b>6.21</b>	6.96	7.79	8.57	9.43
30,001 50,000	6.75	<b>7.76</b>	8.69	9.74	10.71	11.78
50,001 70,000	10.75	<b>12.36</b>	13.85	15.51	17.06	18.76
70,001 Above	14.85	<b>17.08</b>	19.13	21.42	23.56	25.92
Outside City Premium	0%	10%	10%	10%	10%	10%
<b>Wastewater Rates</b>						
Monthly Charge	\$ 78.98	\$ <b>86.88</b>	\$ 95.57	\$ 105.12	\$ 114.58	\$ 123.75

# Impact on Monthly Bills | Scenario III



	Current	Effective Oct-22	Effective Oct-23	Effective Oct-24	Effective Oct-25	Effective Oct-26
<b>Residential Average Monthly Bill</b>						
<b>5,000 Gal Water</b>						
Scenario 1 - Debt	\$ 44.35	\$ 48.34	\$ 52.21	\$ 56.39	\$ 60.90	\$ 65.77
Scenario 3 - No Base Increase	44.35	45.00	45.60	46.28	46.90	47.59
<b>Difference</b>		<b>(3.34)</b>	<b>(6.61)</b>	<b>(10.11)</b>	<b>(14.00)</b>	<b>(18.18)</b>
<b>10,000 Gal Water</b>						
Scenario 1 - Debt	66.10	72.05	77.81	84.04	90.76	98.02
Scenario 3 - No Base Increase	66.10	70.02	73.62	77.65	81.42	85.56
<b>Difference</b>		<b>(2.04)</b>	<b>(4.19)</b>	<b>(6.39)</b>	<b>(9.34)</b>	<b>(12.46)</b>
<b>20,000 Gal Water</b>						
Scenario 1 - Debt	114.85	125.19	135.20	146.02	157.70	170.31
Scenario 3 - No Base Increase	114.85	126.08	136.41	147.98	158.77	170.65
<b>Difference</b>		<b>0.89</b>	<b>1.21</b>	<b>1.96</b>	<b>1.07</b>	<b>0.34</b>
<b>100,000 Gal Water</b>						
Scenario 1 - Debt	964.35	1,051.14	1,135.23	1,226.05	1,324.14	1,430.07
Scenario 3 - No Base Increase	964.35	1,103.00	1,230.56	1,373.43	1,506.77	1,653.45
<b>Difference</b>		<b>51.86</b>	<b>95.33</b>	<b>147.38</b>	<b>182.64</b>	<b>223.38</b>

PRELIMINARY & SUBJECT TO CHANGE

# SUMMARY

# How Does Rate Plan Benefit Ratepayers & City?

- Proposed rate plans enable the utility to fully fund all water and wastewater maintenance, operating and construction costs
- Will provide for the Utility Fund to operate self-sufficient with no need for General Fund subsidies
- Will enable City to invest \$12.4 million to maintain and improve the system
- Enables the City to continually provide safe drinking water and effectively treat wastewater





# QUESTIONS & DISCUSSION