



MINUTES
CITY COUNCIL MEETING
NOVEMBER 19, 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 meeting 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: Asst. City Administrator/City Secretary Patti Scott Grey, Interim City Attorney Catherine Clifton, Public Works Director Gary Machado, City Engineer Craig M. Kerkhoff, P.E., C.F.M., and Police Chief Kenneth Price (arrived at 6:16 p.m.)

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Craig Kerkhoff led the pledge.

TEXAS PLEDGE: Lucy Estabrook led the pledge.

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

No comments

ITEMS OF COMMUNITY INTEREST

Mayor Pettle reviewed the upcoming Community Interest items below:

- 1 REMINDER - CITY COUNCIL (CC) – TUESDAY, DECEMBER 3, 2024
PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, DECEMBER 11, 2024, 5 PM
REMINDER - CITY COUNCIL (CC) – TUESDAY, DECEMBER 17, 2024
REMINDER - CITY COUNCIL (CC) – TUESDAY, JANUARY 7, 2025
PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, JANUARY 8, 2025, 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 NOVEMBER 12, 2024. [SPECIAL MEETING - CANCELED DUE TO LACK OF A QUORUM]
3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 879, APPROVING THE 2024 TAX ROLL.
4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON APPROVAL OF RENOVATIONS MADE TO CITY HALL.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2024-821, ABOLISHING THE NEWSLETTER COMMITTEE.

Councilmember Kercho requested item #3, Ordinance No. 879, approving the 2024 Tax Roll, and item #4, approval of renovations made to City Hall, be removed from the consent agenda for further discussion, and Councilmember Noe requested item #5, Resolution No. 2024-821, abolishing the Newsletter Committee, be removed from the consent agenda for further discussion,

MOTION: Councilmember Kercho moved to approve the November 12, 2024 City Council meeting minutes, as presented. Mayor Pro Tem Reed seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

INDIVIDUAL CONSIDERATION ITEMS

3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 879, APPROVING THE 2024 TAX ROLL.

MOTION: Councilmember Kercho moved to approve Ordinance No. 879, approving the 2024 Tax Roll.. Councilmember Noe seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON APPROVAL OF RENOVATIONS MADE TO CITY HALL.

MOTION: Councilmember Kercho moved to approve renovations made to City Hall. Councilmember Pilgrim seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2024-821, ABOLISHING THE NEWSLETTER COMMITTEE.

There was no motion to abolish the Newsletter Committee.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2024-815, APPOINTING A FIRE CHIEF AND APPOINTING AN ASSISTANT FIRE CHIEF.

MOTION: Mayor Pro Tem Reed moved to postpone Resolution No. 2024-815, appointing a Fire Chief and appointing an Assistant Fire Chief to the December 3, 2024 City Council meeting. Councilmember Noe seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2024-817 REGARDING 7 VOTES FOR COLLIN COUNTY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

MOTION: Councilmember Noe moved to approve Resolution No. 2024-817 awarding the City of Parker's seven (7) votes for Collin County Central Appraisal

District to Parker resident Jerry Tartaglino. Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

8. CONSIDERATION AND/OR ANY OTHER ACTION ON THE "WATER CCN TRANSFER PAYMENT AGREEMENT" BETWEEN THE CITY OF PARKER, TEXAS, AND INTEGRITY COMPANIES, LLC., RELATING TO THE TRANSFER OF PROPERTY FROM CITY OF PARKER'S CCN TO THE CITY OF WYLIE'S CCN. [ORDINANCE NO. 881]

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

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

Mayor Lee Pettle recessed the regular meeting to Executive Session at 6:27 p.m.

RECONVENE REGULAR MEETING.

Mayor Lee Pettle reconvened the meeting at 7:04 p.m.

MOTION: Councilmember Pilgrim moved to postpone Ordinance No. 881, regarding the "Water CCN Transfer Payment Agreement" between the City of Parker, Texas, and Integrity Companies, LLC., relating to the transfer of property from City of Parker's CCN to the City of Wylie's CCN to the December 3, 2024 City Council meeting for additional information. Councilmember Noe seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

9. CONSIDERATION AND/OR ANY OTHER ACTION ON THE AGREEMENT BETWEEN THE CITY OF WYLIE AND THE CITY OF PARKER," BETWEEN THE CITY OF PARKER AND THE CITY OF WYLIE RELATING TO THE TRANSFER OF APPROXIMATELY 48 ACRES LOCATED IN THE CITY OF WYLIE FROM PARKER'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY ("CCN") TO WYLIE'S WATER CCN. [ORDINANCE NO. 882]

MOTION: Mayor Pro Tem Reed moved to postpone Ordinance No. 882, regarding the agreement between the City of Wylie and the City of Parker," between the City of Parker and the City of Wylie relating to the transfer of approximately 48 acres located in the City of Wylie from Parker's Water Certificate of Convenience and Necessity ("CCN") to Wylie's Water CCN to the December 3, 2024 City Council meeting for additional information. Councilmember Pilgrim seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

10. CONSIDERATION AND/OR APPROPRIATE ACTION ON THE "FIRST AMENDMENT TO NORTH TEXAS MUNICIPAL WATER DISTRICT - CITY OF PARKER POTABLE WATER SUPPLY AMENDATORY CONTRACT," PROVIDING FOR A SECOND POINT OF DELIVERY FOR THE CITY OF PARKER, SETTING MINIMUM WATER DELIVERY AMOUNTS, AND PROVIDING CONSERVATION REQUIREMENTS. [ORDINANCE NO. 883]

MOTION: Mayor Pro Tem Reed moved to postpone Ordinance No. 883, regarding the “First Amendment to North Texas Municipal Water District - City of Parker Potable Water Supply Amendatory Contract,” providing for a second point of delivery for the City of Parker, setting minimum water delivery amounts, and providing conservation requirements to the December 3, 2024 City Council meeting for additional information. Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

11. 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. 880 EXTENDING THE TEMPORARY MORATORIUM ENACTED BY ORDINANCE NO.’S 871, 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.

Mayor Pettle opened a public hearing regarding the extension of the temporary moratorium at 7:18 p.m.

City Engineer Craig M. Kerkhoff, P.E., C.F.M., of Birkhoff, Hendricks & Carter, LLP, noted his letter included in tonight’s Council packet, dated November 14, 2024, to Public Works Director Machado, which indicated “the water system is now experiencing fall and winter demands that have the potential to exceed the available supply and pumping capacity of the city. Mr. Kerkhoff said he would be happy to respond to questions.

No one came forward.

Mayor Pettle declared the public hearing closed at 7:19 p.m.

Ordinance No. 880 caption was read, as follows:

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 880 EXTENDING THE TEMPORARY MORATORIUM ENACTED BY ORDINANCE NO.’S 871, 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.

MOTION: Mayor Pro Tem Reed moved to approve Ordinance No. 880 extending the temporary moratorium enacted by Ordinance No.’s 871, 866, 854, 846, 844, 839, 833, 824, 815 and 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, noting the moratorium could be ended

by City Council after thorough review of circumstances. Councilmember Kercho seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

12. CONSIDERATION OF AND/OR ANY APPROPRIATE ACTION ON WHITESTONE ESTATES – PHASE4 PRELIMINARY PLAT.

MOTION: Mayor Pro Tem Reed moved to approve Whitestone Estates – Phase 4 Preliminary Plat. Councilmember Noe seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

13. CONSIDERATION OF AND/OR ANY APPROPRIATE ACTION ON KINGS CROSSING - PHASE 6 AND 7 PRELIMINARY PLAT.

MOTION: Mayor Pro Tem Fecht moved to approve Kings Crossing - Phase 6 and 7 Preliminary Plat. Mayor Pro Tem Reed seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

ROUTINE ITEMS

14. UPDATE(S):

FM2551

Public Works Director Gary Machado said the project is moving forward and efforts are being made to have the project be as least disruptive to traffic and residents as possible.

NORTH TEXAS MUNICIPAL WATER DISTRICT (NTMWD)

An update was made earlier tonight. The item will be on the December 3, 2024 City Council meeting agenda.

COMP PLAN

It was noted that the Comprehensive (COMP) Plan has been sent to City Council with comments from the Planning and Zoning (P&Z) Commission, and a joint workshop with City Council and P&Z Commission is being scheduled for December 17, 2024.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

Councilmember Pilgrim reported no changes or updates tonight.

PROJECTS IN PROGRESS

None

ENGINEERING REQUEST FOR QUALIFICATIONS (RFQs)

Councilmember Noe and Public Works Director Machado said a meeting is in the process of being scheduled for after the Thanksgiving Day holiday.

NOISE COMMITTEE

Councilmember Fecht provided a report. [See ***Exhibit 1*** – Councilmember Todd Fecht's report, dated Tuesday, November 19, 2024.]

ANY ADDITIONAL UPDATES

MONTHLY/QUARTERLY REPORTS

City Council accepted the reports hyperlinked below:

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

[October 2024 – Court Report](#)

[Investment 3rd Qtr. Report 2024](#)

[October 2024 – Police Report](#)

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

FUTURE AGENDA ITEMS

15. FUTURE AGENDA ITEMS

Mayor Pettle asked if there were any items to be added to the future agenda. Councilmember Noe requested the personnel manual review be scheduled as soon as possible.

Hearing no additional requests, Mayor Pettle encouraged everyone to email her any requests. She noted the next regularly scheduled meeting would be Tuesday, December 3, 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(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 8:28 p.m.

RECONVENE REGULAR MEETING.

Mayor Lee Pettle reconvened the meeting at 9:42 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 9:43 p.m.



ATTESTED:

Patti Scott Grey
Patti Scott Grey, City Secretary

APPROVED:

Lee Pettle
Mayor Lee Pettle

Approved on the 3rd day
of December, 2024.

NOISE COMMITTEE UPDATE as of November 19, 2024

The Population of Parker, TX is approximately 6000. In our meetings we generally have members of the committee, and only one citizen shows up.

We had a meeting with Matt from Cross Creek, and only one citizen had a complaint about Cross Creek. This citizen agreed that there have not been any problems since August and the real "issue of noise" was only twice per year. Cross Creek installed a new door in August and insulated everything. They were very accommodating to work with us.

We also had a meeting with Southfork, which is under new management. They definitely want to collaborate with us, and I feel they were very sincere and honest. I have requested the last five contracts to see the language that they are holding their clients to, as well as a copy of their compliance on how they self-police. At the last concert, their decimal levels were in compliance with our rules and regulations and our contractual agreement with them. Two citizens who both live in Brooks Farm agreed that the concert was acceptable. I have another meeting forthcoming in which I will be asking them if they have any room to give in other areas, such as 11:00pm versus 12:00am. I am just trying to see what they are willing to do.

I do not want the City to become a "HOA" for everybody. When you purchase a home in Parker, you have a bundle of rights. The city cannot change that without consequences. This is an isolated situation that is affecting far less than 1% of the 6000 people, according to police reports. It is wrong to punish the less than 99% of citizens who are not complaining with more rules and regulations, or ordinances, and take away their rights. This could be an unlawful taking which could have consequences.

The following is from an attorney I know who sued the city of Parker and won because we overstepped our boundaries. He was also both the trial and appellate lawyer in the following cases, which impacted the legality of the city's actions:

1. *Town of Lakewood Village v. Bizios*, 493 S.W.3d 527 (Tex. 2016). The Supreme Court case emphasizes that as general law town Parker has limited land use regulatory authority.
2. *City of McKinney v. OH Skyline*, 375 S.W.3d 580 (Tex. App. -Dallas 2012, pet. Denied). The Dallas Court of Appeals held that cities are required to send mailed notice of proposed revisions to its comprehensive zoning ordinance to all landowners affected by the change under 211.007(c), Tex. Loc. Gov't Code. It appears from the posed changed that every lot owner in the City will be entitled notice.
3. *FLCT, Ltd. v. City of Frisco*, 493 S.W.3d 328 (Tex. App. – Fort Worth 2016, pet. Denied). Even if new adverse zoning provisions were enacted they could not legally be applied to the Property in accordance with Chapter 245, Tex. Loc Gov't Code. To do so would violate our client's vested rights. The initial permit for our client's project under Chapter 245 would be the plat for the subdivision approved in 1983. When the Historical Uses commenced, they

were authorized under the City's comprehensive zoning ordinance in effect at that time. The City is prohibited from applying new ordinances which adversely impact the Historical Uses under 245.002, Tex. Loc. Gov't Code. The court of appeals also held that adversely applying new zoning regulations can result in an inverse condemnation or regulatory taking.

As the City is aware, the Texas Legislature and the judiciary have focused over the last few years on strengthening private property rights, particularly where local government regulation is involved. The courts in particular have stressed that both the U.S. and Texas Constitutions protect private property rights.

Southfork is working with us, and I think it would be a mistake if we were to try to change any of the ordinances. Plus, you have land usage vested rights of people who bought a house knowing that these are the rules. Changing them could lead to huge litigation, and we already have enough litigation going on in this city, with six current lawsuits. We have very little leverage with Southfork as we already have an agreement in place (please see the 1996 and 2017 signed agreements with them attached). The owner of Southfork has the economic realities to bankrupt this city in litigation, just for drill, if we upset the applecart. In a phone conversation with a former City Council member who lives right across from Southfork, he reported to me that he has had one issue in five years due to concerts. I also spoke with a former City Council member that lives in the back of Brooks Farm, and they had no issue with the noise.

As the chairperson of this committee, I have not had one phone call or one email from people complaining about noise at Southfork or Cross Creek.

If anyone has any complaints about noise from October 1 to present, please email me at tfecht@parkertexas.us We will review and make the appropriate recommendations.

Since "sugar gets you further than salt," my recommendation at this point is that no action be taken at this time. Let's keep working with Southfork as we currently have a great working relationship.