

MINUTES

CITY COUNCIL MEETING

September 4, 2012

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 Marshall called the meeting to order at 6:00 p.m. Councilmembers Sumrow, Levine, Pettie and Taylor was present. Leamy was absent. A quorum was present.

Staff Present: City Administrator Jeff Flanigan, City Secretary Carrie Smith, Finance/H.R. Manager Johnna Boyd, Police Chief Tony Fragosio and Fire Chief Mike Sheff.

EXECUTIVE SESSION 6:00 PM – 7:00 PM

Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated the City Council may hold a closed meeting.

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

- a. Govt. Code 551.071 and 551.074— "Confidential legal advice regarding City obligations or responsibility for public and private right of ways."

Mayor Marshall recessed the regular meeting at 6:00 p.m.

2. RECONVENE REGULAR MEETING.

Mayor Marshall reconvened the regular meeting at 7:00 p.m.

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

No action was taken.

PLEDGE OF ALLEGIANCE

The American Pledge was led by Tom Stone.

The Texas Pledge was led by Eleanor Evans.

No Comments.

INDIVIDUAL CONSIDERATION ITEMS

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR AUGUST 21, 2012.

Mayor Pro Tem Levine requested the minutes be tabled.

5. PUBLIC HEARING ON THE PROPOSED 2012-2013 FISCAL YEAR GENERAL AND WATER FUND BUDGETS.

Finance Manager Boyd gave an overview of the proposed budget. (See Exhibit 5A.)

Mayor Marshall opened the public hearing at 7:15 p.m.

No comments.

Mayor Marshall closed the public hearing at 7:16 p.m.

Council will take action on the budget on September 18, 2012.

6. PUBLIC HEARING ON THE PROPOSED TAX RATE FOR FISCAL YEAR 2012-2013.

This was the second required public hearing.

Mayor Marshall stated there will not be a tax *rate* increase. There will be an increase in tax *revenue* due to an increase in property values and new construction.

The proposed tax rate is:

Maintenance and Operation Rate	\$0.306402
Interest and Sinking Fund Rate	\$0.070678
Total Tax Rate	\$0.377080 per \$100

Parker has not had a tax rate increase since 2006.

Mayor Marshall opened the public hearing at 7:17 p.m.

No comments.

Mayor Marshall closed the public hearing at 7:18 p.m.

Council will take action on the tax rate on September 18, 2012.

7. PRESENTATION OF PARKS AND RECREATION COMMISSIONS QUARTERLY REPORT.

Parks and Recreation Chairman Joe Sterk gave the Council a quarterly report on the Commissions activities and upcoming Parkerfest event. (See Exhibit 7A.)

The Commission recommended the Tree Memorial program be titled "Living Legacy Tree Program".

Parker's membership with the Keep Texas Beautiful organization has been renewed. Parkerfest qualifies as the required annual event. Mr. Sterk will contact the organization to get the City's road sign.

Parks and Recreation Member Cindy Stachiw and City Administrator Flanigan are the contact for Scout Projects.

Mr. Sterk recognized Bill Bailey and Phyllis Houx for their service and dedication on the Parks and Recreation Commission.

A meeting is to be held including Chairman Sterk, Councilmember Pettie, Mayor Marshall and City Administrator Flanigan to get direction for Parks and Recreation projects and to improve lines of communication.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 683 AMENDING ORDINANCE 658A, CREATING THE PARKS AND RECREATION COMMISSION.

The proposed amendment is to create consistency with other boards and commissions regarding the place terms. Odd number places will end in odd numbered years and even number places will end in even numbered years. Alternates would be changed to two year terms.

MOTION: Councilmember Sumrow moved to approve Ordinance 683 subject to changing the alternate's term to two years. Councilmember Taylor seconded with Councilmembers Sumrow, Levine, Pettie and Taylor voting for. Motion carried 4-0.

9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-390 APPOINTING PARKS AND RECREATION COMMISSION MEMBERS.

The Commission has two vacant alternate positions and will need to interview candidates and bring back their recommendation to Council.

Appointment of officers and vacant alternate positions will be done at a future date.

MOTION: Councilmember Sumrow moved to approve Resolution 2012-390 subject to Section 3, term of alternate being changed to 2 years, expiring in May 2014. Councilmember Pettie seconded with Councilmembers Sumrow, Levine, Pettie and Taylor voting for. Motion carried 4-0.

10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON GENERAL ELECTIONS, TERMS OF OFFICE, AND/OR THE PLACE SYSTEM FOR THE CITY OF PARKER IN COMPLIANCE WITH THE REQUIREMENTS OF SENATE BILL 100.

City Attorney Shepherd gave the Council an overview of SB 100 and the effects on Parker's General Elections.

Council discussed their options and agreed not to change the general election to the November Uniform Election Date.

Another option for consideration, is to change Council's terms to 4 years, staggered, and hold an Election on the Uniform Election Date in May of odd numbered years. An Election would be required to change to 4 year terms, so City Attorney Shepherd will check on the proper procedures for this change.

There was discussion on changing to an at-large place system to potentially reduce the political issue of all candidates, incumbents, and challengers, running against each other. Instead, only contested "places" would stand for election.

This item will be brought back at the next meeting for further discussion.

11. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AMENDING RESOLUTION 2011-345, A POLICY ON MAYOR AND COUNCIL TRAVEL AND EXPENSES.

Mayor Marshall feels the approval process set out in Section 2 and Section 4 is confusing and needs to be revised. In accordance with Section 4, a Councilmember needs to be appointed to approve travel.

Any proposed changes and questions are to be sent to City Attorney Shepherd. This item was tabled.

12. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-391 APPROVING AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY TO COMPLY WITH THE PROVISIONS OF TEXAS TRANSPORTATION CODE CHAPTER 706.

The 82nd Texas Legislature passed legislation requiring a change in the municipal agreements with the DPS for denial of driver's license renewals for those drivers reported by municipalities to have failed to pay traffic violation fines, or make other disposition of the offense. The old law, and contract, allowed the municipal court up to 6 days to report to DPS that the offense had been resolved. The new law, and therefore the contract, changes the requirement to "immediately" file the "clearance" report.

City Attorney Shepherd recommended approval.

MOTION: Mayor Pro Tem Levine moved to approve Resolution 2012-391 as written. Councilmember Pettie seconded with Councilmembers Sumrow, Levine, Pettie and Taylor voting for. Motion carried 4-0.

13. CONSIDERATION AND/OR ANY APPROPRIATE ACTION TO REFER THE CITY ORDINANCES ON MOWING (ORD. 553 & 571, CODIFIED IN THE PARKER MUNICIPAL CODE CHAPTER 94), AND/OR FENCES (COMPREHENSIVE ZONING ORDINANCE 483, CODIFIED IN THE PARKER MUNICIPAL CODE CHAPTER 156), TO THE PARKER PLANNING AND ZONING COMMISSION FOR RECOMMENDATIONS FOR AMENDMENTS, IF ANY.

Councilmember Sumrow presented Council with the following information:

There are two topics within our current zoning ordinance that I believe need review by P&Z for potential modification to allow for consistent code enforcement, and to clarify outstanding questions.

1) Fences and Gates

The current Parker zoning ordinance covers fences in SF and SFT districts, but no others, and does not offer any specific guidelines about the installation of gates on properties, either as part of fence lines, or independent of fence lines. This has caused some confusion when trying to ensure code compliance, considering the construction of the gate (visibility/height/materials) and the positioning of a gate (Can a gate be built where there is not a fence supporting it?) In addition, the existence of locked gates poses access concerns for emergency vehicles.

2) Mowing/Wildflowers/Pasture Maintenance

The current Parker zoning ordinance requires that all vegetation be maintained at 12 inches or below, in all zoning districts. There may be some instances where this is not appropriate, such as on multiple acre lots where livestock are grazed, or where grass is grown to be baled for hay to be sold, or where wildflowers are cultivated. There may also be some state laws that are counter to our requirements on growth on acreage and/or wildflowers.

The sections of existing ordinance that address both fences and pasture maintenance are provided below. I would like P&Z to review of these two topics, in light of the questions above, to determine if there is a need to modify our current ordinance. I will provide P&Z additional questions and information, based on the questions that have been asked of me, to assist them in their review. Prior to this being placed on a P&Z agenda, I would also ask Staff to review the references I've cited, below, and provide any other ordinances on this topic, if they exist.

Current fence ordinance

§ 156.32 SINGLE-FAMILY RESIDENTIAL DISTRICT.

§ 156.33 SINGLE-FAMILY TRANSITIONAL DISTRICT.

(I) Fences;

1) General restrictions.

- a) No fences shall be permitted in front yard areas and side yards extending beyond the house facade on developments in the SF areas, except for lots of 2 acres or more.*
- b) Fencing in side yard or back yard areas shall not exceed 6 feet, 0 inches in height. All fences shall be of open construction and not solid or near-solid fabric or surfacing. Open construction shall mean that each fence panel, when viewed from an elevation perspective at a perpendicular to that elevation, shall be constructed of materials that allow at least 50% of the surface area of each panel to provide for an open unobstructed view.*
- c) The 50% open construction requirement for each fence panel is exclusive of columns and posts, which may be constructed of solid material including masonry or metal.*
- d) Fencing columns, if used, shall not be more than 2 feet square on base, and not more than 6 feet in height. The columns shall not be closer together than 6 feet center to center.*

2) Chain link fencing. Chain link fences may not be used in the front yard. They cannot extend beyond the front building line of the primary dwelling on the lot. They cannot extend into the side setback on the street side of a corner lot. It is preferred that chain link fence be black or green vinyl coated rather than galvanized.

3) Privacy fencing. Privacy fences are permitted around swimming pool areas, subject to the following:

- a) The fence must be built with the finished side facing the exterior of the lot; and*
- b) The privacy fence must not be built farther than 30 feet from the side of the pool. The side of the pool is defined as where the water's edge meets the side of the pool, not the outside edge of the pool decking, if any.*

4) Inspection and maintenance. When any fence is completed, it must be inspected. The Building Inspection Department shall be notified upon completion of the fence. The Chief Building Official will issue a card of acceptance if the fence complies with the provisions of this section, or it will be rejected. All fences constructed under the provisions of this section shall be maintained so as to comply with the requirements of this section at all times. Fences shall be maintained by the owner or person in charge of the property in as near as possible the condition of the fence when installed and accepted as provided herein, and shall be maintained as follows:

- a) The fence shall not be out of vertical alignment more than 20%; and*
- b) All damaged, removed, or missing portions of the fence shall be replaced or repaired with comparable materials of a comparable color to the remaining portions of the fence.*

5) Materials.

- a) Permitted materials. Materials permitted are wood, concrete, masonry, chain link, wrought iron, metal tubing, vinyl, fiberglass composite, barbed wire, or other materials approved by the Building Official for exterior exposure as fence material.*
- b) Prohibited materials. Materials prohibited are razor ribbon, sheet metal, corrugated steel and fiberglass panel, plywood, or any other similar material manufactured for other uses.*

6) Certain locations, construction prohibited.

- a) *Within easements. No fence shall be located within any easement except by prior written approval of those agencies having interest in that easement.*
- b) *Electric fences. No fence erected shall be electrically charged in a manner to be dangerous to humans.*
- 7) *Swimming pool enclosures. A building permit is required for the construction of all swimming pools, and all pools and their associated safety fences shall be built according to the building code.*

§ 156.37 SUPPLEMENTARY DISTRICT REGULATIONS.

(B) Fences, walls, and hedges. Notwithstanding other provisions of this chapter, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that the fences, walls, or hedges along lot lines at street intersections do not impair visibility at the intersection within an area defined by lines of joining points located 20 feet back from the intersection of all curb lines extended.

Current Pasture maintenance Guidelines

§ 156.37 SUPPLEMENTARY DISTRICT REGULATIONS.

(D) Lot maintenance. In all districts, lots shall be maintained in such a manner as to be free and clear of debris. All vegetation, except for regularly cultivated crops, trees, or shrubbery, which exceeds 12 inches in height shall be presumed to be objectionable and unsightly. Regularly cultivated crops shall not be allowed to grow within the right-of-way of any public street or easement but shall be kept mowed. It shall be the duty of any person owning, claiming, occupying, or having supervision or control of any real property to cut and remove all weeds, brush, or other objectionable or unsightly matter as often as may be necessary; provided that the removing and cutting same at least once in every 30 days shall be deemed a compliance with this chapter; and to use every precaution to prevent the same growing on the premises to become a nuisance.

Councilmember Sumrow is requesting Council send these issues to the Planning and Zoning Commission for further research and bring a recommendation back to Council for consideration.

MOTION: Councilmember Sumrow moved to send this item to the Planning and Zoning Commission for review and modification, if any. Councilmember Pettie seconded with Councilmembers Sumrow, Levine, Pettie and Taylor voting for. Motion carried 4-0.

14. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE 2012 COUNCIL MEETING SCHEDULE.

MOTION: Mayor Pro Tem Levine moved to cancel the November 6 and November 20 regular Council meetings due to conflicts with other events. Councilmember Taylor seconded with Councilmembers Sumrow, Levine, Pettie and Taylor voting for. Motion carried 4-0.

ROUTINE ITEMS


15. FUTURE AGENDA ITEMS

- 9/18 – SB 100 continued
- 9/18 – 8/21 meeting minutes
- 9/18 – Resolution 2011-345 Travel and Training discussion continued

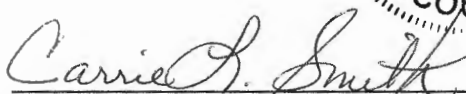
16. ADJOURN

Mayor Marshall adjourned the meeting at 9:11 p.m.

APPROVED:


Mayor Z Marshall

ATTESTED:


City Secretary Carrie L. Smith, TRMC, CMC



APPROVED on the 18th day of
September, 2012.

EXHIBITS

- 5A – Proposed Budget Review
- 7A – Parks and Recreation Quarterly Report

**City of Parker-General Fund
Proposed Budget - FY 2012 / 2013**

ACCT #	Revenue - SUMMARY	Actuals as of: 8/30/2012	2011 / 2012 Budgeted Revenue	2012 / 2013 Proposed before adjs	2012 / 2013 Adjustments	2012 / 2013 Proposed Budget
Revenues						
	Revenues	2,730,050	2,619,602	2,661,365	0	2,661,365
	County Funds	0	12,500	12,500	0	12,500
FUND BALANCE TRANSFERS						
	Restricted Fund Balance Transfers	6,920	49,000	9,000	1,000	10,000
	Fund Balance Transfers			0	50,000	50,000
	Grand Total all Sources	2,736,970	2,681,102	2,682,865	51,000	2,733,865
Expenses by Department - SUMMARY		Actuals as of: 8/30/2012	2011 / 2012 Budgeted Expenses	2012 / 2013 Proposed before adjs	2012 / 2013 Adjustments	2012 / 2013 Proposed Budget
	Administration	173,143	314,250	381,945	(27,953)	353,992
	Police Department	173,295	200,980	141,800	40,550	182,350
	Municipal Court	74,396	90,720	100,645	1,000	101,645
	Fire Department	156,460	236,851	227,750	0	227,750
	Building and Code Enforcement	6,126	8,000	10,700	0	10,700
	Parks and Recreation	17,160	33,000	34,000	100	34,100
	Public Works	84,551	437,545	394,100	32,000	426,100
	City Property	45,956	73,850	63,000	0	63,000
	Capital Improvement Fund	0	3,985	10,000	0	10,000
	Debt Service	283,112	337,824	365,098	0	365,098
	Personnel Costs			957,313	1,817	959,130
	Total Expenses by Dept	1,014,199	1,737,005	2,686,351	47,514	2,733,865

Revenue Less Expenses (0)

2012 Total Taxable Value	RATE	516,565,506	CERTIFIED
M & O Revenue	0.306402	1,582,767	
I & S Revenue	0.070678	365,098	
Other Revenue		731,000	
Total Revenue		2,678,865	
Combined Rate	0.377080		

City of Parker-Proprietary Fund
Proposed Budget - FY 2012 / 2013

SUMMARY		Actuals as of: 8/30/2012	2011 / 2012 Budget	2012 / 2012 Anticipated	2012 / 2013 Proposed before adjs	2012 / 2013 Adjustments	2012 / 2013 Proposed Budget
Revenue - All Sources		1,826,083	3,150,000	2,812,358	2,305,000	375,000	2,680,000
Water Department		1,006,296	1,919,865	1,646,286	1,162,797	374,400	1,537,197
Sewer Department		110,741	151,950	148,315	157,375	0	157,375
Sanitation Department		178,167	225,000	236,700	255,000	0	255,000
Debt Service		324,916	412,883	367,704	394,044	0	394,044
Personnel Costs					336,384		336,384
	Total Expenses by Dept	1,620,120	2,709,697	2,031,301	2,305,600	374,400	2,680,000

Balance

(0)



Proposed Budget 2012 / 2013

PUBLIC HEARING
SEPTEMBER 4, 2012

Revenue Overview

Items that significantly changed from FY 11/12:

Description	Increase / Decrease	Notes
Property Tax Revenue	+ \$56,513	Certified values increased
Fines	+ 50,000	Warrant collections
Other Income	- \$80,000	No funds expected from developers / agreements

City of Parker - Public Hearing

Certified Values

2011 / 2012 Budget	Taxable Value	\$501,577,999
2012 / 2013 Budget	Taxable Value	\$516,565,506
	Increased by 3%	\$14,987,507

City of Parker - Public Hearing

Expenses -- Overview Not including Personnel

Department	2011 / 2012 Budget	2012 / 2013 Proposed Budget	Difference
Administration	\$314,250	\$353,992	+ \$39,742
Police	\$200,980	\$182,350	- \$18,630
Court	\$90,720	\$101,645	+ \$10,925
Fire	\$236,850	\$227,750	- \$9,100
Bldg & Code	\$8,000	\$10,700	+ \$2,700
Parks / Rec	\$33,000	\$34,100	+ \$1,100
Public Works	\$437,545	\$426,100	- \$11,445
City Property	\$73,850	\$63,000	- \$10,850
Future Cap Impr	\$3,985	\$10,000	+ \$6,015

City of Parker - Public Hearing

General Fund -- Budget Overview

2011 / 2012 Budget	Rev/Exp	\$2,681,102
2012 / 2013 Budget	Rev/Exp	\$2,733,865
	Increased 2%	\$52,763

City of Parker - Public Hearing

Debt Service

2011 / 2012	Debt Service	\$337,824
2012 / 2013	Debt Service	\$365,098

City of Parker - Public Hearing

Proprietary Fund – Budget Overview

2011 / 2012 Budget	Rev/Exp	\$3,150,000
2012 / 2013 Budget	Rev/Exp	\$2,680,000
	Decreased 14.9%	\$470,000

City of Parker - Public Hearing

Debt Service

2011 / 2012	Debt Service	\$412,883
2012 / 2013	Debt Service	\$394,044

City of Parker - Public Hearing

Revenue Overview

Items that significantly changed from FY 11/12:

Description	Increase / Decrease	Notes
Administration Fee	- \$10,000	Organization Change
Water Sales	No Change	Sales should be up; Eased restrictions
Transfer-Cap Improvement	\$375,000	Water Meter project

City of Parker - Public Hearing

Thank you

City of Parker - Public Hearing

Expenses – Overview Not including Personnel

Department	2011 / 2012 Budget	2012 / 2013 Proposed Budget	Difference
Water	\$1,919,864	\$1,537,197	- \$382,667
Sewer	\$151,950	\$157,375	- \$18,630
Sanitation	\$225,000	\$255,000	+ \$30,000

City of Parker - Public Hearing



Parks & Recreation Quarterly Report – September 2012

P&R Agenda

- Parkerfest 2012
- Tree Memorial
- Keep Parker Beautiful
- Scout Projects
- City Issues

P&R – Parkerfest 2012

- Parkerfest 2012 – Phyllis Houx
- Date – October 20th
- Activities
- Budget

P&R – Parkerfest 2012

- 5K walk – 9:00 am start with trophies
- Live Music – Ian Dickson Band
- Release Birds – Rogers Wildlife??
- Vendors – Wells Brothers, Two Rows, Ebby Holiday, Rogers Wildlife, Women's Club, Garden Club, Historical Society, etc...
- Guest Speaker – Z Marshall
- Pony Rides – Karma Ridge Stables
- Balloon Artist, Face Artist
- Horse Riding Event – Allison Sumrow
- Food and Drink – Kettle Corn, Corn Dogs, Bratwurst

P&R – Parkerfest 2012

Type	Name	Amount
Balloon Artist	Kristie McKay	\$150.00
Brian Shuey	Face Painter	\$75.00
Port-a-Potties	Rhaz Bonnet Waste	\$180.00
Food	Lilly's Kettle Korn	\$400.00
Food	Two Rows - Korn Dogs - 150	\$350.00
Food	Two Rows - Brats - 150	\$500.00
Food	Two Rows - Grill and Handlers	\$225.00
Food	Costco - Waters 200 – Sodas 400	\$134.00
Food	Two Rows - Ice	\$0.00
Band – Sound System	Ian Dickson	\$400.00
Advertising - banner	Kwik Kopy - 3	\$225.00
Advertising - Signs	Kwik Kopy - 20	\$150.00
Advertising - Posters	Kwik Kopy - 50	\$50.00
Horses	Karma Ridge	\$0.00
Horse Exhibition	Allison Sumrow	\$0.00
Speakers	Mayor	\$0.00
Agriculture	Wells Brothers	\$0.00
Recreation	Piano Cycle	\$0.00
Miscellaneous	More to Come	\$461.00
Total		\$3,800.00

P&R – Tree Memorial

- Tree Memorial – Phyllis Houx
- Should be Part of or Overseen by P&R
- Trees need to be Irrigated is Risk

P&R – Tree Plaque Example



P&R – KPB Goals

- Sub-Committee Chair – Renee Sims
- Dues Paid
- Participate in one KTB-endorsed local community activity annually - Parkerfest
- Work with Other Cities Surrounding Parker
- Need to Attend one KTB training session annually

P&R – Scout Projects

- Sub-Committee Chair - Cindy Stachiw
- Scout Projects were Dead
- Spent Hours and Days getting Rebuilt
- Relies on Close Relationship with City and P&R
- Thought Bird Houses would be Cleaned and Re-Built
- Getting Volunteers for Parkerfest 2012

P&R – City Issues

- Scout Project Being Taken Away
- Additional Trails not Started
- Tree Memorial
 - Does not have Irrigation
 - Not Being Overseen by Parks & Recreation
- KTB – Road Sign ?

Special Thank You

- We would like to give a special thank you to Bill Bailey and Phyllis Houx for their years of service and dedication on the Parks and Recreation Commission.

Parks & Recreation

Thank you!