



## AGENDA

### CITY COUNCIL MEETING

### JULY 16, 2024 @ 6:00 PM

Notice is hereby given that the City Council for the City of Parker will meet on Tuesday, July 16, 2024 at 6:00 PM 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**

#### **WORKSHOP**

##### [1. BUDGET PROCESS OVERVIEW](#)

#### **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**

##### [2. BUDGET WORKSHOP\(S\) – SCHEDULE PROVIDED BY FINANCE/HR DIRECTOR SAVAGE](#)

PARKS AND RECREATION COMMISSION (P&R) – SPECIAL - WEDNESDAY, JULY 31, 2024, 5 PM – PARKERFEST PLANNING

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, AUGUST 14, 2024, 5 PM

#### **PRESENTATION**

##### [3. FIRE DEPARTMENT PRESENTATION BY FIRE CHIEF MIKE SHEFF](#)

#### **INDIVIDUAL CONSIDERATION ITEMS**

[4. APPROVAL OF MEETING MINUTES FOR JULY 2, 2024. \[REGULAR MEETING\]](#)

##### [5. 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. 871 EXTENDING THE TEMPORARY MORATORIUM ENACTED BY ORDINANCE NO.'S 866, 854, 846, 844, 839, 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.

## ROUTINE ITEMS

### 6. UPDATE(S):

FM2551

COMP PLAN

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

POLICE VEHICLES

ENTERPRISE

LEWIS LANE

CHURCH LANE

ANY ADDITIONAL UPDATES

MONTHLY/QUARTERLY REPORTS

[June 2024 – Court Report](#)

[June 2024 – Finance \(monthly financials\) Report](#)

[June 2024 – Police Report](#)

## DONATION(S)

### 7. ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$1,000 [RES. NO. 2024-801])

Manny (LNU) donated 1 case water & 1 case soda valued at \$15 to the Police Department.

Chip and Linda Justice donated Tiff's Treats valued at 100 to the Police Department.

## FUTURE AGENDA ITEMS

### 8. FUTURE AGENDA ITEMS

## EXECUTIVE SESSION START TO FINISH – Pursuant to the provisions of Chapter 551, Texas

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.

## 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 to the requirement 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 July 12, 2024, by 5:00 p.m. at the Parker City Hall, and required by Texas Open Meetings Act (TOMA) is also posted to the City of Parker Website at [www.parkertexas.us](http://www.parkertexas.us).

---

Date Notice Removed

Patti Scott Grey  
City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.



## Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey for Finance/HR Director Savage
Estimated Cost:	Date Prepared:	July 10, 2024
Exhibits:	<a href="#">Provided via Finance/HR Director Savage email</a>	

### AGENDA SUBJECT

#### WORKSHOP (6:00 PM – 7:00 PM)

#### BUDGET PROCESS OVERVIEW

### SUMMARY

Information will be provided via Finance/HR Director Savage email.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Grant Savage</i>	Date:	07/11/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	07/xx/2024 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	07/xx/2024



## 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:	July 10, 2024
Exhibits:	<b>None</b>	

### AGENDA SUBJECT

BUDGET WORKSHOP(S) – SCHEDULE. PROVIDED BY FINANCE/HR DIRECTOR SAVAGE  
 PARKS AND RECREATION COMMISSION (P&R) – SPECIAL - WEDNESDAY, JULY 31, 2024, 5 PM – PARKERFEST PLANNING  
 PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, AUGUST 14, 2024, 5 PM

### SUMMARY

Please review information provided.

### 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:	07/11/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	07/XX/2024 via Municode
City Administrator	<i>Luke B. Olson</i>	Date:	07/XX/2024



## 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 Fire Chief Sheff
Estimated Cost:	Date Prepared:	July 10, 2024
Exhibits:	<b>PowerPoint</b>	

### AGENDA SUBJECT

FIRE DEPARTMENT PRESENTATION BY FIRE CHIEF MIKE SHEFF

### SUMMARY

Information will be provided at the meeting.

### POSSIBLE ACTION

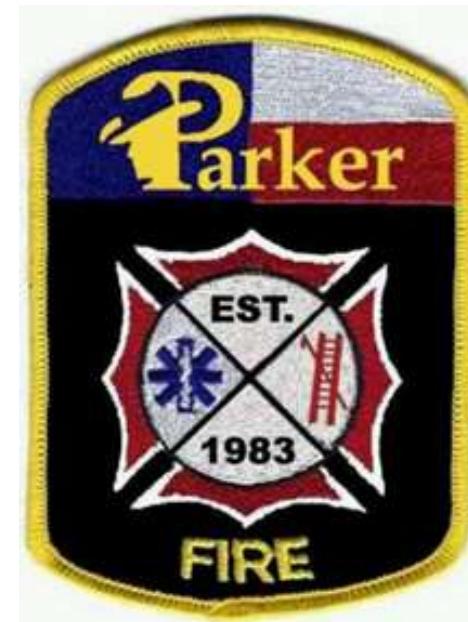
City Council may direct staff to take appropriate action.

Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	07/11/2024
Interim City Attorney	<i>Catherine Clifton</i>	Date:	07/xx/2024 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	07/xx/2024

Possible Courses of Action for the Provision of  
Emergency Medical Services, Outsourced  
Paramedic Ambulance Service, with  
Recommendation by Parker Fire Dept.  
Commencing October 1, 2024

July 2024



# Discussion points

1. Snapshot of fire department deliverable.
2. Present basis of coverage for the provision of emergency medical services to the citizens of Parker.
3. Situational perspective and a need for change.
4. Historical perspective with respect to Parker's use of ambulance services
5. City of Parker options with respect to the provision of ambulance services to its citizens.
6. Recommended course of action.
7. Exhibits
  - A. Proposed Cost Sharing under a City of Wylie proposal for ambulance services.
  - B. Budgeted operating costs for City of Wylie Fire-Rescue EMS division.
  - C. Proposed patient billing schedule by City of Wylie ambulances.

# Snapshot of Fire Dept. Service Deliverables

Nature of Service	Occurrence Frequency	Cost of Service	Our Solution
Fire Suppression	Low	High	Parker FD
Fire Prevention	Moderate	Low	Parker FD
EMS (non-transport)	High	Low	Parker FD
Ambulance (transport)	High	High	Outsource - EMS Coalition
Rescue*	Low	Moderate	Parker FD
Complex Rescue**	Very Low	Very High	Outsource – area FDs
Hazardous Materials	Very Low	Very High	Outsource – area FDs

\* Rescue – vehicle entrapment resulting from a car crash, others

\*\*Complex rescue - confined space/collapse, swift water, others

# Today's Basis of Coverage for the Provision of Emergency Medical Services to the Citizens of Parker

1. Parker FD is an accredited emergency medical services ("EMS") advanced life support, first responder agency providing paramedic-level, non-transport care of the sick and injured.
2. Since October 1997, Parker has been a member of the Southeast Collin County EMS Coalition ("Coalition"), an alliance that operates informally as a cooperative purchasing entity enabling smaller cities to benefit from their aggregated buying power. Current governmental entities include the cities of Wylie, Parker, Lavon, and St. Paul, and Collin County with respect to certain unincorporated areas.
3. The Coalition's primary responsibilities are i) to arrange for outsourced, paramedic ambulance services provided by a third-party vendor, and ii) to provide oversight of the vendor. Since inception, Wylie FD has taken on the dominant role of managing the vendor relationship due to the preponderance of emergency calls being in Wylie.
4. For all medical emergencies, including vehicle accidents, a paramedic ambulance is dispatched simultaneously with Parker FD.

# Today's Basis of Coverage for the Provision of Emergency Medical Services to the Citizens of Parker

1. 24/7 paramedic ambulance service is presently outsourced to Paramedics Logistics Texas, LLC (d/b/a Paramedics Plus), a for-profit vendor that, in February 2018, assumed the contract from the original provider, East Texas Medical Center EMS, a division of East Texas Medical Center, a not-for-profit entity. The original arrangement with East Texas, dating to 1997, has undergone several amend and extends and, in its present form, the contract expires September 30, 2024.
  - a. Paramedics Plus operates two (2) 911 paramedic ambulances serving all Coalition members. To supplement revenue and reduce cost to Coalition members, Paramedic Plus ambulances are permitted to provide inter-medical facility non-emergency transportation.
  - b. Coalition members are charged a stipend by Paramedics Plus pro-rated among all Coalition members based upon population served. Parker currently represents 7% of the aggregated population. For the fiscal year 2023/2024 Parker's budgeted cost is \$44,200. Both Paramedics Plus and Wylie Fire Dept. bill the patient for services independent of the charge to the City of Parker.
2. Under separate ILA, Parker contracts with Wylie Fire-Rescue for back up ambulance service when Paramedic Plus ambulances are busy. Wylie has the capability of operating an additional two (2) ambulances, giving Coalition entities a total of 4 available ambulances. There is no cost to the City of Parker for backup ambulance service.
3. All Coalition and backup ambulances are positioned at Wylie fire stations, including Wylie fire station #4 at 3200 McMillen Dr., closest to Parker.
4. During 2023, Coalition ambulances made 5,929 runs: 4.17% were in Parker.

# Situational Perspective - Dissatisfaction by Coalition members with the incumbent vendor

1. Since assumption of the East Texas contract, Paramedics Plus:
  - a. Reduced its footprint in Texas to a point where the Coalition now represents its only Texas-based 911-based ambulance operation, and
  - b. Beginning in 2022, the vendor experienced increasing employee turnover which continued without resolution into 2023. A root cause is non-competitive, low pay by Paramedic Plus.
2. From time to time, the City of Wylie stepped up by providing, at their sole expense, off duty Wylie firefighters to staff, as necessary, Paramedic Plus ambulances so as to always maintain the availability of the two Paramedics Plus ambulances for all Coalition members.
  - a. Quality and timeliness of ambulance service thus remained unaffected, and Parker's citizens were not at risk.
3. Resultantly, Wylie followed by other Coalition entities including Parker, notified Paramedic Plus of their intention not to extend the present contract upon its expiry on September 30, 2024.

# Situational Perspective – Wylie to Bring In-House All Ambulance Services

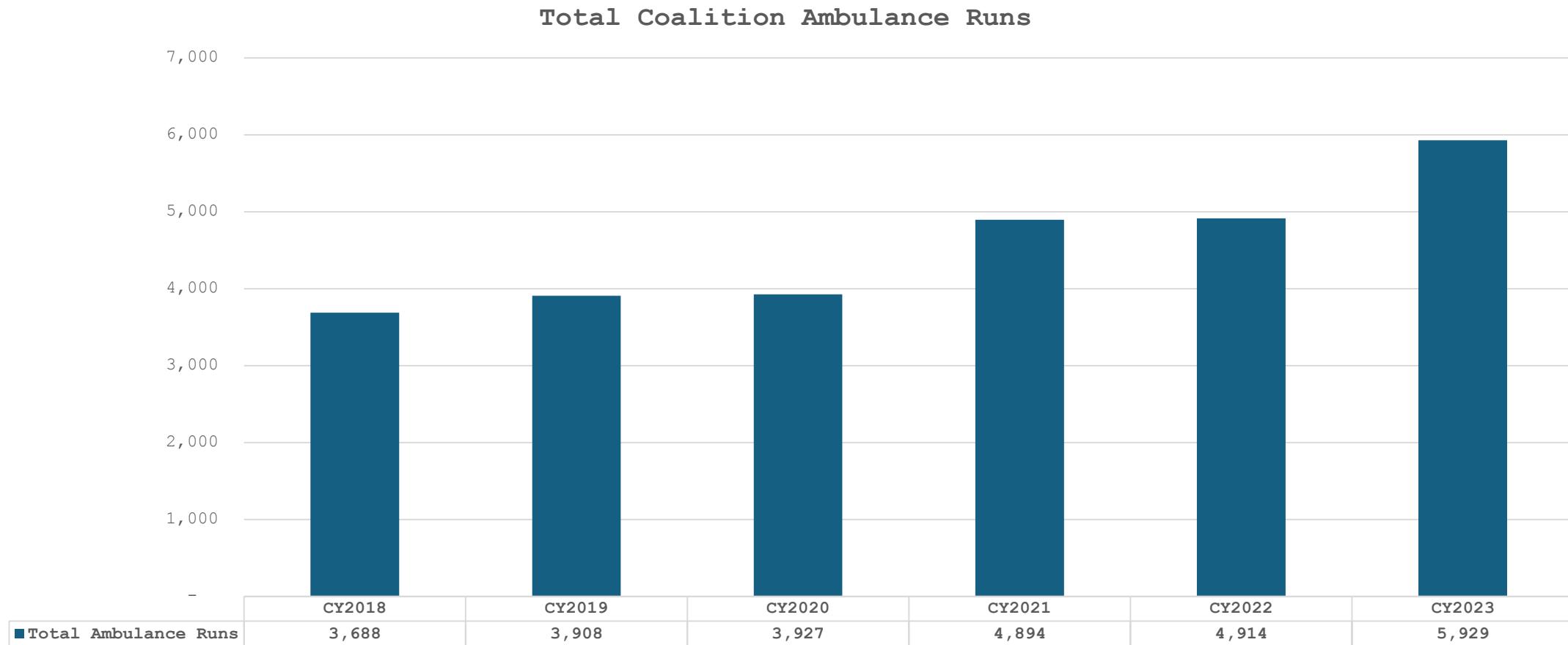
1. Wylie Fire-Rescue will assume the provision of all ambulance service for its citizens upon the expiry of the Paramedic Plus contract on September 30, 2024. They have as of this date,
  - a. Equipped three ambulances plus a fourth backup unit thereby retaining the current pool of four ambulances.
  - b. Hired and trained 9 paramedics and 9 EMTS to staff the three primary ambulances. These personnel are sole-role (i.e., medically credentialed but not firefighters, a job description equivalent to Paramedics Plus). The backup ambulance will be staffed by on-duty dual-role firefighter-paramedic and firefighter-EMT personnel.
  - c. Hired supervisory and administrative personnel for the newly formed EMS division.
  - d. Contracted with a physician group to provide medical control and established the requisite medical protocols and procedures, generally unchanged from today's protocols.
  - e. Contracted with a third-party billing and collection service.
2. Wylie has extended an offer to all Coalition entities to continue to receive paramedic ambulance services from Wylie upon the expiry of the Paramedic Plus contract on terms generally similar to those enjoyed

# Situational Perspective – Ambulance Coverage by Area Cities

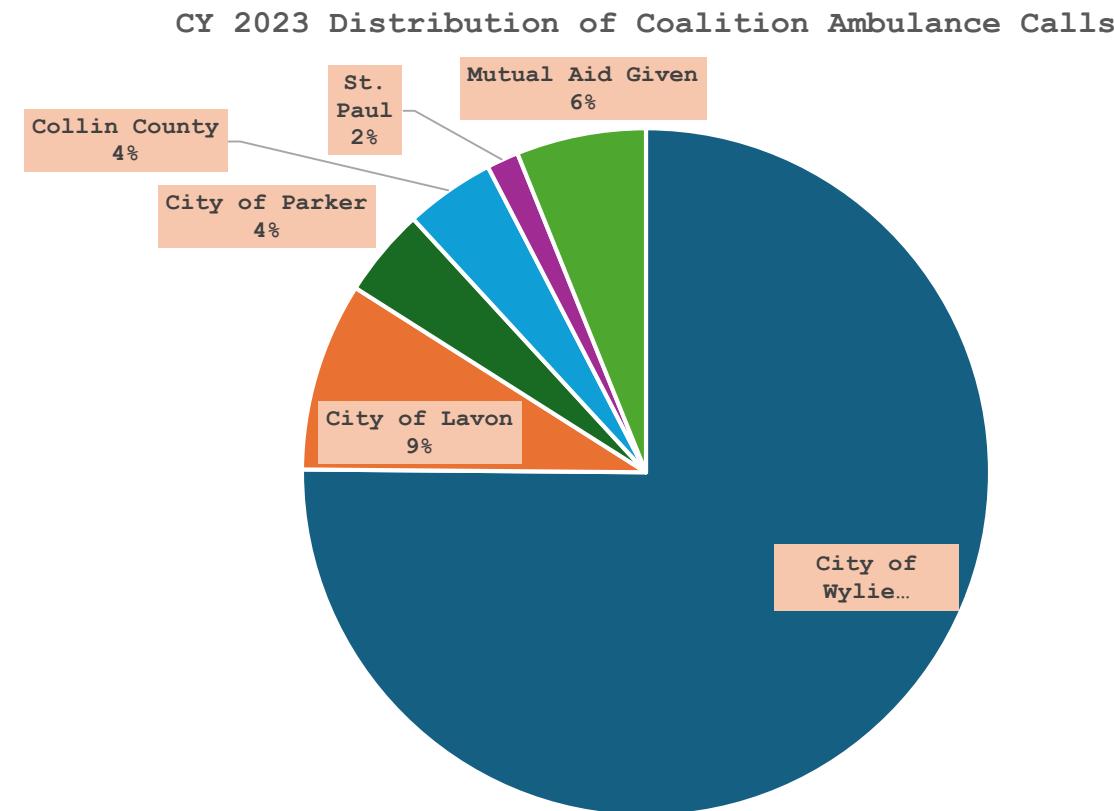
Per Capita Ambulance Coverage by Area Fire Departments			
	Population	# Full Time Ambulances	Per Capita
Sachse	29,314	1	29,314
Murphy	21,204	1	21,204
Lucas	8,074	1	8,074
Rowlett	66,212	4	16,553
Richardson	122,615	6	20,436
Plano	292,066	10	29,207
Prosper	38,840	3	12,947
Allen	105,900	5	21,180
McKinney	209,626	7	29,947
Garland	248,822	11	22,620
Wylie	60,923	3	20,308
Coalition	78,381	3	26,127
Average			21,493
Pro forma provision by Wylie <sup>1</sup>	78,381	4	19,595

<sup>1</sup>Includes 3 primary ambulances staffed by dedicated EMScrew plus 1 backup ambulance cross staffed by on-shift firefighter EMT/Paramedic.

# Historical Perspective – Annual Ambulance Runs by Coalition Ambulances (both primary and backup)



# Historical Perspective – CY 2023 Distribution of Coalition Ambulance Calls



# Historical Perspective – Parker FD's 911calls for service involving medical emergencies

- During calendar year 2023 Parker FD responded to 231 calls involving medical emergencies.
  - Medical calls constitute 54% of the department's total calls for service during 2023.
  - Year-to-date through March 31, 2024, medical calls are up 55% over the first calendar quarter of 2023, representing 66% of total calls for service.

- A combination of Paramedic Plus and/or Wylie back up ambulances respond to medical calls.

	Total Annual Call Volume						3 mos. Year over Year		
	Calendar Year:						Jan 1-Mar 31		% Var
	2018	2019	2020	2021	2022	2023	2023	2024	
Structure Fires	18	17	11	27	20	19	7	4	-43%
Medical Calls	157	149	139	249	236	231	44	68	55%
All Others	186	214	210	227	227	174	50	59	18%
<b>Total Call Volume</b>	<b>361</b>	<b>380</b>	<b>360</b>	<b>503</b>	<b>483</b>	<b>424</b>	<b>101</b>	<b>131</b>	<b>30%</b>
Less mutual aid by Parker	-79	-75	-63	-90	-109	-92	-25	-30	20%
<b>Total Parker Fire District Volume</b>	<b>282</b>	<b>305</b>	<b>297</b>	<b>413</b>	<b>374</b>	<b>332</b>	<b>76</b>	<b>101</b>	<b>33%</b>
Parker Calls as % of Total	78%	80%	83%	82%	77%	78%	75%	77%	2%
Mutual Aid as % of Total	22%	20%	17%	18%	23%	22%	25%	23%	-7%

# Considerations for Continued Ambulance Transportation Services

1. Parker sole-contracts with an independent third-party vendor.
2. Parker self-provides ambulance transportation to its citizens.
3. Parker approaches Lucas or Murphy, who presently self-provide ambulance transportation to its citizens, to consider an arrangement to extend coverage to Parker.
4. Parker contracts with Wylie for the provision of 911 ambulance transportation.

# Basis of Comparison (using qualitative/quantitative measures)

## 1. Key Performance Metrics

- a. **Availability** – Population served per ambulances. Benchmark average for nearby cities is 1 ambulance per population of 21,500.
- b. **Dependability** – percentage of calls covered by the ambulance service without calling on mutual aid.
- c. **Response Time** – Equivalent or better than Coalition (avg.  $\leq$  10 min.) remembering Parker FD arrives on scene an average 4 minutes before the ambulance and initiates necessary treatment.
- d. **Competency** – measured by total system 911 runs; the higher the run total, the greater the likelihood of life-threatening cases encountered by the individual paramedic.

## 2. Cost, including means to share in future cost-savings actions by the service provider.

# Option #1 -Sole-Source from Independent Third-Party Provider

- Availability - Given Parker's low relative volume of ambulance runs it is highly unlikely to find a provider willing to provide a dedicate ambulance (for perspective, the only provider offering to dedicate an ambulance to the Coalition was East Texas EMS - all other respondents to the Coalition's RFP issued since 1997 would not commit a dedicated unit).
- Dependability - A function of Availability.
- Response Times - A function of Availability.
- Competency - Likely acceptable.
- Cost - Prohibitively high. For perspective, the aggregated annual stipend paid by all Coalition governmental entities to Paramedic Plus ambulance contract for 2023 was \$535,000 for the provision of two full time ambulances for a population of 71,000 with an expectation of 5,000 ambulance calls per year. Additionally, the Coalition agreed to permit Paramedics Plus (but not Wylie backup ambulances) to utilize their ambulances for non-emergency, inter-hospital transportation of patients originating from medical properties situated within the Coalition's territory. This action enabled the provider the opportunity for an ancillary revenue stream.
- Conclusion - Not a feasible option.

## Option #2 - Parker FD provides ambulance transportation

- Availability - High (1 ambulance for approx. 5,600 vs. benchmark of 21,500.)
- Dependability - High
- Response Times - Improved over present Coalition (avg. response time 6:38 min/sec by Parker FD)
- Competency - "Challenged" given low incidence of calls
- Cost - Very high, based upon simple math of 6 full time employees at an average employee cost of \$80,000, plus the cost of two ambulances (one primary, one backup) plus equipment (\$100,000 estimate), third-party medical direction, and so forth. Assuming an average of 300 calls in a year and gross billings of \$2,000 per call, at a 20% collection rate, considered favorable, the net annual cost to the City would approximate \$360,000 before capitalized costs of equipment and vehicles.
- Conclusion - Prohibitively high option given the relatively low level of medical calls within Parker's fire district.

## Option #3 - Joint Venture with Lucas or Murphy

- Availability - Favorable to benchmark, but less desirable to our counterparty (Lucas/Parker, 1 ambulance per 13,675; Murphy/Parker, 1 ambulance per 26,800). However, each of the cities run a single ambulance.
- Dependability - Each of the cities run a single ambulance increasing the likelihood of mutual aid playing a much larger role than the per capita figures suggest.
- Response Times - Comparable to Coalition.
- Competency - Good but call volumes do not rise to the aggregate level of the Coalition entities.
- Cost - To be explored, but we should anticipate a pro ration of cost based upon # of runs or, perhaps, population covered.
- Conclusion - Relative to other options, the availability of only a single ambulance is a critical limitation with respect to an enduring strategic arrangement.

# Option # 4 – Provision of Ambulance Transportation by City of Wylie Fire Dept.

- Availability – 1 ambulance per population of 1,959, a 7% improvement over the benchmark of 21,493.
- Dependability – High based upon Coalition ambulances responding to 94% or better of Parker's ambulance calls over the past several years. This is a valid comparison because the Wylie program will utilize the same four ambulances as presently maintained under the Coalition.
- Response Times – Similar to what Parker residents can expect today from a Coalition ambulance response. Wylie plans to continue to maintain an ambulance at its Fire Station #4, 3200 McMillen Dr.
- Competency – Similar to that of today's Coalition ambulances who responded to 5,929 calls for assistance during 2023.
- Cost – \$71,431 for fiscal year 2024/2025, based upon Parker covering 4.38% of the cost of Wylie's EMS Division after deducting collections received by Wylie from patient billings (assumed at 10% of gross billings during year #1) plus a 10% administrative charge. Reference Exhibit A.

# Key Provisions of Paramedic Ambulance Service as Provided by City of Wylie

- Contract will commence October 1, 2024, and continue for one year with four automatic annual renewals thereafter.
- Coverage is being offered by Wylie to all existing Coalition entities and our proration is based upon all entities executing similar ILAs with Wylie.
- Wylie will staff 3 primary ambulances plus a fourth backup ambulance staffed by on-shift personnel, all on a 24/7 basis.
- Wylie will bill patients pursuant to a fee structure that, for FY 2024/2025, marginally favors Wylie residents.
- Parker will be billed for its pro rated share of the net budgeted cost of Wylie's EMS division with proration a function of ambulance runs that arrive at the emergency scene (i.e., are not disregarded prior to arrival), based upon the prior year's ambulance runs.
- Cost of service for Parker for FY 2024/2025 is forecast at \$71,431 (should no other Coalition entity contract with Wylie Parker's cost will be \$84,400). Reference Exhibit A.
- Should Wylie experience a higher collection percentage of gross billings (10% utilized in establishing budgeted year-cost) thereby reducing the net operating cost of Wylie's EMS division, the benefit will accrue to Parker based upon our proration of net cost.

## Final thoughts...

1. Parker presently enjoys a strategic relationship with Wylie as part of a multi-unit/multi-city dispatched response to fire, medical and other emergencies.
2. Parker presently contracts with Wylie for fire department dispatch services. This involves coordinating both primary and backup availability of resources.
3. Parker presently contracts with Wylie for backup ambulance services when Paramedic Plus units are unavailable.
4. Expanding our strategic alliance with the City of Wylie for the provision of paramedic ambulance is a sound and responsible solution to best protect the health and welfare of our citizens of in terms of both cost and reliability of a proven system.
5. Collectively, the actions above are an enduring answer to how does the City provide its citizens with fire, rescue and emergency medical services as build out continues over the next five years - Parker and its citizens will benefit from the combined resources of multiple fire departments at a fraction of the cost of maintaining similar resources of our own.

## Parker FD's Recommended Course of Action

1. Contract with Wylie for the on-going provision of paramedic ambulance service.
2. Our recommendation is based upon:
  - a. Proven concept - the number and stationing of ambulances is not expected to change from those under the present system.
  - b. Lower cost option - plus includes the potential benefit of future cost savings as Wylie's collection rate improves year-over-year (again, Parker's pro ration is based upon net cost of Wylie's EMS division after collections from patient billings).
  - c. Expandable option - Designed to continue the basis of coverage for fire, rescue and medical emergency services as the city builds out.

# Exhibit A - Provision of Ambulance Service by Wylie: Proposed Cost Sharing

2024/25 EMS division budget <sup>1</sup>	\$ 2,459,453.56
Less: Projected Revenues <sup>2</sup>	\$ 976,417.00
<b>Net Budget</b>	<b>\$ 1,483,036.56</b>
Est. cost per call based on 4,800 annual calls	\$ 309.22

FY 2024/2025 Cost Sharing as Proposed by Wylie						
Jurisdiction	Arrived on Scene	2023 # Calls		%age of Net Budget	10% Admin Fee	Total Cost
		#	%			
Wylie	3,849	80.25%	\$ 1,190,201.78			\$ 1,190,201.78
Lavon	434	9.05%	\$ 134,203.06	\$ 13,420.31	\$ 147,623.36	
Parker	210	4.38%	\$ 64,936.96	\$ 6,493.70	\$ 71,430.66	
Collin County	219	4.57%	\$ 67,719.98	\$ 6,772.00	\$ 74,491.97	
St. Paul	84	1.75%	\$ 25,974.79	\$ 2,597.48	\$ 28,572.26	
<b>Total<sup>3</sup></b>	<b>4,796</b>	<b>100.00%</b>	<b>\$ 1,483,036.56</b>	<b>\$ 29,283.48</b>	<b>\$ 1,512,320.04</b>	

<sup>1</sup>Excludes \$547,000 of capital costs covered by Wylie. Otherwise, total operating budget = \$3,006,454.

<sup>2</sup>Forecast at 10% collection rate on projected first year gross billings of \$9,764,170 (\$2,024 per 4,800 runs).

<sup>3</sup>Excludes mutual aid ambulance calls provided to non-participant parties in the Wylie Ambulance program

# Exhibit B - Proposed Wylie EMS Division 2024/2025 Budgeted Operating Costs

<b>City of Wylie</b>	
<b>FY2024/2025 EMS Operating Costs</b>	
Salaries & Benefits <sup>1</sup>	\$ 2,095,154
Equipment	\$ 230,950
Outsourced Services <sup>2</sup>	\$ 133,350
Capital Costs	\$ 547,000
<b>Total Operating Cost</b>	<b>\$ 3,006,454</b>

**<sup>1</sup>Division Staffing**

EMSDivision Manager

18 single role EMT & Paramedics

Records Analyst

**<sup>2</sup>Outsourced Services**

Medical Director

# EXHIBIT C – FY 2024/2025 Wylie Patient Fee Structure

## **Wylie Fire Rescue: Proposed FY2024/2025 Fee Structure Charged to Patient**

### **Basic Charge - Resident:**

Basic Life Support ("BLS")	\$ 1,400.00	Waive co-pay
Advanced Life Support ("ALS") - level 1	\$ 1,500.00	Waive co-pay
Advanced Life Support - level 2	\$ 1,750.00	Waive co-pay

### **Basic Charge - Non Resident:**

Basic Life Support ("BLS")	\$ 1,450.00
Advanced Life Support ("ALS") - level 1	\$ 1,550.00
Advanced Life Support - level 2	\$ 1,800.00

### **Other Fees:**

Treatment but no transport	\$ 150.00
Milage Rate	\$24.00/mile
Oxygen	\$ 125.00
BLSsupplies	\$ 350.00
ALSSupplies	\$ 400.00
Dispatch fee - BLS	\$ 300.00
Dispatch fee - ALS	\$ 400.00



## 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:	July 10, 2024
Exhibits:	<a href="#"><u>Proposed Minutes</u></a>	

### AGENDA SUBJECT

APPROVAL OF MEETING MINUTES FOR JULY 2, 2024. [REGULAR MEETING]

### 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:	07/11/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	07/xx/2024 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	07/xx/2024



**MINUTES**  
**CITY COUNCIL MEETING**  
**JULY 2, 2024**

**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 workshop to order at 6:00 p.m. Mayor Pro Tem Jim Reed and Councilmembers Todd Fecht, Randy Kercho, Amanda Noe, and Buddy Pilgrim were present.

Staff Present: City Administrator Luke Olson, Asst. City Administrator/City Secretary Patti Scott Grey, Interim City Attorney Catherine Clifton, Public Works Director Gary Machado, Fire Chief Mike Sheff, and Police Chief Kenneth Price

**WORKSHOP (6:00 PM – 7:00 PM)**

**CITY ATTORNEY: IN-HOUSE VS RETAINER**

City Council discussed the pros and cons of having an in-house attorney vs. a retained law firm. The Mayor and City Council directed staff to post a Request for Qualifications (RFQs) for Legal Counsel for both an in-house attorney, full and part time, and retained law firms for approximately 45 days. City Council will review the RFQs/applicants, conduct interviews, and find the best legal representation.

**DISCUSSION ON COUNCIL AVAILABILITY FOR WORKSHOPS**

There was discussion of City Council schedule availability and upcoming workshops. City Administrator Olson said he continues to work with various Councilmembers regarding their Microsoft Outlook Calendars.

Mayor Lee Pettle ended the workshop at 6:59 p.m.

**REGULAR MEETING (7:00 PM)**

Mayor Lee Pettle called the regular meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

AMERICAN PLEDGE: Roxanne Bogdan led the pledge.

TEXAS PLEDGE: Billy Barron 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.

Colleen Halbert, 3100 Dublin Road, spoke in regard to the "Workshop – City Attorney: In-house vs Retained Legal Counsel". Ms. Halbert commented on her experience with in-house attorneys and law firms. She suggested the City determine their legal services cost and also noted the right outside counsel would have a list of attorneys with different specialties to meet the City's various needs.

Susan Medrano, 4406 Dover Drive, said she has had a multitude of issues with the home she bought in the Kings Crossing Subdivision from Grand Homes. Ms. Medrano said Grand Homes violated Parker's Code of Ordinances §155.025 **GENERAL PROCEDURES; ESTABLISHMENT.**, (A) *Classification of subdivisions and additions.*,

(2) Except as otherwise permitted, the Council's approval of a preliminary plat is required prior to the construction of public improvements to the property. The developer may undertake efforts to improve the land, and begin construction of public improvements after receiving approval of a plat. Upon completion of detailed surveys and all necessary engineering to fully and accurately define the subdivision, the developer shall submit a final plat for approval. Lots may be sold and building permits obtained only after approval of the final plat by the Council, and filing of the signed final plat. Upon completion of the required public improvements, the owner shall submit a set of as-built plans to the city. Certificates of occupancy for any permanent structures shall not be granted until the as-built plans have been approved and accepted by the city.

Ms. Medrano said Grand Homes sold her a lot before the final plat was approved, noting the penalty provided in the code.

#### **§ 155.999 PENALTY.**

(A) Any person who shall violate any provision of this chapter for which no other penalty is provided shall, upon conviction thereof, be subject to penalties as provided in § [10.99](#) of this code.

(B) Any person, firm, or corporation violating any of the provisions or terms of this chapter, except § [155.051](#), shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be subject to a fine not to exceed \$2,000 for each offense. Each and every day the violation shall continue shall be deemed to constitute a separate offense.

(Ord. 487, passed 7-18-2000)

(C) Any person, firm, or corporation violating any of the provisions of § [155.051](#) shall be deemed guilty of a misdemeanor and upon conviction in the Municipal Court shall be subject to a fine not to exceed \$2,000 for each offense.

(Ord. 455, passed 4-13-1999; Am. Ord. 737, passed 7-20-2016)

She related Grand Homes has not honored the warranty or made needed repairs to her home or others in the same situation. The City met with Grand Homes regarding these issues, but they have not completed the repairs. Ms. Medrano said she wants the City to enforce the ordinances.

Roxanne Bogdan, 6701 Overbrook Drive, spoke in regard to noise issues with Southfork Ranch. Ms. Bogdan said Southfork Ranch operated late into the night with loud music. She said Southfork Ranch is not respectful, they were not following the City's noise ordinance [§94.02 **NUISANCES ENUMERATED.** [https://codelibrary.amlegal.com/codes/parker/latest/parker\\_tx/0-0-0-1174](https://codelibrary.amlegal.com/codes/parker/latest/parker_tx/0-0-0-1174)] and the

City of Parker is not enforcing the ordinances. Ms. Bogdan asked that the noise ordinance be reviewed and revised.

Billy Barron, 6707 Overbrook Drive, spoke in regard to noise issues with Southfork Ranch and agreed with Ms. Bogdan. The current ordinance does not specify how decibels should be measured, and the equipment Parker Police uses does not pick up the base. Mr. Barron said he has done research on how other cities such as Allen, Texas, are handling noise. He presented City Council with a copy of Allen, Texas' noise ordinances, recently enacted, and asked City Council to consider replacing Parker, Texas' current ordinance. (See Exhibit 1 – Allen, Texas' noise ordinance, dated July 2, 2024.)

Sireesha Penmasta, 4405 Dover Drive, said she lives in the Kings Crossing Subdivision, and she has had constant flooding from the field behind her home. Ms. Penmasta provided photos for City Council (See Exhibit 2 – Shireesha Penmasta's photos, dated July 2, 2024.). She asked who was responsible for correcting the issue.

Ted Lane, 5004 Dublin Creek Lane, said he had a letter from Adam Floyd, 3203 Bluffs Lane, and read the letter into the record. (See Exhibit 3 – Adam Floyd's letter, dated July 2, 2024.) Mr. Floyd's letter voices concern about the City of Parker's Type A (General Law Municipality) and the Mayor's and City Council's powers.

## ITEMS OF COMMUNITY INTEREST

Mayor Pettle reviewed the upcoming Community Interest items below:

1. CITY HALL CLOSED – THURSDAY, JULY 4, 2024

CITY HALL CLOSED – FRIDAY, JULY 5, 2024

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, JULY 3, 2024, 5 PM – SPECIAL PARKERFEST PLANNING MEETING

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, JULY 10, 2024, 5 PM

## 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.

2. APPROVAL OF MEETING MINUTES FOR JUNE 4, 2024. [REGULAR MEETING]

3. APPROVAL OF MEETING MINUTES FOR JUNE 18, 2024. [REGULAR MEETING]

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2024-801 AUTHORIZING THE MAYOR TO ACCEPT, OR REJECT, GIFTS TO THE CITY OF PARKER OF \$1,000.00 OR LESS; AND REQUIRING A RECORD TO BE KEPT BY THE CITY OF ALL ACCEPTED OR REJECTED GIFTS.

MOTION: Councilmember Kercho moved to approve consent agenda items 2 through 4 as presented. Councilmember Noe seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

## INDIVIDUAL CONSIDERATION ITEMS

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AN ORDINANCE NO. 869 OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, REPEALING CITY OF PARKER ORDINANCE NO. 832; PROVIDING A SAVINGS CLAUSE AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. [PUBLIC SAFETY]

MOTION: Councilmember Kercho moved to approve Ordinance No. 869 of the City of Parker, Collin County, Texas, repealing City of Parker Ordinance No. 832 (Police Department Operations) (Amending Ordinance Nos. 770 & 498); providing a savings clause and severability clause; and declaring an effective date. [Public Safety]. Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

6. CONSIDERATION AND ANY APPROPRIATE ACTION ON AN ORDINANCE NO. 870 OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS AUTHORIZING THE APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PARKER AND MESSER FORT, PLLC; PROVIDING FOR THE EXPENDITURE OF FUNDS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Councilmember Noe moved to approve Ordinance No. 870 of the City of Parker, Collin County, Texas authorizing the approval of a professional services agreement between the City of Parker and Messer Fort, PLLC; providing for the expenditure of funds therefor; and providing an effective date [Grand Prairie ETJ]. Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0. (See Exhibit 4 – Amended Res. No. 2024-802, dated July 2, 2024.)

7. CONSIDERATION AND ANY APPROPRIATE ACTION CONCERNING RESOLUTION NO. 2024-802, UPDATING THE FY 2023-2024 - FY 28-29 CAPITAL IMPROVEMENT PLAN AS ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATING EXHIBIT "B" UPDATING THE CAPITAL IMPROVEMENT PLAN AS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Councilmember Kercho moved to approve amended Resolution No. 2024-802, updating the Capital Improvement Plan as attached hereto as Exhibit "A"; providing a repealing clause; providing a severability clause; and providing for an effective date; with updated date [July 2, 2024], and removing highlighted areas. Councilmember Noe seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

8. DISCUSSION AND DIRECTION TO CITY STAFF TO AMEND ORDINANCE NO. 750 (AMENDING NUISANCE ORDINANCE [553]).

City Council discussed Ordinance e No. 750 (Amending Nuisance Ordinance [553]).

MOTION: Councilmember Pilgrim moved to appoint a committee consisting of Councilmember Todd Fecht, City Administrator Luke Olson, Police Chief Kenneth Price, ex officio member Legal Counsel, and residents Billy Barron and Rick Debus to

oversee review of Parker's noise ordinance and bring recommendations back to City Council. Mayor Pro Tem Reed seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

Councilmember Fecht requested City Administrator Olson send him the email addresses of the committee members to get meetings setup expeditiously. City Administrator Olson agreed.

## 9. DISCUSSION ON FUTURE DEPARTMENTAL REPORT(S)

City Council discussed the Departmental Report(s) and possible changes. City Administrator Olson asked the Mayor and City Council to review the current departmental reports and email their suggestions to him (Mr. Olson) at [Lolson@parkertexas.us](mailto:Lolson@parkertexas.us) .

## ROUTINE ITEMS

### 10. UPDATE(S):

#### FM2551

City Administrator Olson said Texas Department of Transportation (TxDot) has canceled their regular meetings regarding this project. He and Public Works Director Machado are unsure of what changes may occur or how timelines may change. When he and/or Mr. Machado get reliable information, we will put it on the city's website under "NEWS" at <http://www.parkertexas.us/> on the homepage.

#### COMP PLAN

It was noted; the Comprehensive Plan (COMP Plan) is in the process of going to the Planning and Zoning (P&Z) Commission for review, revisions, input and recommendation, tentatively July 11, 2024.

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

It was noted July 11, 2024 is the deadline to request affected party status or file "against" the Municipal Utilities District (MUD) statement with the TCEQ. Information will be placed on the city's website under "NEWS" at <http://www.parkertexas.us/> on the homepage as well as being sent out by the city by Monday, July 8, 2024. If you have questions, the City plans to be available at City Hall on Tuesday, July 9, 2024, 5:00 PM - 7:00 PM to answer questions, including how to file with the TCEQ.

#### POLICE VEHICLES

Police Chief Price said the City finally received the second Ford F150 truck and we are still waiting on the Ford Expedition. Chief Price indicated the United States Postal Service lost part of the lighting package.

Chief Price also noted that IT was working on getting the department's new camera systems installed.

#### CAPITAL IMPROVEMENT PLAN (CIP)

It was noted Dublin Road waterlines relocation is in progress. It is on schedule and the City appreciates your patience while the work is in progress. Church Lane is being evaluated for repairs by contractors. The expected cost is approximately \$250,000. Once the City receives the cost estimate, staff will bring an item to City Council to approve the work and appropriate funding. The residents on Church Lane have been advised to take care of their trees for the roadwork. Lewis Lane issues are still being resolved with the City of Lucas, Texas, and Collin County. The City of Parker has completed repairs to their sections of the road and the City of Lucas is working on culverts now.

### **ANY ADDITIONAL UPDATES**

None

### **MONTHLY/QUARTERLY REPORTS**

City Council accepted the reports hyperlinked below:

[April 2024 - Building Permit/Code Report](#)

[May 2024 - Building Permit/Code Report](#)

[April 2024 – Court Report](#)

[May 2024 – Court Report](#)

[April 2024 – Finance \(monthly financials\) Report](#)

[May 2024 – Finance \(monthly financials\) Report](#)

[Fire 1st Qtr. Report 2024](#)

[April 2024 – Police Report](#)

[May 2024 – Police Report](#)

[April 2024 – Republic Services Inc., dba Allied Waste Services of Plano](#)

[May 2024 – Republic Services Inc., dba Allied Waste Services of Plano](#)

### **DONATION(S)**

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

Andrew Tes donated Shipley Donuts valued at \$8 to City Staff.

Jim and Cyndi Daugherty donated snacks valued at \$25 to the Police Department.

Maryam Boroujerdi and Mohammad Massoudi donated 1 Dozen Nothing Bundt Cakes Bundtnis valued at \$28 to City Staff.

Mayor Pettle, on behalf of herself, City Council, and City Staff, thanked the donors for their kind and generous donations.

### **FUTURE AGENDA ITEMS**

#### 12. FUTURE AGENDA ITEMS

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

Councilmember Kercho said he was not sure if this was a future agenda item, but he requested all Records Requests go to City Council as he understood they were

not being handled in a timely manner. Councilmember Pilgrim agreed and said he has heard the same.

Hearing no additional requests, Mayor Pettle encouraged everyone to email her any requests. She noted the next regularly scheduled meeting would be Tuesday, July 16, 2024.

**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(1) – Consultation with Attorney related to pending litigation in Cause No. D-1-GN-23-007785.

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 8:29 p.m.

**RECONVENE REGULAR MEETING.**

Mayor Lee Pettle reconvened the meeting at 9:47 p.m.

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

No action was taken.

**ADJOURN**

Mayor Lee Pettle adjourned the meeting at 9:48 p.m.

**APPROVED:**

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

**ATTESTED:**

Approved on the 16th day  
of July, 2024.

---

Patti Scott Grey, City Secretary

PROPOSED

**ORDINANCE NO. 4082-5-24**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 10, "OFFENSES—MISCELLANEOUS" BY ADDING A NEW ARTICLE VIII, "NOISE"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000); AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Allen, Texas finds it to be in the public interest to amend the Code of Ordinances relating to the regulation of noise.

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

**SECTION 1.** The Code of Ordinances of the City of Allen, Collin County, Texas, be and the same is hereby amended by amending Chapter 10, "Offenses—Miscellaneous" by adding a new Article VIII, "Noise" to read as follows:

**"ARTICLE VIII. – NOISE**

**Sec. 10-67. - Definitions.**

When used in the context of this article, the following definitions shall apply:

*A-weighted sound level*: shall mean the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. This level is designated dB(A) or dBA.

*Boundary line*: an imaginary line exterior to any enclosed structure, at the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person.

*Commercial*: shall mean any premises where offices, clinics, kennels, shopping and service establishments or similar retail establishments exist and where the use of less than twenty-five percent of the gross floor area meets the definition of residential premises.

*Construction*: shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action.

*Daytime*: shall mean the hours between 7:00 a.m. and 10:00 p.m.

*Decibel*: shall mean a logarithmic unit of measure often used in measuring magnitudes of sound. Represented by the symbol dB or dB(A).

*Director*: shall mean the director or manager of the departments or divisions designated by the City Manager to enforce and administer this Article.

*Extraneous sound*: shall mean a short-duration or intermittent sound that is neither part of the background sound, nor comes from the source under investigation.

*Engine compression brake:* shall mean a vehicle retarding device that converts a power-producing engine into a power-absorbing air compressor in order to reduce motor vehicle speed without the use of the vehicle's foundation brakes.

*Impulsive sound:* shall mean sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

*Leq:* shall mean an average measure of continuous noise that has the equivalent acoustic energy of the fluctuating signal over the same period. The time period of monitoring will be continuous over a minimum of fifteen minutes and will use the A-weighting network reported in decibel units.

*Noise nuisance:* shall mean any unreasonably loud, irritating, vexing or disturbing sound originating from a nearby property under separate ownership, which causes injury, discomfort, or distress of a person of reasonable nervous sensibilities.

*Non-Residential:* shall mean the following zoning districts as defined in the Allen Land Development Code A-O, GO, O, LR, SC, LC, GB, CC, IT, LI, HI, CF, and DD. It shall also include Planned Developments with a Mixed-Use base zoning district designation.

*Person:* shall mean any individual, firm, association, partnership, corporation, or any other entity, public or private.

*Pure tone:* shall mean any sound that can be distinctly heard as a single pitch or a set of single pitches.

*Residential:* shall mean any premise where single or multiple dwelling units exist and shall include the following zoning districts as defined in the Allen Land Development Code: R-1, R-1.5, R-2, R-3, R-4, R-5, R-6, R-7, 2F, TH, MF-12, MF-18, and MH zoning districts.

*Sound:* shall mean an oscillation in pressure, stress, particle displacement and particle velocity which induce auditory sensation.

*Sound pressure level:* shall mean 20 times the logarithm to the base ten of the ratio of the pressure of a sound to the reference pressure of twenty microneutons per square meter ( $20 \times 10^6$  Newtons/meter<sup>2</sup>), and is expressed in decibels.

## Sec. 10-68. – Method of noise measurement.

- (a) *Sound level meter.* Whenever portions of this article prohibit sound levels over a certain decibel limit, measurement of said sound levels shall be made with standardized sound meters, using the A-weighting network meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. Calibration corrections shall be employed in meeting the response specifications prior to every sampling event. Measurements recorded shall be taken so as to provide a proper representation of the noise being measured. The microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. Windscreens shall be used whenever appropriate.
- (b) *Background sound level measurement.* When the sound under investigation can be discontinued, the background sound shall be measured at the same location where the total sound was measured. When the sound under investigation cannot be reasonably discontinued, the background sound may be measured at an alternative location. The alternative location should be as close as feasible to the location of the total sound measurement, but so located that the source under investigation has no effect on the background sound level measurement. The size and distribution of buildings in the vicinity, the local

topography, and the traffic at the alternate location should be reasonably similar to the conditions at the location of the total sound level measurements.

**Sec. 10-69. – Presumptions.**

- (a) The following acts are presumed to be "noise nuisances", and are unlawful and in violation of the provisions of this article when such acts are done or accomplished or carried on in such a manner, or with such volume, intensity, or with continued duration, so as to unreasonably annoy, distress, or disturb the quiet, comfort, or repose of any person of reasonable nervous sensibilities within the vicinity or hearing thereof; endanger or injure the safety or health of humans; interfere with the physical well-being of humans; or endanger or injure personal or real property:
  - (1) *Advertising or attracting attention.* The crying, calling, or shouting, in person or by mechanical device, or the use of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, loudspeaker, with or without amplifier, hand organ, or other devices or instruments, musical or otherwise, for the purpose of advertising any candidates for elective office, any goods, wares, or merchandise, or for the purpose of attracting attention to or inviting persons to any place of amusement, to any performance or show, or to any business or similar activity.
  - (2) *Animals.* Owning, keeping, possessing or harboring any animal or animals (including fowl) which, by frequent or habitual noisemaking, unreasonably disturb or interfere with the use, comfort, and repose of neighboring persons. The provisions of this subsection shall apply to all public and private facilities, including any animal shelter, commercial kennel, or veterinary clinic, which holds or treats animals.
  - (3) *Motor vehicle exhaust system.* Discharging, or permitting to be discharged into the open air, the exhaust of a motor vehicle or other vehicle except through a muffler, or similar device, which will effectively and efficiently prevent loud and unreasonable noises.
  - (4) *Motor vehicle signal device.* The continued or frequent sounding of any horn or other signal device on any automobile or vehicle, motorcycle, bus or other vehicle, except as a danger or warning signal.
  - (5) *Motor vehicles out of repair.* Operating or permitting to be operated any motor vehicle or other vehicle so out of repair or overloaded in such a manner, which emits or creates a loud and unreasonable noise.
  - (6) *Motor vehicle stereo systems.* The playing of any stereo system, whether stationary or located within a motor vehicle, in such a manner or with such volume as to disturb persons within 30 feet of the stereo system or motor vehicle containing the stereo system or as to unreasonably impair the use or enjoyment of public or private property.
  - (7) *Loudspeakers used on vehicles.* The use of mechanical loudspeakers or amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale or display of merchandise, or any other purpose.
  - (8) *Yelling, shouting, etc.* The raucous shouting, whistling, yelling, singing, hooting, or crying of peddlers, hawkers, vendors or any other persons.
  - (9) *Radios, musical instruments, and similar devices.* The playing or permitting or causing the playing of any radio, television, phonograph, stereo system, drum, musical instrument, sound amplifier or similar device which produces, reproduces, or amplifies sound in a manner that unreasonably disturbs or interferes with the peace, comfort, and repose of persons on bounding property, or in any dwelling, apartment, hotel, motel, or other type of residence.

(10) *Air horns and whistles.* The sounding of an air horn or whistle by a train or other vehicle on a train track within the city while approaching an area of such tracks that has a road, street or highway that allows vehicular traffic to cross such tracks, at a time when such crossing is marked by lights, bells, or other audible signals, as well as arms that drop across and block the entire portion of the roadway that crosses such tracks, specifically on the Union Pacific Railroad tracks, between Jefferson and Main Streets, from Mile Post 234.56 (Bagdad Road) to Mile Post 235.95 (Belt Line Road).

(11) *Restricted hours of operation.*

- a. *Building construction.* The erection including excavation, demolition, alteration or repair of any building, structure or appurtenance thereto, within any residential district or within 500 feet of any residential structure, shall be limited to daytime hours, except in the case of urgent necessity in the interest of public safety, or otherwise approved by the building official. This restriction shall also apply to the clearing of land prior to future development.
- b. *Street construction.* The erection including excavation, demolition, alteration or repair of any street, alley or appurtenance thereto, within any residential district or within 500 feet of any residential structure, shall be limited to daytime hours, except in the case of urgent necessity in the interest of public safety, for which approval shall be obtained from the Director.
- c. *Refuse Compacting Vehicles.* Operating or permitting to be operate any refuse compacting, processing, or collection vehicle within any residential district or within 300 feet of any residential structure shall be established to limit noise disturbances to said residential districts and structures. The time of collection shall be established by the Director of Community Services.
- d. *Loading and unloading operations.* The generation of noise from the loading or unloading of trucks or similar large type vehicles (one ton and over); including the opening, closing, or other handling of boxes, crates, containers, building material, or similar operations connected with loading or unloading of such vehicles, within any residential district or within 500 feet of any residential structure, shall be limited to daytime hours, except in the case of urgent necessity in the interest of public safety, for which approval shall be obtained from the Director.
- e. *Truck idling.* The operation of any engine of any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds manufacturer's Gross Vehicle Weight (GVW), within any residential district or within 500 feet of any residential structure, shall be limited to a period not to exceed 15 minutes, provided however, that vehicles confined and operated within an enclosed structure shall not be subject to the provisions of this section.
- f. *Vehicle repairs or testing.* The repairing, rebuilding, modifying or testing of any motor vehicle (including off-road vehicles) or watercraft in such a manner as to cause a noise nuisance, within any residential district or within 500 feet of any residential structure, shall be limited to daytime hours.

#### **Sec. 10-70. – Offenses.**

(a) *Noise Nuisance.* A person commits an unlawful noise nuisance in violation of this article, unless otherwise provided, if the person makes, causes to be made, or allows any noise:

(1) Such that it is a nuisance that causes injury, discomfort or distresses, or disturbs the quiet, comfort, or repose of any reasonable person with ordinary sensibilities

- a. located on the receiving property or at the curb line or boundary line of the receiving property, or
- b. located on the boundary line closest to the source of the sound; or

(2) Such Noise Nuisance is plainly audible by any peace officer or other enforcement agent:

- a. located on the receiving property or at the curb line or boundary line of the receiving property, or
- b. located on the boundary line closest to the source of the sound, or
- c. located at thirty (30) feet, or more, from where the source of the sound is generated, if in a space accessible to the public or a public right-of-way; or

(3) Which exceeds the maximum permissible sound levels identified in the *Designated Noise Zones* section.

(b) *Engine compression brake.* A person commits an offense if he or she uses an engine compression brake to slow or stop a motor vehicle within the corporate limits of the City of Allen.

(1) It is a defense to prosecution under this section that:

- a. the motor vehicle was a fire apparatus owned or operated by a governmental entity; or
- b. the engine compression brake was used in an emergency situation to prevent or reduce an imminent danger of death or bodily injury to a person or damage or destruction to property.

### Sec. 10-71. – Exemptions.

(a) The provisions of this article shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to an emergency.
- (2) The sound was produced by an authorized emergency vehicle.
- (3) The sound was produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger following fire, accident, or natural disaster.
- (4) The sound generated by a parade and spectators and participants on the parade route during a city-approved special event.
- (5) The use of noise-making devices, including sound amplification such as speakers, used solely for the purpose of deterring birds.
- (6) The sound generated from normal activities conducted on public playgrounds and public or private school grounds, included but not limited to school athletic and school entertainment events.

- (7) The sound generated by any activity regulation thereof that has been preempted by state or federal law, including, but not limited to, sound produced by aircraft in flight.
- (8) The sound generated by any church or clock carillons, bells, or chimes.
- (9) The sound generated by any vehicle of the city while engaged in necessary public business.
- (10) The sound generated by spectators and participants of any outdoor event, race, festival, or concert that was sponsored, or co-sponsored by the city.
- (11) The sound generated in the discharge of weapons from a historical reenactment or a fireworks display permitted by the city.
- (12) The sound generated by any governmental body in the performance of a governmental function.
- (13) The sound generated by the normal maintenance of property provided the activities take place during daytime hours.
- (14) The sound was produced by the operation of properly maintained residential-type air conditioning, ventilating, heating devices, or pool equipment (if within sound levels specified by the manufacturer or similar to sound levels produced by equivalent, adjacent devices).
- (16) The sound generated by any other lawful activity that constitutes protected expression pursuant to the First Amendment of the United States Constitution. By this exception, it is not intended to restrict or extend the rights of citizens to the valid expression of their rights and beliefs. Any protected expression retains with it the responsibility to exercise such expression with regard to the rights and sensibilities of others, and within reasonable time and place limitations imposed by other legal standards.

**Sec. 10-72. Noise sensitive/quiet zones.**

- (a) It is unlawful for any person to create any noise which causes the noise level at any school, hospital or similar health care institution, religious facility, or library while the same in use, to exceed the noise standards specified in the *Noise Zone 1* as set forth in Section 10-74 in which a school, hospital or similar health care institution, church or library is located, or which noise level unreasonably interferes with the usage of such institutions, or which unreasonably disturbs or annoys patients in a hospital, convalescent home or similar health care institution.

**Sec. 10-73. –Designated noise zones.**

- (a) *Noise Zone 1*: All Residential structures or properties.
- (b) *Noise Zone 2*: All non-residential structures or properties.

**Sec. 10-74. – Maximum permissible sound levels.**

- (a) In addition to the provisions contained in this Article VIII, the following noise standards, unless otherwise specifically indicated, shall apply to all property within a designated noise zone and when such noise levels exceed the Average Equivalent Sound Levels during the time specified, such noise levels shall be presumed unreasonable:

## Noise Standards

Noise Zones	Time of Day	Average Equivalent Sound Levels (Leq)
Noise Zone 1	7:00 a.m. to 10:00 p.m.	65 dB(A)
	10:00 p.m. to 7:00 a.m.	58 dB(A)
Noise Zone 2	7:00 a.m. to 1:00 a.m.	80 dB(A)
	1:00 a.m. to 7:00 a.m.	60 dB(A)

- (b) When noise contains strong pure tone components or is impulsive, 5 dB(A) shall be subtracted from the appropriate limitation.
- (c) If the background sound level exceeds the applicable standard, the background level shall be the standard.
- (d) Measurements may be taken at a point on adjacent private property or on either side of an adjacent public right-of-way at or near the boundary line of the property where the noise is generated.
- (e) When the noise zone of the property on which the source of sound originates differs from the designation of the property on which the sound is measured, the more restrictive noise standard shall apply.
- (f) At any time in a measurement period, no noise may exceed the maximum sound level standard plus 20 dB(A).

### Sec. 10-75. – Noise abatement studies.

- (a) An existing facility which exceeds the noise limitation levels in this Article may be required by the Director to submit a noise abatement study to the city that details the steps that will be taken to bring the facility into compliance. The study must be conducted by a qualified person approved by the Director. The study must contain at a minimum the following:
  - (1) A description of the facility.
  - (2) An analysis of the source of the noise.
  - (3) An analysis of the abatement measures necessary to bring the facility into compliance.
  - (4) A noise abatement measures implementation schedule not to exceed a time frame of six months without the written permission of the Director.
  - (5) Any other items required by the Director.
- (b) A new or proposed facility that has the potential to exceed the noise limitation levels contained in this article may be required by the Director to submit a noise abatement study to the city, prior to the issuance of any building permits, that details the steps that will be taken to ensure the facility will be in compliance. The study must be conducted by a qualified person approved by the Director. The study must contain at a minimum the following:
  - (1) A description of the facility.
  - (2) An analysis of the source of the noise.
  - (3) An analysis of the abatement measures necessary to bring the facility into compliance.

- (4) A noise abatement measures implementation schedule not to exceed the facility's construction schedule without the written permission of the Director.
- (5) Any other items required by the Director.

**Sec. 10-76. – Penalty for violations.**

- (a) Any person, firm, or corporation who violates any provision of this article is guilty of a misdemeanor and upon conviction is punishable by a fine as provided for in Chapter 1, Section 1-4 of this Code of Ordinances, or any amendment thereto or renumbering thereof, for violations of public health, for each act of violation and for each day of violation.

**SECTION 2.** All provisions of the ordinances of the City of Allen in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Allen not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance, as amended hereby, be adjudged, or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

**SECTION 4.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand and No/100 Dollars (\$2000.00) for each offense.

**SECTION 5.** This ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 28<sup>TH</sup> DAY OF MAY 2024.**

**APPROVED:**

---

**Baine L. Brooks, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

---

**Peter G. Smith, CITY ATTORNEY**  
(05-22-2024: 4869-1348-8063, v. 1)

---

**Shelley B. George, TRMC, CITY SECRETARY**

## Exhibit 2



4405 Dover Drive  
No outlet for water to go anywhere  
causing flooding.



Dover River  
4405 Flood  
Pictures



4405 Barn Drive flood





Adam V. Floyd  
3203 Bluffs Lane,  
Parker, Texas 75002  
[REDACTED]

Mayor Lee Pettle  
City Council Members  
City of Parker  
5700 E. Parker Rd.  
Parker, Texas 75002

Via email

JULY 2, 2024

**To City Council members and the Mayor:**

As I am unable to attend the City Council meeting of July 2, 2024, I request my comments be read at the meeting.

This is a follow on to my letter of May 3, 2024, submitted to this body. In a Type A general law municipality, like Parker, the Mayor does not have the power to enter into contracts, hire attorneys, or control litigation. These powers lie expressly and solely with City Council. The Mayor continues to subvert the law and has hired and directed attorneys in City matters. For example, Art Rodriguez of Messer Fort has appeared on behalf of the City in the Gregory Lane Residents case. In that case, he sided with the Huffines supporting their view that Gregory Lane is a public road and that the TRO should be lifted.

Residents are rallying to remove Mayor Pettle for cause and incompetence. In furtherance of that goal, they have requested certain public information relating to the Mayor's illegal actions and violations of the Texas Open Meetings Act (some of which are spelled out in my letter of May 3rd). The Mayor is directing Catherine Clifton and Art Rodriguez to resist releasing information which would be incriminating to her. It is my hope that hiding information from the public is not something this City Council will abide.

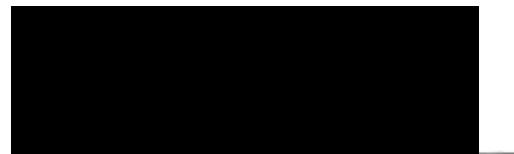
Exhibit 3

As held in *City of Bonham v. S.W. Sanitation*, 871 S.W.2d 765, 767 (Tex. App.—Texarkana 1994) and many other cases cited therein, “[a] city … may contract only upon express authorization of the city council … by vote of that body reflected in the minutes.” It explicitly held that acts of the mayor are ineffectual. This would include contracts to hire attorneys or non-disclosure agreements.

Moreover, Parker City Ordinance § 30.30 (B). requires that “[t]he Municipal Attorney shall represent the city in *all* legal matters pertaining to the city at the discretion and *direction* of the City Council.” Clearly, the City Council has the power to hire additional attorney as needed, but the Mayor does not.

These attorneys were illegally hired by or direct by the Mayor, to serve her own agenda. It would be illegal to use tax dollars to pay for the Mayor’s attorneys. Moreover, Parker City Ordinance § 30.30 (C) explicitly forbids the Municipal Attorney from creating conflicts of interest by rendering legal advice or representing individual officers of the city. This is based on the Rules of Ethics and would apply to any attorney hired by the City. Thus, it is my opinion that Messer Fort and Clifton of Ross Gannaway Clifton are conflicted from representing the City, as they represent the Mayor.

Sincerely,



Adam V. Floyd

**RESOLUTION NO. 2024-802**  
**(FY 23-24 - FY 28-29 Capital Improvement Plan)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, UPDATING THE CAPITAL IMPROVEMENT PLAN AS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Parker desires a capital improvement plan that provides a six year forecast of the City of Parker's capital project needs and estimated costs for current and future projects; and

**WHEREAS**, the City of Parker adopted a FY 23-24 — FY 28-29 Capital Improvement Plan ("CIP") providing a six-year forecast of the City of Parker's capital project needs and estimated costs for current and future projects, on April 23, 2024; and

**WHEREAS**, the Capital Improvement Plan is intended to be a living document to be reviewed and updated at least annually during the budget process; and

**WHEREAS**, the City Council of the City of Parker, Texas has reviewed and approves Exhibit "A" as the updated Capital Improvement Plan.

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

**SECTION 1.** The updated FY 23-24 - FY 28-29 Capital Improvement Plan attached hereto as Exhibit "A," is hereby adopted.

**SECTION 2.** All provisions of the resolutions of the City of Parker, Texas, in conflict with the provisions of this resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this resolution shall remain in full force and effect.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said resolution which shall remain in full force and effect.

**SECTION 4.** This Resolution shall become effective immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Parker, Texas, on this the 2nd day of July, 2024.

RESOLUTION No. 2024-802  
 (FY 23/24 - 28-29 Capital Improvement Plan)

DULY RESOLVED AND ADOPTED by the City Council of the City of Parker, Texas, on this the 2nd day of July, 2024.



CITY OF PARKER:

  
Lee Pettle

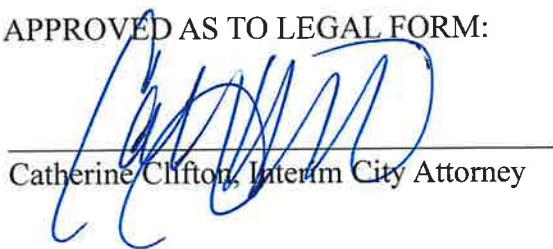
Lee Pettle, Mayor

ATTEST:

  
\_\_\_\_\_  
Patti Scott Grey

Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:

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



# 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:	July 10, 2024
Exhibits:	1. <a href="#"><u>Proposed Ordinance (w-Exhibits)</u></a> 2. <a href="#"><u>Public Hearing Notice</u></a> 3. <a href="#"><u>Ord. No.'s 866, 854, 846, 844, 839, 833, 824, 815 &amp; 812 (Temporary Moratorium on Acceptance of Development Applications)</u></a> 4. <a href="#"><u>Water Conservation PowerPoint</u></a>	

## 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. 871 EXTENDING THE TEMPORARY MORATORIUM ENACTED BY ORDINANCE NO.'S 866, 854, 846, 844, 839, 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:	07/11/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	07/12/2024 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	07/ <b>xx</b> /2024

## ORDINANCE NO. 871

### *(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, 212, 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 of 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 to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances in light of the most recent legislative changes and court rulings, 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 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 March 7, 2023, 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 May 23, 2023, 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 set for August 15, 2023, at the City Council and City Council approved an extension on August 15, 2023, for an additional 90 days following the then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing set for November 14, 2023, at the City Council and the City Council approved an extension on November 14, 2023, for an additional 120 days following the then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing set for March 19, 2024, at the City Council and the City Council approved an extension on March 19, 2024, for an additional 120 days following the then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing set for July 16, 2024, at the City Council for City Council's consideration of a 120-day extension following the then-current term; 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 one hundred twenty (120) days from July 29, 2024, the expiration of the previously adopted extension, after enactment of this Ordinance to November 26, 2024, 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 has 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 reapplys 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 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 its approved execution and shall extend the moratorium for 120 days from the final day of the previously extended term of the temporary mortarium, which is July 29, 2024, to November 26, 2024.

**READ, PASSED, AND APPROVED BY THE CITY COUNCIL OF PARKER,  
COLLIN COUNTY, TEXAS, THIS 16TH DAY OF JULY, 2024.**

Lee Pettle, Mayor

ATTEST:

Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:

Catherine Clifton, Interim 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

ATTACHMENT B

Proposed

# 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.  
 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.

July 11, 2024

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 summer demands that have the potential to exceed the available supply and pumping capacity of the city. We previously completed a demand study from records received for August 2023. In summary we reviewed the hourly records on the day of maximum usage and have tabulated those hourly results. Based on the number of September 2023 connections of 2,108 and a per unit density of 2.79 persons per unit calculates a population of 5,882. For August 18th, the maximum daily demand was 4,242,888 gallons which equates to a per capita demand of 721 gallons per capita per day. The maximum hourly demand occurred at 6 AM at a rate of 1,236 gallons per capita. Since the August 2023 analysis of water usage, 28 additional homes have been brought online.

To meet the demand placed on the system all pumps at the Eastside Pump Station were in use. The design of a pump station to conform to the TCEQ requirements has the largest pump out at any given time as it is the backup pump in the event any of the three remaining pumps fail. The city reports that all four pumps have been required to meet 2024 summer demands to date except for one day. The city completed a site visit, pump testing and electrical review of the station on November 28, 2023. The findings of that evaluation along with recommendations was published to the City on December 27, 2023.

At the time of the site visit the pump station was operating satisfactorily with the pumps meeting the design flows of the manufacturers pump curves. Nine items were outlined in the evaluation memo to provide reliability and back up in the event of a failure of the station without a large backup pump being available. The city took action on April 2<sup>nd</sup> to amend the budget and authorized Public Works to act on a number of the recommended items to provide reliability to the Eastside Pump Station. It has been reported the oil change took place for each motor, Pump 4 was rebuilt and a back up 125 HP motor is on site.

We recommend no additional lots be approved for development until a contract with NTMWD is executed to supply water to the Central Pump Station. In addition, we recommend the city consider more rigid water management requirements in an attempt eliminate the need to routinely run the backup pump to meet water demands, along with implementing the nine items in the evaluation report for increased reliability at the Eastside Pump Station.

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

Sincerely,



John W. Birkhoff, P.E.

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

Texas Firm F526  
11910 Greenville Ave., Suite 600

RPLS Firm No. 100318-00  
Dallas, Texas 75243

Fax (214) 461-8390

Phone (214) 361-7900

**Attachment B.1**  
**MEMORANDUM**

**To:** Mr. Gary Machado  
**From:** John W. Birkhoff, P.E. and Andrew Mata, P.E.  
**Date:** 12/27/2023  
**Subject:** Eastside Pump Station Evaluation

On November 28, 2023, a site visit was conducted with City Staff at the Eastside Pump Station to test the existing pumps and determine pump performance. Present during pump testing was a representative from the pump manufacturer (Odessa Pump) and a licensed electrician (H&H Electric). The tests were performed with the elevated storage tank (EST) and ground storage reservoir (GSR) at approximately half-full while testing the pumps individually and in series. The elevation of the pressure gauge located in the meter vault outside the pump room was measured to be 10 feet below ground level.

The evaluation commenced with all pumps off. The pressure at the gauge was determined to be 100 psi at zero flow and the GSR level was at 25 feet. The total dynamic head (TDH) is calculated using the following formula:

$$\begin{aligned} \text{TDH} &= \text{Pressure (psi)} * 2.31 \text{ ft./psi} - \text{GSR level} \pm \text{Pressure Gauge Elevation} \\ \text{TDH} &= 100 \text{ psi} * 2.31 \text{ ft./psi} - 25 \text{ ft.} - 10 \text{ ft.} = 196 \text{ TDH} @ 0 \text{ gpm} \end{aligned}$$

Next, each pump was tested individually in the following order:

**Pump 1 is a 0.72 MGD** (500 gpm) rated at 240 TDH. The flow output of Pump 1 was determined to be 573 gpm, the GSR level was at 25 feet and the pressure was measured to be 97 psi. This results in a TDH of 189 feet for Pump 1 @ 573 gpm. **Pump horsepower is 40HP.**

**Pump 4 is a 0.72 MGD** (500 gpm) rated at 240 TDH. The flow output of Pump 4 was determined to be 586 gpm, the GSR level was at 24 feet and the pressure was measured to be 97.3 psi. This results in a TDH of 189.1 feet for Pump 4 @ 586 gpm. **Pump horsepower is 40 HP.**

**Pump 2 is a 2.16 MGD** (1,500 gpm) rated at 240 TDH. The flow output of Pump 2 was determined to be 1,686 gpm, the GSR level was at 23 feet and the pressure was measured to be 105.6 psi. This results in a TDH of 211 feet for Pump 2 @ 1,686 gpm. **Pump horsepower is 125 HP.**

**Pump 3 is a 2.16 MGD** (1,500 gpm) rated at 240 TDH. The flow output of Pump 3 was determined to be 1,743 gpm, the GSR level was at 24.3 feet and the pressure was measured to be 105.3 psi. This results in a TDH of 209 feet for Pump 3 @ 1,686 gpm. **Pump horsepower is 125 HP.**

Next, the pumps were tested in a series of combinations.

**Pumps 2 and 3 were tested together and had a flow output of 4.1 MGD** (2,848 gpm). The GSR level was at 23.4 feet and the pressure was measured to be 120.9 psi. This results in a TDH of 246 feet for Pump 2 + 3 @ 2,848 gpm.

**Pumps 1, 2 and 3 were tested together and had a flow output of 4.62 MGD** (3,209 gpm). The GSR level was at 25 feet and the pressure was measured to be 125.2 psi. This results in a TDH of 254 feet for Pumps 1 + 2 + 3 @ 3,209 gpm.

**Pumps 1 and 4 were then tested together and had a flow output of 1.67 MGD** (1,153 gpm). The GSR level was at 23 feet and the pressure was measured to be 99.3 psi. This results in a TDH of 196 feet for Pump 1 + 4 @ 1,153 gpm.

**Pumps 1, 3 and 4 were tested together and had a flow output of 3.70 MGD** (2,568 gpm). The GSR level was at 24.6 feet and the pressure was measured to be 115.6 psi. This results in a TDH of 232 feet for Pumps 1 + 3 + 4 @ 2,568 gpm.

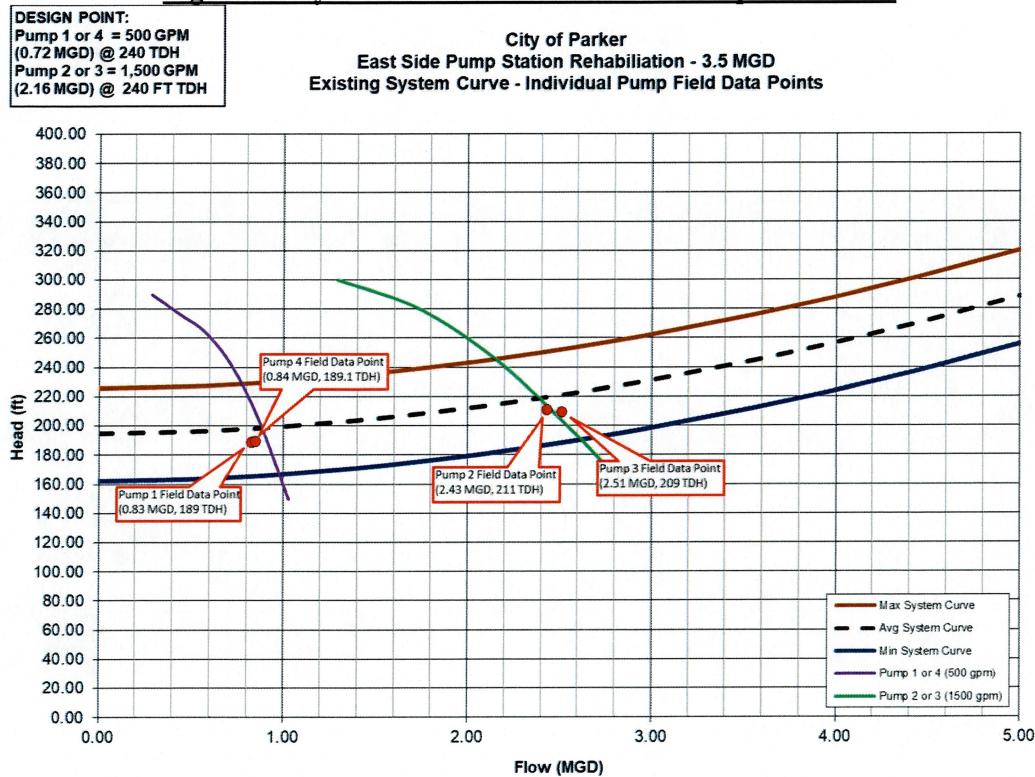
**Pumps 1+2+3+4 The flow output for all pumps on was 4.72 MGD** (3,275 gpm). The GSR level was at 24.8 feet and the pressure was measured to be 127.6 psi. This results in a TDH of 260 feet for Pumps 1 + 2 + 3 + 4 @ 3,275 gpm.

Table 1 is a summary of the data that was collected for the pump tests that were performed.

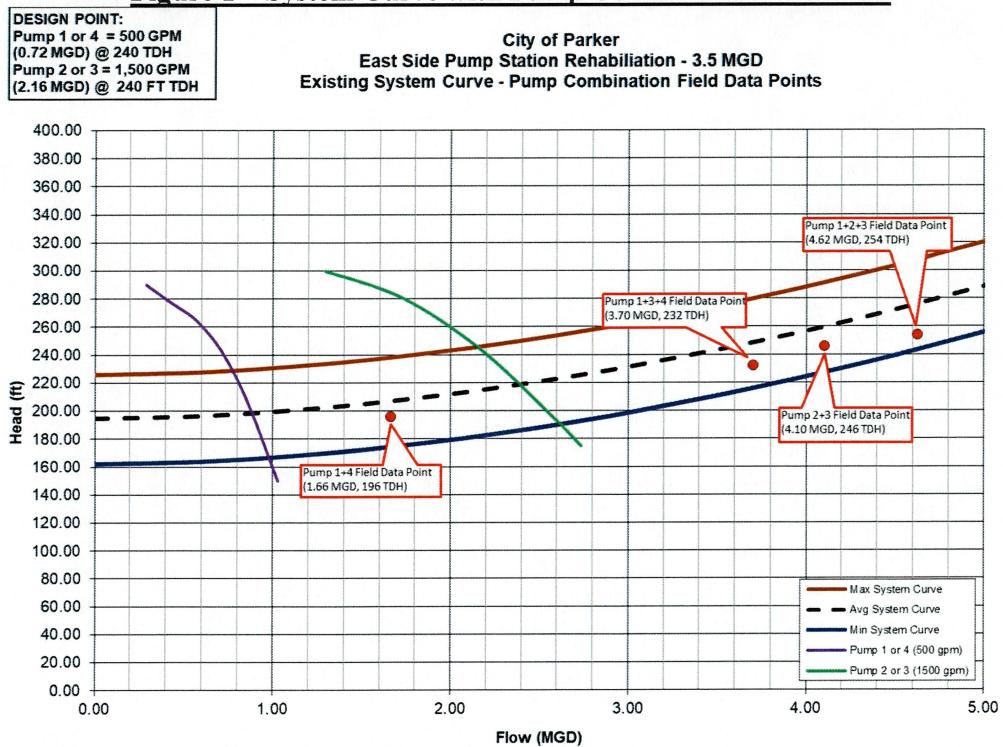
**Table 1: Eastside Pump Test Data**

<b>All Pumps Off:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
100	0	0	196	25
<b>Pump 1:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
97	573	0.83	189	25
<b>Pump 2:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
105.6	1686	2.43	211	23
<b>Pump 3:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
105.3	1743	2.51	209	24.3
<b>Pump 4:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
96.6	586	0.84	189.1	24
<b>Pump 2 + 3:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
120.9	2848	4.10	246	23.4
<b>Pump 1 + 2 + 3:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
125.2	3209	4.62	254	25
<b>Pump 1 + 4:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
99.3	1153	1.66	196	23
<b>Pump 1 + 3 + 4:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
115.6	2568	3.70	232	24.6
<b>All Pumps On:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
127.6	3275	4.72	260	24.8

After calculating the total dynamic head for Pumps 1, 2, 3 and 4, the flow and the calculated total dynamic head is plotted on the system curve graph for each individual pump test, as shown in Figure 1.

**Figure 1 – System Curve with Individual Pump Field Data**

The flow and calculated total dynamic head for the pump combinations that were tested is plotted on Figure 2.

**Figure 1 – System Curve with Pump Combination Field Date**

## **SUMMARY & RECOMMENDATIONS**

### **Pumps & Motors**

During the testing, the pumps performed within the established system curve band indicating the pumps performed as designed. It was reported that Pumps 1 were rebuilt in September 2020 including re-bowled with new wear rings, bowl bearings, bowl shaft, new packing and a new electric motor.

To improve reliability of the pumps, we recommend pulling pump 2 and 4 and replacing the bowl bearings, wear rings, bowl shaft, stuffing box bearing and packing. This would require a lead time of 6-8 weeks each.

A weak link in the system of pump, motor and electrical switch gear is the electric motor. Pump 2 and Pump 4 are the large pumps that have 125 horses power motors. We recommend a spare 125 HP motor be purchased and stored in the Public Works building where it can be manually exercised. In the event of a motor failure the spare motor could be installed within a day or so. To order and receive a spare motor will have a lead time of 8-10 weeks.

Further we recommend that the oil in each motor be drained and replaced with new oil during the spring months.

The pump station was designed to meet demands and meet TCEQ requirement of all pumps running with the largest pump out (pump 2 or 3). This results in a firm pump capacity of 3.6 MGD. To meet summer demands all pumps are being run resulting in a flow of 4.72 MGD. Based on the review of pump combinations running two large pumps and two small pumps is an inefficient combination as the second small pump rated at 0.72 MGD only produces approximately 0.1 MGD. When two large pumps are running to meet demand and additional flow is needed, only one small pump should be utilized. Adding one small pump to the combination of two large pumps running provides an additional 0.51 MGD.

### **Electrical**

During the testing of the pumps and motors the motor control center cabinets were opened and inspected. During the running of the pump's amp draws were taken which showed Amps within acceptable limits. In addition, the electrical motor termination enclosure was opened at each motor and the wiring inspected and determined to be in good condition.

The motor control centers were rebuilt when the Eastside Pump Station Improvements project was completed in 2010 and the soft starter were replaced at that time. The life expectancy of soft starters is approximately 10-15 years. It is recommended that a standby soft starter for the large 125 HP motors be purchased in the event a starter fails. The starter can be removed and replaced within a day or two.

Other electrical equipment was evaluated, and the following recommendations were determined:

1. A current injection test be performed on the main breaker (recommend be completed every 10-15 years).
2. Replace the power monitoring unit (PMU) next to the main breaker.
3. Replace the 1-1/2-inch flex-tite conduit for all four pump motors from the floor to the motor termination enclosure.

Currently the pump room included the pumps, motors and motor control centers and the space has forced ventilation thru intake and exhaust fans. For the longevity and reliability of the electronics in the motor control centers, we recommend a block wall be constructed inside the pump building to separate the electrical motor control centers from the pumps and motors and the room be heated and air conditioned.

We have obtained budget numbers from Odessa Pump and from H&H Electric for the recommended work. Actual quotes will need to be obtained from vendors for each item of work.

1. Pull Pump 2 & 4 and replace bearings, wear rings, shaft, stuffing box and packing (turbine pump rebuild) Reset pump and make operational.	\$30,000.00
2. Change oil in all motors in the Spring of 2024 by Odessa Pump	\$1,000.00
3. Purchase one 125 HP motor and store at Public Works Building	\$15,000.00
4. Cost to remove and install 125 HP motor and make operational.	\$2,000.00
5. Purchase 125 HP motor starter and store at Public Works Building.	\$10,000.00
6. Remove and Replace 125 HP Motor Starer and make operational.	\$2,500.00
7. Complete the current injection test on the main breaker.	\$8,000.00
8. Replace 1-½ inch flex-tite conduit and cleanup hot dipped galvanized conduit at each pump motor.	\$2,500.00
9. Replace power monitoring unit at main breaker.	<u>\$5,000.00</u>
 TOTAL ALL ITEMS	 \$76,000.00

We have estimated quantities for construction of a block wall electrical room with insulated ceiling, access doors, lighting and air conditioning & heating and formulated an opinion of cost of approximately \$175,000.00 including design drawings.

## Order Confirmation / Invoice

**Customer:** CITY OF PARKER  
**Ad Order #:** 0001871879  
**Sales Rep:** David Ferster

**Customer Account:** 100069579  
**PO Number:**  
**Order Taker:** David Ferster

<b>Net Amount:</b>	\$271.00	<b>Tax Amount:</b>	\$0.00	<b>Total Amount:</b>	\$271.00
<b>Payment Method:</b>	Check/Money Order	<b>Payment Amount:</b>	\$0.00	<b>Amount Due:</b>	<b>\$271.00</b>

**Ad Order #:** 0001871879

**Ad Number:** 0001871879-01

**Color:** Ad Size: 2 X 26.00 Li

**Ad Content**

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, July 16, 2024 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.

Run Dates	Product	Placement/Classification - Position
Publish Date: 06/28/2024 Stop Date: 06/28/2024	Dallas Morning News	Legals Bids Notices - LN Legal Notices
Publish Date: 06/28/2024 Stop Date: 07/04/2024	DallasNews.com	Legals Bids Notices - LN Legal Notices

**ORDINANCE NO. 866***(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, 212, 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 of 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 to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances in light of the most recent legislative changes and court rulings, 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 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 March 7, 2023, 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 May 23, 2023, 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 set for August 15, 2023, at the City Council and City Council approved an extension on August 15, 2023, for an additional 90 days following the then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing set for November 14, 2023, at the City Council and the City Council approve and extension on November 14, 2023, for an additional 120 days following the then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing set for March 19, 2024, at the City Council for City Council's consideration of a 120-day extension following the then-current term; 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 one hundred twenty (120) days from March 31, 2024, the expiration of the previously adopted extension, after enactment of this Ordinance to July 29, 2024, 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 has 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 its approved execution and shall extend the moratorium for 120 days from the final day of the previously extended term of the temporary mortarium, which is March 31, 2024, to July 29, 2024.

READ, PASSED, AND APPROVED BY THE CITY COUNCIL OF PARKER,  
COLLIN COUNTY, TEXAS, THIS 19TH DAY OF MARCH, 2024.



Lee Pettle, Mayor

ATTEST:

Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:

Amy J. Stanphill, 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

## ATTACHMENT B

**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.  
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.

February 26, 2024

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 demand that is well below the peak demand that occurred in the summer of 2023. Springtime demands are approaching and historically the demands increase from winter demands to the peak summer demands. We completed a demand study from records received for August 2023. We reviewed the hourly records on the day of maximum usage and have tabulated those hourly results. Based on the number of September 2023 connections of 2,108 and a per unit density of 2.79 persons per unit calculates a population of 5,882. For August 18th, the maximum daily demand was 4,242,888 gallons which equates to a per capita demand of 721 gallons per capita. The maximum hourly demand occurred at 6 AM at a rate of 1,236 gallons per capita. Since the August analysis of water usage, 12 additional homes have been brought online.

To meet the demand placed on the system all pumps at the Eastside Pump Station were in use. The design of a pump station to conform to the TCEQ requirements has the largest pump out at any given time as it is the backup pump in the event any of the three remaining pumps fail. The City completed a site visit, pump testing and electrical review of the station on November 28, 2023. The findings of that evaluation along with recommendations was published to the City on December 27, 2023.

The pump station was operating satisfactorily with the pumps meeting the design flows of the manufacturers pump curves. Nine items were outlined in the evaluation memo to provide reliability and back up in the event of a failure of the station without a large backup pump being available. A copy of that evaluation is attached.

We recommend no additional lots be approved for development until a contract with NTMWD is executed to supply water to the Central Pump Station. In addition, we recommend the city consider more rigid water management requirements in an attempt eliminate the need to routinely run the backup pump to meet water demands, along with implementing the nine items in the evaluation report for increased reliability at the Eastside Pump Station.

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

Sincerely,



John W. Birkhoff, P.E.

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

Texas Firm F526  
 11910 Greenville Ave., Suite 600

RPLS Firm No. 100318-00  
 Dallas, Texas 75243

Fax (214) 461-8390

Phone (214) 361-7900

**Attachment B.1**  
**MEMORANDUM**

**To:** Mr. Gary Machado

**From:** John W. Birkhoff, P.E. and Andrew Mata, P.E.

**Date:** 12/27/2023

**Subject:** Eastside Pump Station Evaluation

On November 28, 2023, a site visit was conducted with City Staff at the Eastside Pump Station to test the existing pumps and determine pump performance. Present during pump testing was a representative from the pump manufacturer (Odessa Pump) and a licensed electrician (H&H Electric). The tests were performed with the elevated storage tank (EST) and ground storage reservoir (GSR) at approximately half-full while testing the pumps individually and in series. The elevation of the pressure gauge located in the meter vault outside the pump room was measured to be 10 feet below ground level.

The evaluation commenced with all pumps off. The pressure at the gauge was determined to be 100 psi at zero flow and the GSR level was at 25 feet. The total dynamic head (TDH) is calculated using the following formula:

$$\begin{aligned} \text{TDH} &= \text{Pressure (psi)} * 2.31 \text{ ft./psi} - \text{GSR level} \pm \text{Pressure Gauge Elevation} \\ \text{TDH} &= 100 \text{ psi} * 2.31 \text{ ft./psi} - 25 \text{ ft.} - 10 \text{ ft.} = 196 \text{ TDH @ 0 gpm} \end{aligned}$$

Next, each pump was tested individually in the following order:

**Pump 1 is a 0.72 MGD** (500 gpm) rated at 240 TDH. The flow output of Pump 1 was determined to be 573 gpm, the GSR level was at 25 feet and the pressure was measured to be 97 psi. This results in a TDH of 189 feet for Pump 1 @ 573 gpm. **Pump horsepower is 40HP.**

**Pump 4 is a 0.72 MGD** (500 gpm) rated at 240 TDH. The flow output of Pump 4 was determined to be 586 gpm, the GSR level was at 24 feet and the pressure was measured to be 97.3 psi. This results in a TDH of 189.1 feet for Pump 4 @ 586 gpm. **Pump horsepower is 40 HP.**

**Pump 2 is a 2.16 MGD** (1,500 gpm) rated at 240 TDH. The flow output of Pump 2 was determined to be 1,686 gpm, the GSR level was at 23 feet and the pressure was measured to be 105.6 psi. This results in a TDH of 211 feet for Pump 2 @ 1,686 gpm. **Pump horsepower is 125 HP.**

**Pump 3 is a 2.16 MGD** (1,500 gpm) rated at 240 TDH. The flow output of Pump 3 was determined to be 1,743 gpm, the GSR level was at 24.3 feet and the pressure was measured to be 105.3 psi. This results in a TDH of 209 feet for Pump 3 @ 1,686 gpm. **Pump horsepower is 125 HP.**

Next, the pumps were tested in a series of combinations.

**Pumps 2 and 3 were tested together and had a flow output of 4.1 MGD (2,848 gpm).** The GSR level was at 23.4 feet and the pressure was measured to be 120.9 psi. This results in a TDH of 246 feet for Pump 2 + 3 @ 2,848 gpm.

**Pumps 1, 2 and 3 were tested together and had a flow output of 4.62 MGD (3,209 gpm).** The GSR level was at 25 feet and the pressure was measured to be 125.2 psi. This results in a TDH of 254 feet for Pumps 1 + 2 + 3 @ 3,209 gpm.

**Pumps 1 and 4 were then tested together and had a flow output of 1.67 MGD (1,153 gpm).** The GSR level was at 23 feet and the pressure was measured to be 99.3 psi. This results in a TDH of 196 feet for Pump 1 + 4 @ 1,153 gpm.

**Pumps 1, 3 and 4 were tested together and had a flow output of 3.70 MGD (2,568 gpm).** The GSR level was at 24.6 feet and the pressure was measured to be 115.6 psi. This results in a TDH of 232 feet for Pumps 1 + 3 + 4 @ 2,568 gpm.

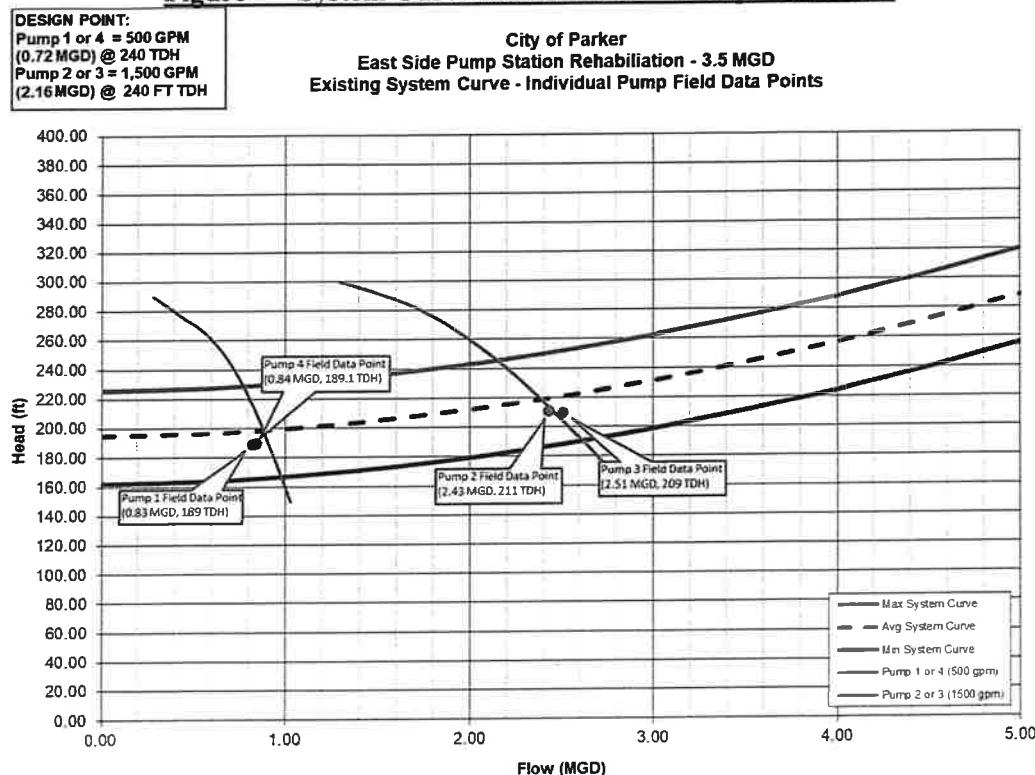
**Pumps 1+2+3+4 The flow output for all pumps on was 4.72 MGD (3,275 gpm).** The GSR level was at 24.8 feet and the pressure was measured to be 127.6 psi. This results in a TDH of 260 feet for Pumps 1 + 2 + 3 + 4 @ 3,275 gpm.

Table 1 is a summary of the data that was collected for the pump tests that were performed.

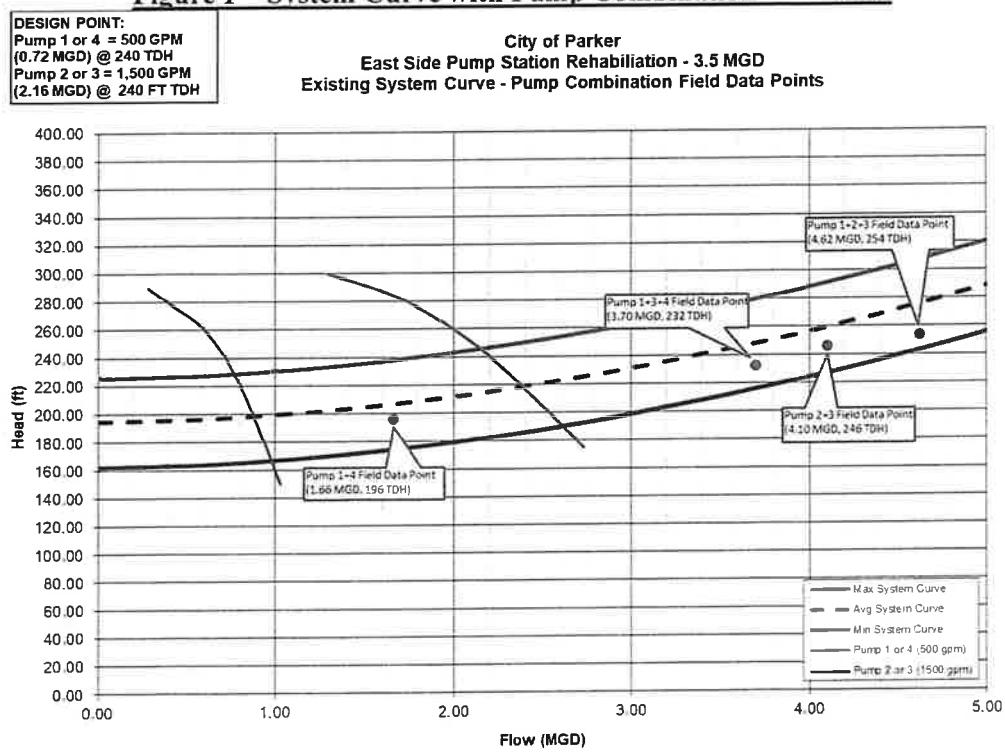
**Table 1: Eastside Pump Test Data**

<b>All Pumps Off:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
100	0	0	196	25
<b>Pump 1:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
97	573	0.83	189	25
<b>Pump 2:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
105.6	1686	2.43	211	23
<b>Pump 3:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
105.3	1743	2.51	209	24.3
<b>Pump 4:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
96.6	586	0.84	189.1	24
<b>Pump 2 + 3:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
120.9	2848	4.10	246	23.4
<b>Pump 1 + 2 + 3:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
125.2	3209	4.62	254	25
<b>Pump 1 + 4:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
99.3	1153	1.66	196	23
<b>Pump 1 + 3 + 4:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
115.6	2568	3.70	232	24.6
<b>All Pumps On:</b>				
Pressure (psi)	Flow (gpm)	Flow (MGD)	TDH (ft)	GSR Level (ft)
127.6	3275	4.72	260	24.8

After calculating the total dynamic head for Pumps 1, 2, 3 and 4, the flow and the calculated total dynamic head is plotted on the system curve graph for each individual pump test, as shown in Figure 1.

**Figure 1 – System Curve with Individual Pump Field Data**

The flow and calculated total dynamic head for the pump combinations that were tested is plotted on Figure 2.

**Figure 1 – System Curve with Pump Combination Field Date**

## **SUMMARY & RECOMMENDATIONS**

### **Pumps & Motors**

During the testing, the pumps performed within the established system curve band indicating the pumps performed as designed. It was reported that Pumps 1 were rebuilt in September 2020 including re-bowled with new wear rings, bowl bearings, bowl shaft, new packing and a new electric motor.

To improve reliability of the pumps, we recommend pulling pump 2 and 4 and replacing the bowl bearings, wear rings, bowl shaft, stuffing box bearing and packing. This would require a lead time of 6-8 weeks each.

A weak link in the system of pump, motor and electrical switch gear is the electric motor. Pump 2 and Pump 4 are the large pumps that have 125 horses power motors. We recommend a spare 125 HP motor be purchased and stored in the Public Works building where it can be manually exercised. In the event of a motor failure the spare motor could be installed within a day or so. To order and receive a spare motor will have a lead time of 8-10 weeks.

Further we recommend that the oil in each motor be drained and replaced with new oil during the spring months.

The pump station was designed to meet demands and meet TCEQ requirement of all pumps running with the largest pump out (pump 2 or 3). This results in a firm pump capacity of 3.6 MGD. To meet summer demands all pumps are being run resulting in a flow of 4.72 MGD. Based on the review of pump combinations running two large pumps and two small pumps is an inefficient combination as the second small pump rated at 0.72 MGD only produces approximately 0.1 MGD. When two large pumps are running to meet demand and additional flow is needed, only one small pump should be utilized. Adding one small pump to the combination of two large pumps running provides an additional 0.51 MGD.

### **Electrical**

During the testing of the pumps and motors the motor control center cabinets were opened and inspected. During the running of the pump's amp draws were taken which showed Amps within acceptable limits. In addition, the electrical motor termination enclosure was opened at each motor and the wiring inspected and determined to be in good condition.

The motor control centers were rebuilt when the Eastside Pump Station Improvements project was completed in 2010 and the soft starter were replaced at that time. The life expectancy of soft starters is approximately 10-15 years. It is recommended that a standby soft starter for the large 125 HP motors be purchased in the event a starter fails. The starter can be removed and replaced within a day or two.

Other electrical equipment was evaluated, and the following recommendations were determined:

1. A current injection test be performed on the main breaker (recommend be completed every 10-15 years).
2. Replace the power monitoring unit (PMU) next to the main breaker.
3. Replace the 1-1/2-inch flex-tite conduit for all four pump motors from the floor to the motor termination enclosure.

Currently the pump room included the pumps, motors and motor control centers and the space has forced ventilation thru intake and exhaust fans. For the longevity and reliability of the electronics in the motor control centers, we recommend a block wall be constructed inside the pump building to separate the electrical motor control centers from the pumps and motors and the room be heated and air conditioned.

We have obtained budget numbers from Odessa Pump and from H&H Electric for the recommended work. Actual quotes will need to be obtained from vendors for each item of work.

1. Pull Pump 2 & 4 and replace bearings, wear rings, shaft, stuffing box and packing (turbine pump rebuild) Reset pump and make operational.	\$30,000.00
2. Change oil in all motors in the Spring of 2024 by Odessa Pump	\$1,000.00
3. Purchase one 125 HP motor and store at Public Works Building	\$15,000.00
4. Cost to remove and install 125 HP motor and make operational.	\$2,000.00
5. Purchase 125 HP motor starter and store at Public Works Building.	\$10,000.00
6. Remove and Replace 125 HP Motor Starer and make operational.	\$2,500.00
7. Complete the current injection test on the main breaker.	\$8,000.00
8. Replace 1-½ inch flex-tite conduit and cleanup hot dipped galvanized conduit at each pump motor.	\$2,500.00
9. Replace power monitoring unit at main breaker.	<u>\$5,000.00</u>
 TOTAL ALL ITEMS	 \$76,000.00

We have estimated quantities for construction of a block wall electrical room with insulated ceiling, access doors, lighting and air conditioning & heating and formulated an opinion of cost of approximately \$175,000.00 including design drawings.

**ORDINANCE NO. 854****(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, 212, 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 of 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 to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances in light of the most recent legislative changes effective September 1, 2023, 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 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 March 7, 2023 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 May 23, 2023 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 set for August 15, 2023 at the City Council for City Council's consideration of an extension of an additional 90 days following the then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing set for November 14, 2023 at the City Council for City Council's consideration of an extension following the then-current term; 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 one hundred twenty (120) days from December 2, 2023, the expiration of the previously adopted extension, after enactment of this Ordinance to March 31, 2024, 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**

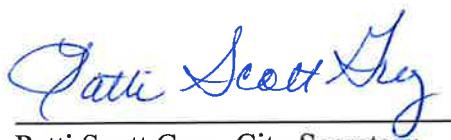
This Ordinance shall be effective upon its approved execution and shall extend the moratorium for 120 days from the final day of the previously extended term of the temporary mortarium, which is December 2, 2023, to March 31, 2024.

READ, PASSED, AND APPROVED BY THE CITY COUNCIL OF PARKER,  
COLLIN COUNTY, TEXAS, THIS 14TH DAY OF NOVEMBER 2023.



Lee Pettle, Mayor

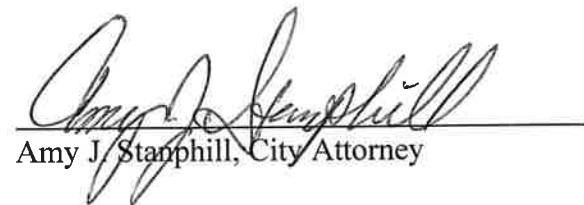
ATTEST:



---

Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:



---

Amy J. Stanphill, 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

## ATTACHMENT B

# BIRKHOFF, HENDRICKS & CARTER, L.L.P.

## PROFESSIONAL ENGINEERS

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Phone (214) 361-7900

www.bhclip.com

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.  
 COOPER E. REINBOLD, P.E.

November 7, 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 fall and winter demand that is well below the peak demand that occurred in the summer of 2023. We completed a demand study from records received for August 2023. The day of maximum pumpage was determined and selected records were received from the city. The water records from the City show Friday, August 18<sup>th</sup> as being the day of maximum usage. This day exceeded demands reported in our August 10, 2023, letter in connection with the moratorium. We reviewed the hourly records on the day of maximum usage and have tabulated those hourly results. Based on the number of September 2023 connections of 2,108 and a per unit density of 2.79 persons per unit calculates a population of 5,882. For August 18th, the maximum daily demand was 4,242,888 gallons which equates to a per capita demand of 721 gallons per capita. The maximum hourly demand occurred at 6 AM at a rate of 1,236 gallons per capita. Since the September analysis of water usage, 11 additional homes have been brought online.

To meet the demand placed on the system all pumps at the Eastside Pump Station were in use. The design of a pump station to conform to the TCEQ requirements has the largest pump out at any given time as it is the backup pump in the event any of the three remaining pumps fail. Although the system performed during the summer of 2023, we recommend during the fall the city have the pumps and electrical switch gear checked out and flow test be run to determine if any work is required to minimize the probability of a pump or switch gear failure next summer in the event the new supply to the Central Pump Station is not in place.

We recommend no additional lots be approved for development until a contract with NTMWD is executed to supply water to the Central Pump Station. In addition, we recommend the city consider more rigid water management requirements in an attempt eliminate the need to routinely run the backup pump to meet water demands.

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

Sincerely,



John W. Birkhoff, P.E.

**ORDINANCE NO. 2023-846**  
**(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, 212, 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 of 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 to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances in light of the most recent legislative changes effective September 1, 2023, 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 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 March 7, 2023 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 May 23, 2023 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 set for August 15, 2023 at the City Council for City Council's consideration of an extension of an additional 90 days following the then-current term.

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 from September 3, 2003, the expiration of the previously adopted extension, after enactment of this Ordinance to December 2, 2023, 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 its approved execution and shall extend the moratorium for 90 days from the final day of the previously extended term of the temporary moratorium, which is September 3, 2023, to December 2, 2023.

READ, PASSED, AND APPROVED BY THE CITY COUNCIL OF PARKER,  
COLLIN COUNTY, TEXAS, THIS 15TH DAY OF AUGUST 2023.



Lee Pettle

Lee Pettle, Mayor

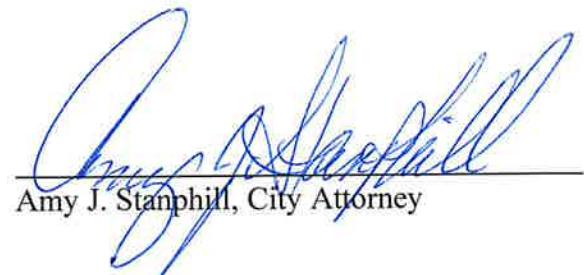
ATTEST:



Patti Scott Grey

Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:



Amy J. Stanphill

Amy J. Stanphill, 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

## ATTACHMENT B

# 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.  
 JUSTIN R. IVY, P.E.  
 COOPER E. REINBOLD, P.E.

August 10, 2022

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

Re: Water Projections - July 2023

Dear Mr. Olson:

We have completed a preliminary demand study from records received for the summer of 2023. The day of maximum pumpage was determined and selected records were received from the city. The water records from the City show Friday, June 30<sup>th</sup> as being the day of maximum usage. We reviewed the hourly records on the day of maximum usage and have tabulated those hourly results. Based on the number of current connections of 2,108 (41 additional meters from a year ago) and a per unit density of 2.79 persons per unit calculates a population of 5,882 (115 additional people from a year ago). For June 30<sup>th</sup> the maximum daily demand was 3,917,493 gallons which equates to a per capita demand of 666.0 gallons per capita. The maximum hourly demand occurred at 6 AM at a rate of 1,078.2 gallons per capita. The attached exhibits show how water was used on June 30, 2023, 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 3.5 million gallons per day (MGD). By the current NTMWD contract, the NTMWD can provide the city 2.5(peak factor) times the average day volume. From August 1, 2022, through June 30, 2023 (11 months), the NTMWD supplied the City of Parker 591,630,000 gallons or an average volume of 1,771,347 gallons per day. Based on the 11 month average a peak flow rate of 4.43 MGD can be supplied by the NTMWD. On June 30<sup>th</sup> the city received a supply of 3.92 MGD from the NTMWD.

Based on the per capita demands experienced during the summer of 2022 and 2023, the City has exceeded its contractual NTMWD supply of 3.5 MGD. NTMWD was able to supply the peak demand experienced by the City of Parker.

Based on the 2023 peak usage being consistent with the 2022 peak usage, we recommend no additional lots be approved for development until a contract with NTMWD is executed to supply water to the Central Pump Station.

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

Sincerely,

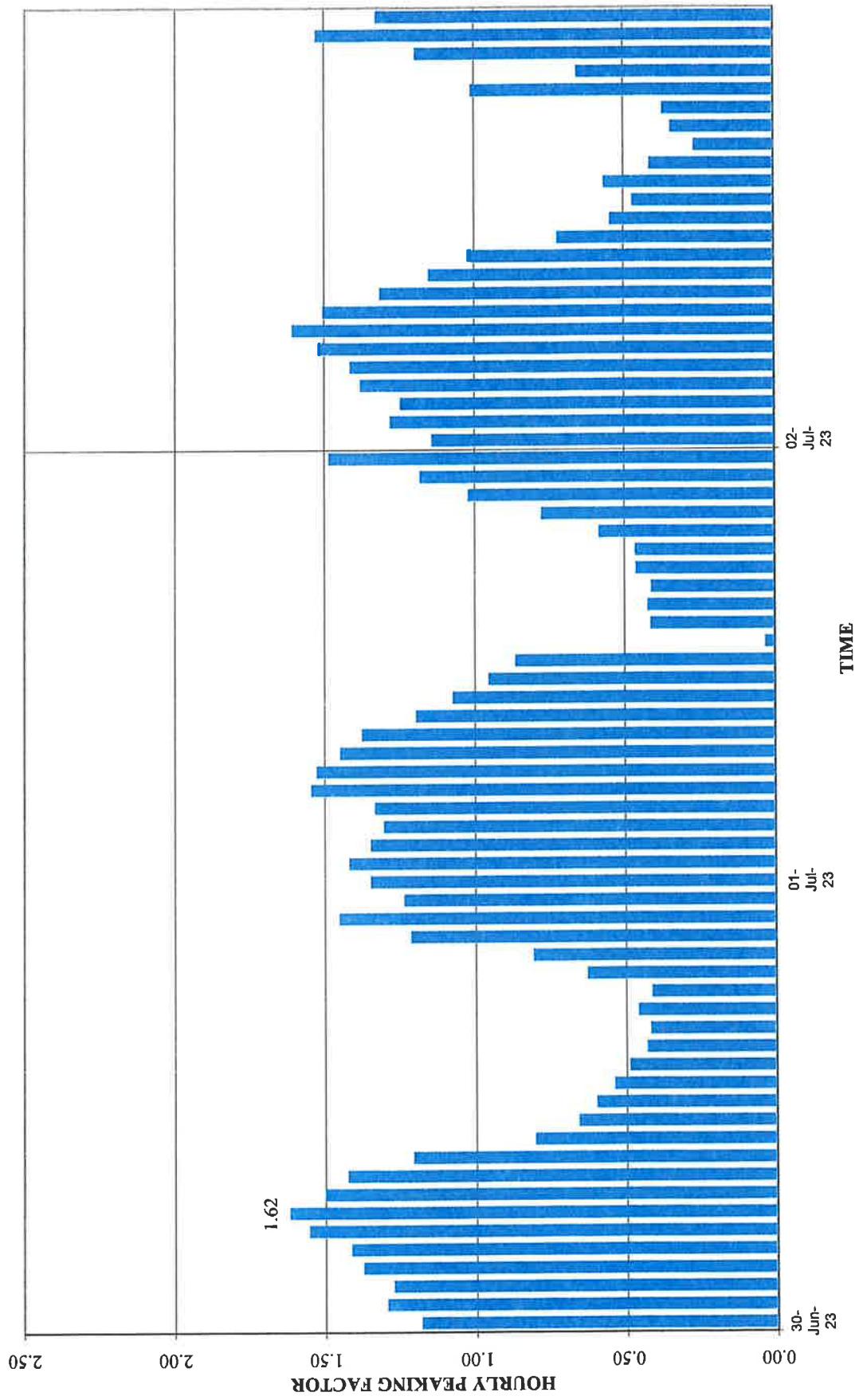


John W. Birkhoff, P.E.

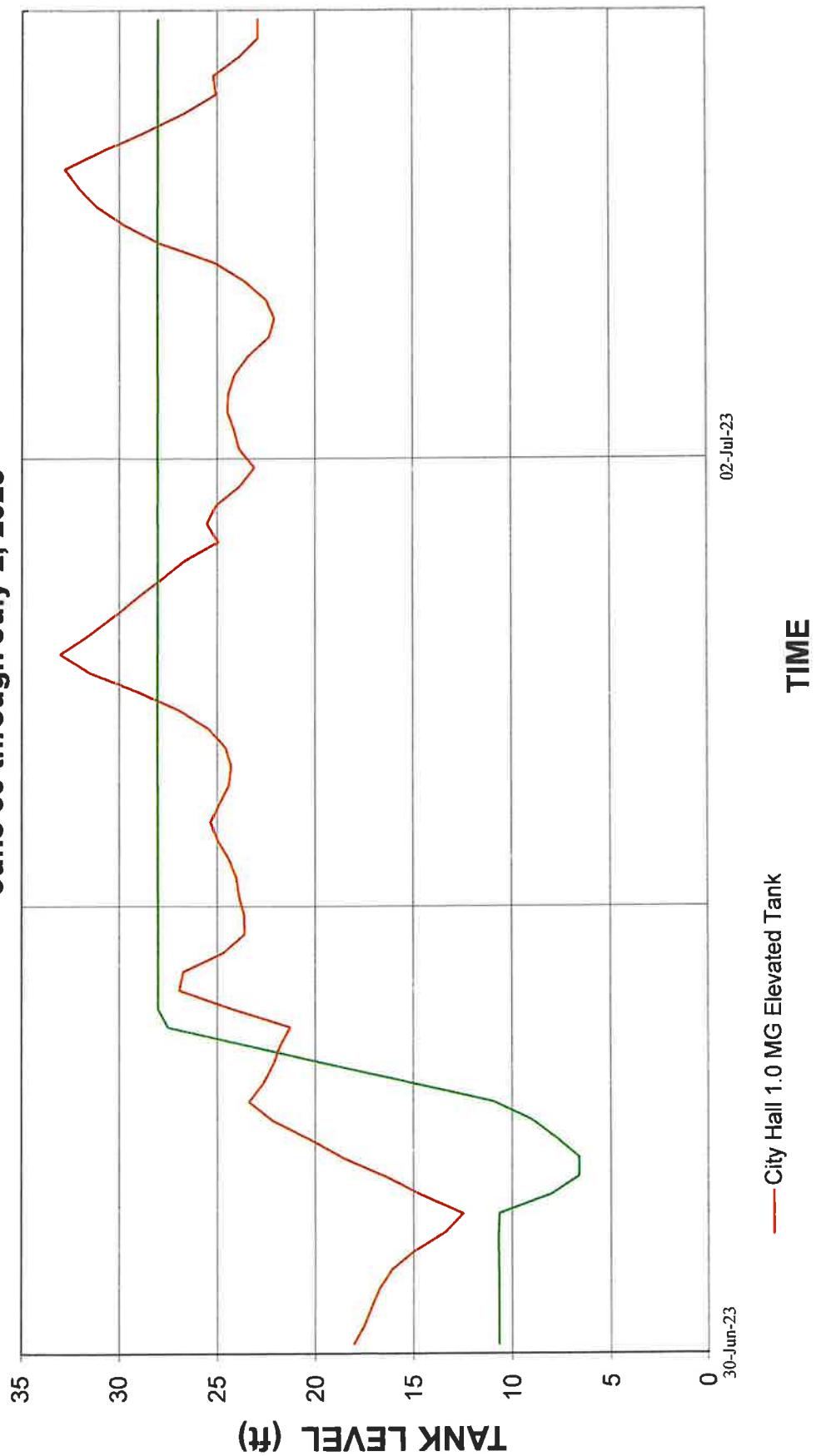
TABLE 1: CITY OF PARKER - DEMAND STUDY RESULTS  
June 30 - July 2, 2023

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
June 30, 2023	0:00	193,038.0	0.0	0.0		193,038.0	4,632,912.0	1.18
	1:00	195,704.4	0.0	15,714.5		211,418.9	5,074,053.6	1.30
	2:00	195,349.8	0.0	12,571.6		207,921.4	4,990,113.6	1.27
	3:00	211,852.8	0.0	12,571.6		224,424.4	5,386,185.6	1.37
	4:00	211,967.4	0.0	18,857.4		230,824.8	5,539,795.2	1.41
	5:00	216,018.6	0.0	37,714.8		253,733.4	6,089,601.6	1.55
	6:00	217,094.4	0.0	47,143.5		264,237.9	6,341,709.6	1.62
	7:00	216,648.0	0.0	28,286.1		244,934.1	5,878,418.4	1.50
	8:00	211,406.4	(66,000.9)	87,298.8		232,704.3	5,584,903.9	1.43
	9:00	206,714.4	(56,572.2)	47,007.1		197,149.3	4,731,582.3	1.21
	10:00	200,248.2	(69,143.8)	0.0		131,104.4	3,146,505.6	0.80
	11:00	197,947.8	(90,363.4)	0.0		107,584.4	2,582,025.1	0.66
	12:00	194,709.0	(96,864.0)	0.0		97,845.0	2,348,280.8	0.60
	13:00	196,150.8	(108,010.6)	0.0		88,140.2	2,115,363.7	0.54
	14:00	195,498.6	(141,021.2)	25,143.2		79,620.6	1,910,894.8	0.49
	15:00	195,498.6	(141,021.2)	15,714.5		70,191.9	1,684,606.0	0.43
	16:00	196,551.6	(137,663.5)	9,428.7		68,316.8	1,639,602.4	0.42
	17:00	196,768.8	(137,663.5)	15,714.5		74,819.8	1,795,674.4	0.46
	18:00	178,434.6	(111,003.2)	0.0		67,431.4	1,618,352.7	0.41
	19:00	179,373.0	(76,745.9)	0.0		102,627.1	2,463,050.4	0.63
	20:00	126,154.8	0.0	5,606.8		131,761.6	3,162,278.4	0.81
	21:00	139,785.6	0.0	58,663.5		198,449.1	4,762,778.4	1.22
	22:00	202,777.2	0.0	34,403.9		237,181.1	5,692,346.4	1.45
	23:00	202,033.2	0.0	0.0		202,033.2	4,848,796.8	1.24
<b>TOTAL</b>		<b>4,677,726.0</b>	<b>(1,232,073.5)</b>	<b>471,840.5</b>		<b>760,233.0</b>	<b>DAILY DEMAND 3,917,493.0</b>	
July 1, 2023	0:00	200,397.0	(9,428.7)	0.0		190,968.3	4,583,239.2	1.35
	1:00	204,082.2	(3,142.9)	0.0		200,939.3	4,822,543.2	1.42
	2:00	203,440.8	(12,475.6)	0.0		190,965.2	4,583,164.8	1.35
	3:00	200,328.0	(15,594.5)	0.0		184,733.5	4,433,604.0	1.30
	4:00	201,060.6	(12,023.8)	0.0		189,036.8	4,536,883.2	1.33
	5:00	203,796.0	0.0	15,142.7		218,938.7	5,254,528.8	1.55
	6:00	203,784.6	0.0	12,475.6		216,260.2	5,190,244.8	1.53
	7:00	202,067.4	0.0	3,118.9		205,186.3	4,924,471.2	1.45
	8:00	201,243.6	(6,237.8)	0.0		195,005.8	4,680,139.2	1.38
	9:00	196,917.6	(27,467.7)	0.0		169,449.9	4,066,797.6	1.20
	10:00	195,063.6	(43,040.4)	0.0		152,023.2	3,648,556.8	1.07
	11:00	189,398.4	(54,110.4)	0.0		135,288.0	3,246,912.0	0.96
	12:00	175,596.0	(53,139.0)	0.0		122,457.0	2,938,968.0	0.86
	13:00	32,388.6	(27,958.0)	0.0		4,430.6	106,334.4	0.03
	14:00	32,617.2	0.0	25,991.5		58,608.7	1,406,608.8	0.41
	15:00	32,663.4	0.0	27,357.3		60,020.7	1,440,496.8	0.42
	16:00	32,914.8	0.0	25,411.5		58,326.3	1,399,831.2	0.41
	17:00	32,914.8	0.0	32,498.9		65,413.7	1,569,928.8	0.46
	18:00	33,441.6	0.0	32,358.4		65,800.0	1,579,200.0	0.46
	19:00	33,349.8	0.0	49,622.3		82,972.1	1,991,330.4	0.59
	20:00	127,929.0	(17,960.4)	0.0		109,968.6	2,639,246.4	0.78
	21:00	129,748.8	0.0	14,841.5		144,590.3	3,470,167.2	1.02
	22:00	130,011.6	0.0	37,474.8		167,486.4	4,019,673.6	1.18
	23:00	188,368.2	0.0	22,000.3		210,368.5	5,048,844.0	1.49
<b>TOTAL</b>		<b>3,383,523.6</b>	<b>(282,579.2)</b>	<b>298,293.7</b>		<b>(15,714.5)</b>	<b>DAILY DEMAND 3,399,238.1</b>	
July 2, 2023	0:00	188,013.6	(25,143.2)	0.0		162,870.4	3,908,889.6	1.14
	1:00	188,848.8	(6,261.8)	0.0		182,587.0	4,382,088.0	1.28
	2:00	190,245.0	(12,475.6)	0.0		177,769.4	4,266,465.6	1.25
	3:00	193,552.8	0.0	3,118.9		196,671.7	4,720,120.8	1.38
	4:00	192,236.4	0.0	9,356.7		201,593.1	4,838,234.4	1.41
	5:00	194,857.8	0.0	21,976.3		216,834.1	5,204,018.4	1.52
	6:00	194,560.2	0.0	34,571.9		229,132.1	5,499,170.4	1.61
	7:00	204,974.4	0.0	9,428.7		214,403.1	5,145,674.4	1.50
	8:00	203,143.2	(15,714.5)	0.0		187,428.7	4,498,288.8	1.31
	9:00	198,726.0	(34,571.9)	0.0		164,154.1	3,939,698.4	1.15
	10:00	192,694.2	(46,728.9)	0.0		145,965.3	3,503,167.2	1.02
	11:00	178,708.8	(75,893.5)	0.0		102,815.3	2,467,567.2	0.72
	12:00	124,300.8	(46,519.1)	0.0		77,781.7	1,866,760.8	0.55
	13:00	97,966.8	(30,882.6)	0.0		67,084.2	1,610,020.8	0.47
	14:00	98,436.0	(17,698.5)	0.0		80,737.5	1,937,700.0	0.57
	15:00	70,293.6	(11,311.3)	0.0		58,982.3	1,415,575.2	0.41
	16:00	91.8	0.0	37,548.1		37,639.9	903,357.6	0.26
	17:00	91.8	0.0	48,651.6		48,743.4	1,169,841.6	0.34
	18:00	91.8	0.0	52,570.2		52,662.0	1,263,888.0	0.37
	19:00	97,600.2	0.0	46,503.4		144,103.6	3,458,486.4	1.01
	20:00	99,454.2	(5,936.6)	0.0		93,517.6	2,244,422.4	0.66
	21:00	127,219.2	0.0	43,411.4		170,630.6	4,095,134.4	1.20
	22:00	189,432.6	0.0	28,286.1		217,718.7	5,225,248.8	1.53
	23:00	189,192.6	0.0	0.0		189,192.6	4,540,622.4	1.33
<b>TOTAL</b>		<b>3,414,732.6</b>	<b>(329,137.5)</b>	<b>335,423.3</b>		<b>(6,285.8)</b>	<b>DAILY DEMAND 3,421,018.4</b>	

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



**CITY OF PARKER, TEXAS  
HOURLY TANK LEVELS  
June 30 through July 2, 2023**



### Order Confirmation / Invoice

Customer:	CITY OF PARKER	Customer Account:	100069579
Ad Order #:	0001853615	PO Number:	
Sales Rep:	Max (Mert) Tezkol	Order Taker:	Max (Mert) Tezkol

Net Amount:	\$0.00	Total Amount:	\$273.60
Payment Method:	Check/Money Order	Payment Amount:	\$0.00

Ad Order #:	0001853615
-------------	------------

Ad Number:	0001853615-01
------------	---------------

Color:	Ad Size:	2 X 26.00 Li
--------	----------	--------------

#### Ad Content

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, August 15, 2023, beginning at 6:00 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.

Run Dates	Product	Placement/Classification - Position
Publish Date: 07/31/2023 Stop Date: 07/31/2023	Dallas Morning News	Legals Bids Notices - LN Legal Notices
Publish Date: 07/31/2023 Stop Date: 08/06/2023	DallasNews.com	Legals Bids Notices - LN Legal Notices

**ORDINANCE NO. 844**  
**(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 of 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 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 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 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 March 7, 2023 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.

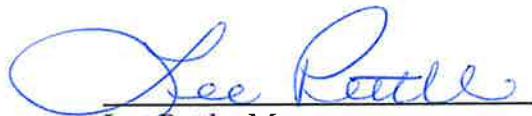
## **Section 13. PROPER NOTICE AND MEETING**

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 June 5, 2023 and shall extend the moratorium for 90 days.

**READ, PASSED, AND APPROVED BY THE CITY COUNCIL OF PARKER,  
COLLIN COUNTY, TEXAS, THIS 23RD DAY OF MAY 2023.**



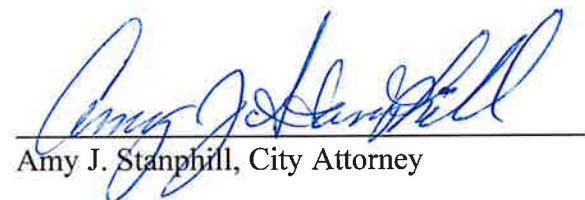
Lee Pettle, Mayor

ATTEST:



Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:



Amy J. Stanphill, 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

### Order Confirmation / Invoice

**Customer:** CITY OF PARKER  
**Ad Order #:** 0001847776  
**Sales Rep:** Max (Mert) Tezkol

**Customer Account:** 100069579  
**PO Number:**  
**Order Taker:** Max (Mert) Tezkol

<b>Net Amount:</b>	\$273.60	<b>Tax Amount:</b>	\$0.00	<b>Total Amount:</b>	\$273.60
<b>Payment Method:</b>	Check/Money Order	<b>Payment Amount:</b>	\$0.00	<b>Amount Due:</b>	<b>\$273.60</b>

**Ad Order #:** 0001847776

**Ad Number:** 0001847776-01

**Color:** Ad Size: 2 X 26.00 Li

#### Ad Content

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, May 23, 2023 beginning at 6:00 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.

Run Dates	Product	Placement/Classification - Position
Publish Date: 05/08/2023 Stop Date: 05/08/2023	Dallas Morning News	Legals Bids Notices - LN Legal Notices
Publish Date: 05/08/2023 Stop Date: 05/14/2023	DallasNews.com	Legals Bids Notices - LN Legal Notices

# 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.  
 JUSTIN R. IVY, P.E.  
 COOPER E. REINBOLD, P.E.

May 16, 2023

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

Re: Water Projections

Dear Mr. Olson:

As summer approaches, we anticipate an increase in the peak water demand as the City experienced in 2022 due to the additional residential homes constructed. 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 May 12, 2023, 38 additional homes have been brought online. The city projects over the next 60 to 90 days an additional 7 homes will be brought online. Those 45 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,

Craig M. Kerkhoff, P.E., C.F.M.

**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 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 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 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.

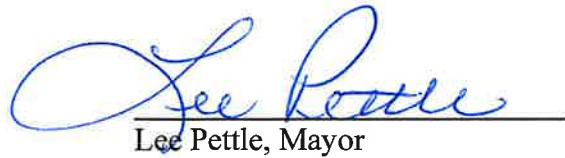
## **Section 13. PROPER NOTICE AND MEETING**

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

Lee Pettle, Mayor

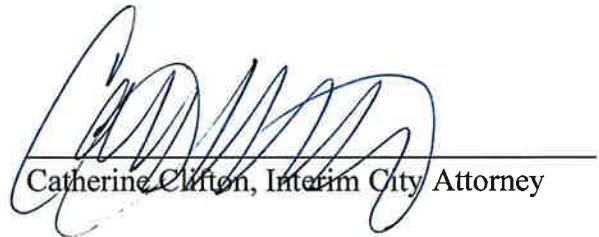
ATTEST:



Patti Scott Grey

Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:



Catherine Clinton

Catherine Clinton, Interim 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

**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 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 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 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:



Patti Scott Grey

Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:



L.M. Lansford

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

Monday, December 5, 2022

# The Dallas Morning News

ePaper [Subscribe](#) [Sign In](#)[Home](#) [News](#) [Business](#) [Sports](#) [Entertainment](#) [Arts & Life](#) [Opinion](#) [Obits](#) [Marketplace](#) [DMNstore](#)[Communities](#) [Crime](#) [Education](#) [Investigations](#) [State](#) [Nation/World](#) [Politics](#) [Videos](#)

Search

[Print Selected Notice\(s\)](#)[Revise your Search](#)

Page 1 of 4 (79 total results)

Search Results

Show 25 [▼](#) [complete notices](#) [Go](#)**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 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

# Marketplace

dallasnews.com

ADVERTISE TODAY 214.745.8123



## LEGAL BIDS &amp; NOTICES

## Bids &amp; Proposals

## Bids &amp; Proposals

## Bids &amp; Proposals

## Bids &amp; Proposals

## Legal Notices

## Legal Notices

• Bankruptcy, Court Sales  
• Bids and Proposals  
• Legal Notices

## Legal Notices

CNS 140442  
NOTIFICATION OF  
DISPOSITION AND  
CASE PENDING  
AS TO THE FATHER IN  
THE DISTRICT OF  
THE JUDICIAL DISTRICT  
IN THE STATE OF IDAHO,  
IN AND FOR THE  
COUNTY OF ADA IN the  
Interest of MOHAMAD  
DANIEL ABDULLAH, a  
Teenager, and  
Eighteen Years of Age.  
TO: ABDULLAH,  
MOHAMAD, natural  
father of said MOHAMAD  
DANIEL: YOU AND EACH  
OF YOU ARE HEREBY  
NOTIFIED: That a  
Second Amended Petition  
under the Juvenile  
Protective Act was filed  
in the above-entitled  
matter on the 10th day of  
October, 2022. That a  
Disposition and Case  
Plan Hearing as to the  
father in the above-entitled  
matter will be held on  
the 12th day of November,  
2022, in the Magistrate  
Court, Ada County  
Courthouse, 100 South  
Front Street, Boise, Idaho  
83702. Unless you file a  
response to the petition  
within twenty (20) days, a  
default judgment may  
be entered against you.  
That you have the right  
to be represented by  
Court-appointed  
counsel, providing you  
are financially eligible.  
The Court may appoint  
counsel to act in your  
behalf if you are  
unable to afford  
representation. After your  
claim of poverty with  
the Department of Health  
and Welfare prior to the  
date of any termination  
proceeding, the proceeding  
wherein the child is  
placed with an agency  
licensing the agency  
adoption services,  
pursuant to Idaho Code 16-  
1330.1, DAB 16-1330.1  
on the 10th day of November,  
2022.  
PH: MCGRAW Clerk  
at the Ada County Ada  
County, Idaho BY:  
Tiffany Morton, Deputy  
Clerk, DAB 16-1330.1  
364228 DALLAS  
MORNING NEWS

## NTTA

NORTH TEXAS TOLLWAY AUTHORITY

RFB 05673-DNT-04-GS-MA

Supplemental Services

Project Description: The purpose of this

Contract is to secure additional resources for

the mechanical removal of snow and ice

throughout the NTTA system.

NTTA is accepting bids until 12/21/2022 at 11:00

a.m. CT.

Vendors can register, download full project

details and documents, submit questions and

responses to the NTTA website at

(https://www.nittamarketplace.org).

Email bidpurchasing@ntta.org for questions

on registration or use of website.

## NTTA

NORTH TEXAS TOLLWAY AUTHORITY

RFB 05667-DNT-04-GS-MA

Main Lane Plaza &amp; Re-roofing

Project Description: Removal and

replacement of roofing at Main Lane Plaza 4.

The North Texas Tollway Authority (NTTA) is

accepting bids for the above mentioned

bridge deck joint seal replacement.

Bidders are encouraged to upload their bids to

NTTA's Marketplace (https://www.nittamarketplace.org).

Bids will be read at a virtual bid opening meeting on

12/15/2022 at 3:00 p.m. CT. See RFB documents

for meeting details.

A virtual pre-bid conference will be held on

12/5/2022 at 2:00 p.m. CT. See RFB

documents for meeting details.

Email bidpurchasing@ntta.org for questions

on registration or use of website.

## NTTA

NORTH TEXAS TOLLWAY AUTHORITY

RFB 05767-SRT-00-CN-PD

Sam Rayburn Bridge Deck Joint Seal

Replacement

Project Description: Removal and

replacement of bridge deck joint seal for

main lane bridges. Remove and replace

existing bridge deck joint seals and resel

approach slab expansion joints.

The North Texas Tollway Authority (NTTA) is

accepting bids for the above mentioned

bridge deck joint seal replacement.

Bidders are encouraged to upload their bids to

NTTA's Marketplace (https://www.nittamarketplace.org).

Bids will be read at a virtual bid opening meeting on

12/15/2022 at 3:00 p.m. CT. See RFB

documents for meeting details.

Email bidpurchasing@ntta.org for questions

on registration or use of website.

## NTTA

NORTH TEXAS TOLLWAY AUTHORITY

RFB 05765-CTP-02-PS-PD

CPT Southbound Mainlanes F9M 117 to F9

117 to US 67 Design

RFB 05767-CTP-03-PS-PD

CPT Southbound Mainlanes from F9M 117 to

North of F9M 917 Design

Project Description: Preparation of Plans,

Specifications and Estimates (PS&amp;E) for the

construction of the Southbound Mainlanes from F9M 117 to US 67.

Contract #05763 from F9M 117 and contract #05767 from F9M 917 to North of F9M 917 Design

The North Texas Tollway Authority (NTTA) is

accepting responses for the above mentioned

construction contract until 11:00 a.m. CT.

Respondents must upload their response to

RFB 05763-CTP-02-PS-PD or

(https://www.nittamarketplace.org).

In addition, responses must be submitted to

NTTA's Marketplace (https://www.nittamarketplace.org).

Bids will be read at a virtual bid opening meeting on

12/15/2022 at 3:00 p.m. CT. See RFB

documents for further details.

Email bidpurchasing@ntta.org for questions

on registration or use of website.

## NTTA

NORTH TEXAS TOLLWAY AUTHORITY

RFB 05765-SRT-00-CN-PD

Sam Rayburn Bridge Deck Joint Seal

Replacement

Project Description: Sam Rayburn Tollway

(SRT) bridge deck joint seal replacement for

main lane bridges. Remove and replace

existing bridge deck joint seals and resel

approach slab expansion joints.

The North Texas Tollway Authority (NTTA) is

accepting bids for the above mentioned

bridge deck joint seal replacement.

Bidders are encouraged to upload their bids to

NTTA's Marketplace (https://www.nittamarketplace.org).

Bids will be read at a virtual bid opening meeting on

12/15/2022 at 3:00 p.m. CT. See RFB

documents for meeting details.

Email bidpurchasing@ntta.org for questions

on registration or use of website.

## NTTA

NORTH TEXAS TOLLWAY AUTHORITY

RFB 05767-CTP-03-PS-PD

CPT Southbound Mainlanes F9M 117 to F9

117 to US 67 Design

RFB 05767-CTP-04-PS-PD

CPT Southbound Mainlanes from F9M 117 to

North of F9M 917 Design

Project Description: Preparation of Plans,

Specifications and Estimates (PS&amp;E) for the

construction of the Southbound Mainlanes from F9M 117 to US 67.

Contract #05763 from F9M 117 and contract #05767 from F9M 917 to North of F9M 917 Design

The North Texas Tollway Authority (NTTA) is

accepting responses for the above mentioned

construction contract until 11:00 a.m. CT.

Respondents must upload their response to

RFB 05763-CTP-04-PS-PD or

(https://www.nittamarketplace.org).

In addition, responses must be submitted to

NTTA's Marketplace (https://www.nittamarketplace.org).

Bids will be read at a virtual bid opening meeting on

12/15/2022 at 3:00 p.m. CT. See RFB

documents for further details.

Email bidpurchasing@ntta.org for questions

on registration or use of website.

## NTTA

NORTH TEXAS TOLLWAY AUTHORITY

RFB 05767-CTP-04-PS-PD

CPT Southbound Mainlanes F9M 117 to F9

117 to US 67 Design

RFB 05767-CTP-05-PS-PD

CPT Southbound Mainlanes from F9M 117 to

North of F9M 917 Design

Project Description: Preparation of Plans,

Specifications and Estimates (PS&amp;E) for the

construction of the Southbound Mainlanes from F9M 117 to US 67.

Contract #05763 from F9M 117 and contract #05767 from F9M 917 to North of F9M 917 Design

The North Texas Tollway Authority (NTTA) is

accepting responses for the above mentioned

construction contract until 11:00 a.m. CT.

Respondents must upload their response to

RFB 05763-CTP-05-PS-PD or

(https://www.nittamarketplace.org).

In addition, responses must be submitted to

NTTA's Marketplace (https://www.nittamarketplace.org).

Bids will be read at a virtual bid opening meeting on

12/15/2022 at 3:00 p.m. CT. See RFB

documents for further details.

Email bidpurchasing@ntta.org for questions

on registration or use of website.

## NTTA

NORTH TEXAS TOLLWAY AUTHORITY

RFB 05767-CTP-06-PS-PD

CPT Southbound Mainlanes F9M 117 to F9

117 to US 67 Design

RFB 05767-CTP-07-PS-PD

CPT Southbound Mainlanes from F9M 117 to

North of F9M 917 Design

Project Description: Preparation of Plans,

Specifications and Estimates (PS&amp;E) for the

construction of the Southbound Mainlanes from F9M 117 to US

## AFFIDAVIT OF PUBLICATION

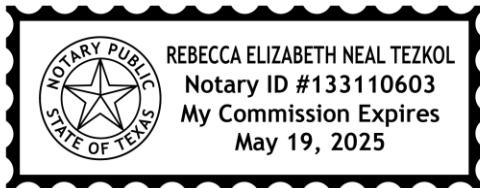
STATE OF TEXAS

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

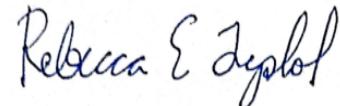
**CITY OF PARKER AD# 1837491**  
was published in The Dallas Morning News

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 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 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 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 mortarium 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, Mayor

ATTEST:



Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:



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

www.bhcllp.com

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.  
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 8th 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.

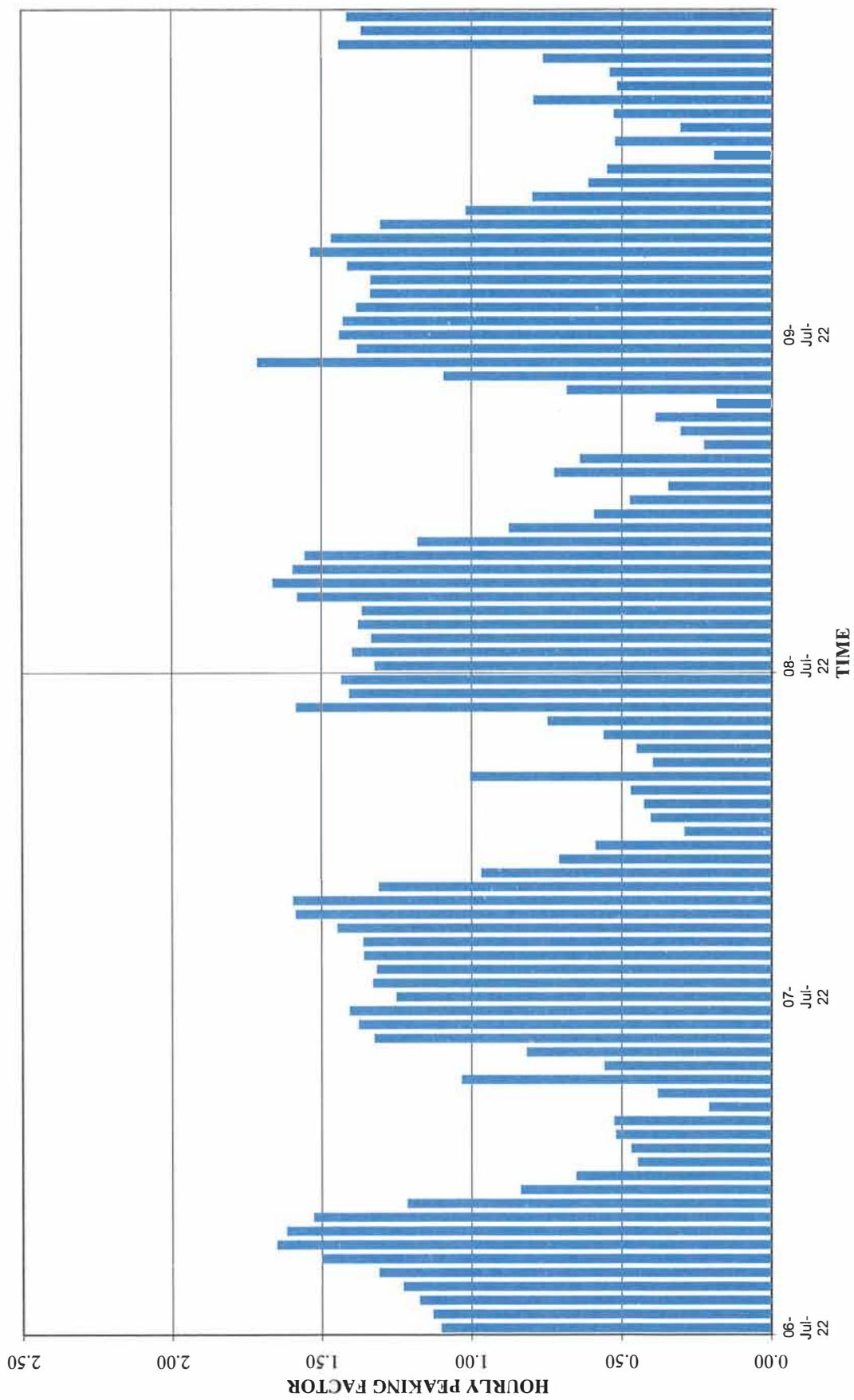
TABLE 1: CITY OF PARKER - DEMAND STUDY RESULTS  
July 6 - July 9, 2022

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</b> <b>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</b> <b>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</b> <b>4,003,207.0</b>		

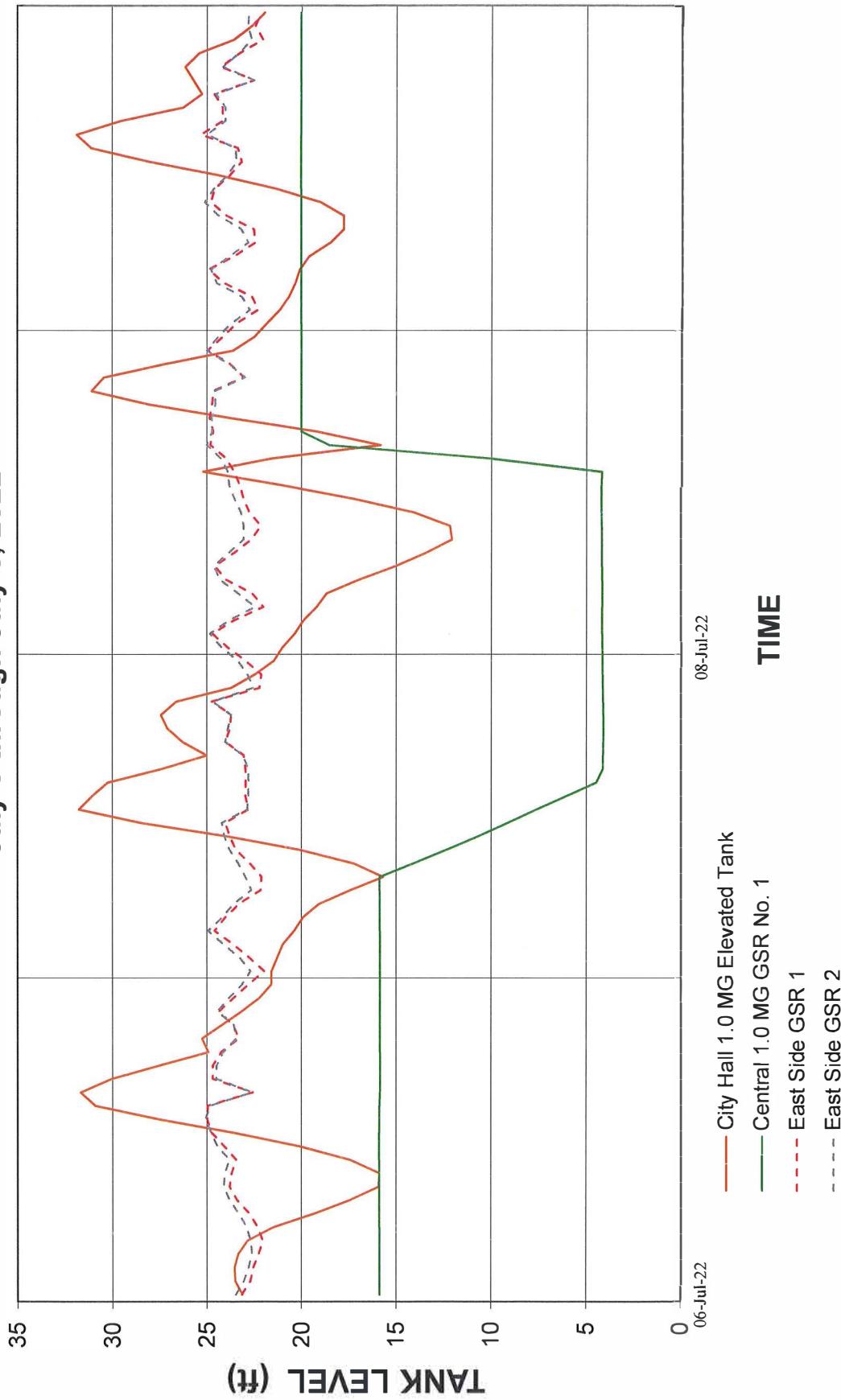
TABLE 1: CITY OF PARKER - DEMAND STUDY RESULTS  
July 6 - July 9, 2022

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
TOTAL		3,868,596.6	(425,770.5)	444,627.9	(18,857.4)	DAILY DEMAND 3,887,454.0		

**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 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 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 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 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 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.



ATTEST:

Patti Scott Grey  
Patti Scott Grey, City Secretary

Lee Pettle  
Lee Pettle, Mayor

APPROVED AS TO LEGAL FORM:

Lawrence M. Lansford, III  
Lawrence 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

www.bhcllp.com

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, City Secretary

Lee Pettle  
Lee Pettle, Mayor

APPROVED AS TO LEGAL FORM:

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

www.bhllp.com

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.

March 1, 2022

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

Re: Water Projections

Dear Mr. Olson:

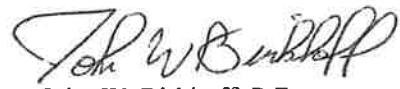
We have evaluated the City of Parker's water demand projections and have determined that the demand from the City of Parker is at or beyond the supply of 3.5 MGD from NTMWD. This current evaluation has the same results as in previous years. Based on records provided by the City, the City pumped 3.33 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.



City of Parker

# Water Conservation

# Check For Toilet Leaks

Put a few drops of food coloring in your toilet tank. If, without flushing, the coloring begins to appear in the bowl, you have a leak that may be wasting multiple gallons of water a day.

# Take Shorter Showers

A typical shower uses two to five gallons of water a minute. Limit your showers to the time it takes to soap up, wash down and rise off.

# Turn Water Off While Shaving

Fill the bottom of the sink with a few inches of warm water in which to rinse your razor.

# Make Sure Dishwasher and Washing Machines are Full

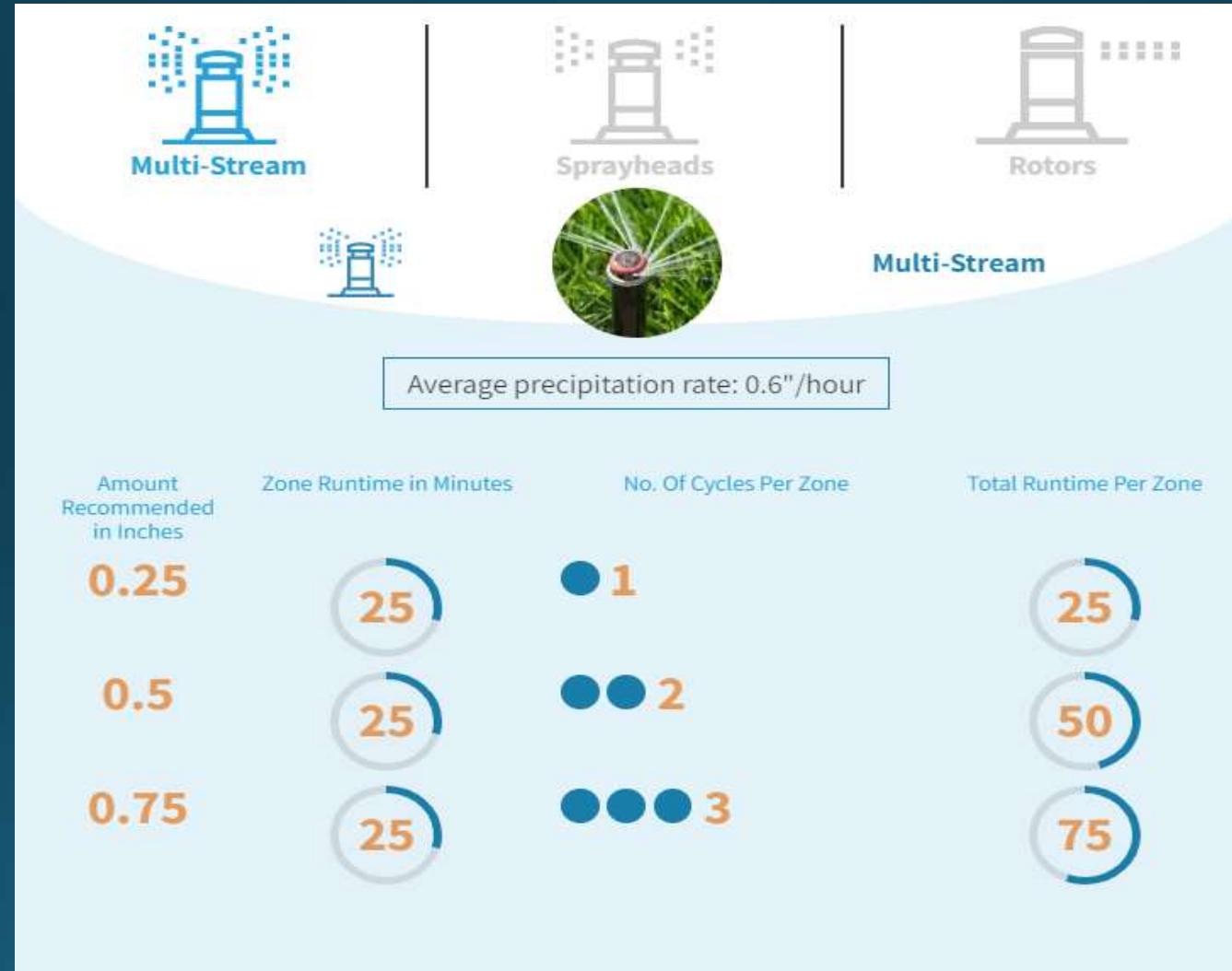
Running your dishwasher less often saves water and money.

Doing half loads, or small laundry loads add up to gallons of wasted water. Modify washer machine setting if you must do a small load.

# Mowing

Raise mower blade height during summer and avoid cutting more than 1/3 of the leaf blade at one time to conserve water and reduce plant stress.

# Watering Yards



# Watering Yards



# Watering Yards



# Know When To Water

- Irrigate only when needed, and no more than twice per week (helps your lawn grow a deeper, healthier root system). For more information on when and how much to water, sign up for Water My Yard recommendations. It's like a watering calculator for your lawn.  
<https://watermyyard.org/#/Location>
- Water before 10 am or after 6 pm. In fact, it's best to water early in the morning (3am – 6am) when it's cooler outside to prevent evaporation
- Get to know your irrigation controller and the other parts of your irrigation system. Consider using a WaterSense labelled controller to water more efficiently.
- Install a rain and freeze sensor to prevent unnecessary watering. Here's how.
- Watering during the fall and winter is generally not needed except to maintain soil moisture during the unusually dry periods. Turn your controller off to prevent sprinklers from running automatically. Learn more.



## 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:	July 10, 2024
Exhibits:	<u><b>None</b></u>	

### **AGENDA SUBJECT**

#### **UPDATE(S):**

FM2551

COMP PLAN

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

POLICE VEHICLES

ENTERPRISE

LEWIS LANE

CHURCH LANE

ANY ADDITIONAL UPDATES

MONTHLY/QUARTERLY REPORTS

[June 2024 – Court Report](#)

[June 2024 – Finance \(monthly financials\) Report](#)

[June 2024 – Police 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:	07/11/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	07/XX/2024 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	07/XX/2024



## Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	City Secretary Scott Grey for City Administrator Olson
Estimated Cost:	Date Prepared:	July 10, 2024
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 - \$1,000 [RES. NO. 2024-801])

Manny (LNU) donated 1 case water & 1 case soda valued at \$15 to the Police Department.

Chip and Linda Justice donated Tiff's Treats valued at 100 to the 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:	07/11/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	07/xx/2024 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	07/xx/2024



## 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
Estimated Cost:	Date Prepared: July 10, 2024
Exhibits:	<a href="#"><u>Future Agenda Items</u></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

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	07/11/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	07/XX/2024 via Municode
City Administrator:	<i>Luke B. Olson</i>	Date:	07/XX/2024

**FUTURE AGENDA ITEMS**

	<b>ITEM DESCRIPTION</b>	<b>CONTACT</b>	<b>Notes</b>
<b>2024</b>			
Feb(Mar), May (July), Aug, Nov	Fire Department Quarterly Report	Sheff/Miller	1st Qtr 2024 0702 CC Agenda
Feb(Mar), May (July), Aug, Nov	Investment Quarterly Report	Savage	1st Qtr 2024 0604 CC Agenda
Feb(Mar), May (July), Aug, Nov	Enterprise Update	Olson/Savage	2023 1101 - Request for Quarterly Update;2024 0220
	<b>Council Committee Updates</b>	Council	
	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)	Legal	
	<b>Staff Updates</b>		
	FM2551	Olson	2024 0716
	Police Vehicles	Price	2024 0716
July 23, 2024	Tentative WS - CIP, Volunteer, Goal Setting/Planning	Mayor	2024 0710
July 30, 2024	1st Budget Workshop	Savage	See 2024 0611 Budget & Tax Rate Meetings List
August 6, 2024	2nd Budget Workshop (if needed)	Savage	See 2024 0611 Budget & Tax Rate Meetings List
August 6, 2024	Set Proposed Tax Rate	Savage	See 2024 0611 Budget & Tax Rate Meetings List
August 6, 2024	Pump Station if not done		
August 6, 2024	Fire/Ambulance contract		
August 6, 2024	ENGINEERING CONTRACTS (RFQ)		Update
August 6, 2024	Records Retention Policy Schedules		

**FUTURE AGENDA ITEMS**

	<b>ITEM DESCRIPTION</b>	<b>CONTACT</b>	<b>Notes</b>
August 6, 2024	Annual Record Review		
August 6, 2024	TCEQ		
August 6, 2024	ZBA APPOINTMENTS		
August 6, 2024	P&R Annual Review		
	<b>Cost of Church</b>		
TBD	Open Records requests process	Pettle	
September 17, 2024	Public Hearing and Final Action on Proposed Tax Rate and Budget	Savage	See 2024 0611 Budget & Tax Rate Meetings List
TBD	Discussion on funding new facility/timing Nov or May		Update
	<b>Workshops</b>		
TBD	Open Meetings/Public records/Quorums/Ethics		
TBD	Personnel Manual		
TBD	Goal Setting/Planning	Pettle	Tentative - July 23, 2023
In progress, per MLP 2024 0626	Budget Workshop	Savage	See schedule
TBD	City Protocols		
	<b>Other Item(s):</b>		
TBD	Required employment for time if we train you \$\$\$		
TBD	Required procedures for agenda submittal		
TBD	Required procedures for presentations		

**FUTURE AGENDA ITEMS**

	<b>ITEM DESCRIPTION</b>	<b>CONTACT</b>	<b>Notes</b>
TBD	Newsletter Committee Revised Resolution		
TBD	Procedural Manual		
August 6, 2024	RFQ for Engineering services		Tentative
TBD	Records Retention Policy Schedule		
TBD	Annual Records review		
In progress, per MLP 2024 0626	Dublin /roads waterline relocation		
TBD	Microphones for Council Chamber		
TBD	Any ILAs not done		
TBD	Fire Department Ambulance and other		Tentative
<b>2025</b>			
TBD	Southridge gate - 2025		
April/May 2025	CIP Updates		
July 1, 2025	Water Impact Fees (6 mths to 1 yr) July 2025		
August 6, 2025	P&R Annual Review		