



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 Pettie 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 Pettie ended the workshop at 6:59 p.m.

REGULAR MEETING (7:00 PM)

Mayor Lee Pettie 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] 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 Penmatsa, 4405 Dover Drive, said she lives in the Kings Crossing Subdivision, and she has had constant flooding from the field behind her home. Ms. Penmatsa provided photos for City Council (See Exhibit 2 – Shireesha Penmatsa'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 Pettie 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.

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](#)

[May2024 – 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 Bundtins valued at \$28 to City Staff.

Mayor Pettie, 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 Pettie 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 Pettie 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 Pettie recessed the regular meeting to Executive Session at 8:29 p.m.

RECONVENE REGULAR MEETING.

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



APPROVED:



Mayor Lee Pettie

ATTESTED:



Patti Scott Grey, City Secretary

Approved on the 16th day
of July, 2024.

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 micronewtons per square meter (20×106 Newtons/meter²), 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 28TH 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 flood.



Overlaid
4405 Flood
Pictures




4405 Daven Drive Flood







Adam V. Floyd
3203 Bluffs Lane,
Parker, Texas 75002


Mayor Lee Petle
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 Pettie 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.

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,

A large black rectangular box redacting the signature of Adam V. Floyd.

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.

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 Pettie, Mayor

ATTEST:


Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:


Catherine Clifton, Interim City Attorney