



AGENDA
CITY COUNCIL MEETING
MARCH 19, 2013 @ 6:00 PM

Notice is hereby given the City Council for the City of Parker will meet in a Regular Meeting on Tuesday, March 19, 2013 at 6:00 P.M. at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002.

CALL TO ORDER – Roll Call and Determination of a Quorum

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.

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:
 - a. Govt. Code 551.074 - deliberate the appointment, employment, evaluation and or duties of members of the Police Department and the City Administrator.
 - b. Govt. Code 551.071 - confidential legal advice regarding the item above.
2. RECONVENE REGULAR MEETING.
3. ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

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

INDIVIDUAL CONSIDERATION ITEMS

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR FEBRUARY 5, 2013. [SMITH]
5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR MARCH 5, 2013. [SMITH]
6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR MARCH 12, 2013. [SMITH]
7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON APPOINTMENT OF ELECTION PERSONNEL FOR THE MAY 11, 2013 ELECTION, AS FOLLOWS:
 - A. ORDER OF APPOINTMENT FOR ELECTION JUDGES AND ALTERNATES
 - B. DESIGNATION OF DEPUTY EARLY VOTING CLERK
 - C. ANY OTHER ELECTION PERSONNEL DEEMED NECESSARY OR REQUIRED. [MARSHALL]
8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-404 AMENDING THE AMBULANCE SERVICE CONTRACT. [SHEFF]
9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013 405 APPROVING AN AGREEMENT WITH TDPS TO PARTICIPATE IN THE NATION DATA EXCHANGE (N-DEX) PROGRAM REPLACING THE EXISTING TEXAS DATA EXCHANGE (T-DEX). [FRAGOSO]
10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION TO CANCEL THE MAY 7, 2013 REGULAR MEETING. [MARSHALL]
11. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON TRAILS IN THE PRESERVE. [FLANIGAN]

ROUTINE ITEMS

12. FUTURE AGENDA ITEMS

- a. DEPARTMENT REPORTS –Police Department, Building

13. ADJOURN

In addition to any specifically identified Executive Sessions, Council may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Council elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on March 15, 2013 by 5:00 p.m. at the Parker City Hall, and as a courtesy, this Agenda is also posted to the City of Parker Website at www.parkertexas.us.

Date Notice Removed

Carrie L. Smith, TRMC, CMC
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: March 19, 2013
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: C. Smith
Estimated Cost:	Date Prepared: 3/11/2013
Exhibits:	1. Minutes

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES
FOR FEBRUARY 5, 2013. [SMITH]

SUMMARY

Item was tabled from 3/5 meeting.
After further review, the motion for Item 3 was correct.

POSSIBLE ACTION

Approve or Table

Inter - Office Use			
Approved by:			
Department Head:	<i>Carrie Smith</i>	Date:	<i>3-15-2013</i>
City Attorney:		Date:	
City Administrator:	<i>Jeffrey Hays</i>	Date:	<i>3-15-13</i>

MINUTES
CITY COUNCIL MEETING

February 5, 2013

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 6:30 p.m. Councilmembers Leamy, Sumrow, Levine, Pettie and Taylor were present.

Staff Present: City Attorney James Shepherd, City Administrator Jeff Flanigan, City Secretary Carrie Smith, Finance/H.R. Manager Johnna Boyd and Police Chief Tony Frago.

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Resident Tom Stone led the pledge.

TEXAS PLEDGE: Resident Fran Lewis led the pledge.

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.

- Ed Standridge discussed the drainage and erosion at Church Lane and Parker Road.
- Trudy Jackson on behalf of the Corinth Presbyterian Church discussed the drainage and erosion issues at Church Lane and Parker Road. The flooding and erosion in front of the church continues to be a problem after construction of Parker Road. Ms. Jackson provided photos of the issues. (See Exhibit A)

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR JANUARY 15, 2013. [SMITH]

Amendments page 3, Item 4 Motion. Insert:

Motion was amended.

MOTION: Councilmember Leamy moved to put the three year staggered term on the May election ballot and include proposition one and two, subject to having contested candidates for Council. Councilmember Taylor seconded with Councilmembers Leamy, Levine, Pettie and Taylor voting for. Sumrow opposed. Motion carried 4 to 1.

MOTION: Councilmember Sumrow moved to approve the minutes as amended. Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Levine, Pettie and Taylor voting for. Motion carried 5-0.

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCES FOR EXISTING SPECIAL USE PERMITS. [SHEPHERD]

The Special Use Permits for 3908 Sycamore, 4505 Springhill and 5109 Cimmaron were authorized by prior council action in the years indicated in the proposed ordinances which were presented to Council. Approval of the ordinances is requested to correct and update the City records.

MOTION: Councilmember Leamy moved to approve Ordinance 690, 691 and 692 as written. Councilmember Pettie seconded with Councilmembers Leamy, Sumrow, Levine, Pettie and Taylor voting for. Motion carried 5-0.

Councilmember Sumrow recused herself from the meeting before action was taken on Ordinance 689.

MOTION: Mayor Pro Tem Levine moved to approve Ordinance 689 as presented. Councilmember Pettie seconded with Councilmembers Leamy, Levine, Pettie and Taylor voting for. Motion carried 4-0.

Councilmember Sumrow returned to the meeting.

3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A PROPOSITION, OR PROPOSITIONS, FOR THE MAY 2013 MUNICIPAL ELECTION TO EXTEND CITY COUNCIL TERMS, AND TO ADJUST EXISTING TERMS IF THE PROPOSITION TO EXTEND TERMS IS APPROVED. [MARSHALL/SHEPHERD]

The Council deliberated the question of whether to place a proposition on the ballot that would change council terms from two year to three year.

City Attorney Shepherd reviewed the legal and practical issues Council had previously discussed which included, but was not limited to:

- a. The mayor and council terms, effective May of 2013, would change from two years to three if a proposition to make that change passes.
- b. The three council members whose terms end in 2013 would result in the candidates winning election for those positions in 2013 having three year terms, ending in 2016---provided each winning candidate receives more than half the votes. An approved system of runoff elections would be necessary.
- c. The Mayor and the two councilmember positions elected in 2012 for two year terms would end in 2014. Candidates for those positions in 2014 would be running for three year terms, and would have to win by receiving a majority of the votes.

d. The three year staggered terms would result in two elections in each three year period, subject to runoff elections, or other legal requirements. Those elected must receive a majority vote.

e. The ability of council to make an appointment to fill an empty council position is lost with three year terms. The Texas Constitution requires the following for councils with terms between two and four years:

“... any vacancy or vacancies occurring on such governing body shall not be filled by appointment but must be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur. “

f. Council terms between two and four years also require automatic resignations by the Texas Constitution as follows:

“ (b) If any of the officers named herein shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled.”

Upon further research it was determined that a three year term would require candidates to be elected by a majority of the vote instead of our current plurality, and this could require runoff elections to be held at an additional expense both to the candidates and the City. Further, it would require special elections to be held in the event of a vacant seat or seats occurring on Council, no appointment could be made.

MOTION: Councilmember Leamy moved to 1) add an agenda item to the February 19 agenda to consider adopting a place system; and 2) place a proposition changing Council terms to three years on the May 11, 2013 ballot. Councilmember Sumrow seconded.

Council discussion ensued. Based on the new legal information Council felt this was not in the best interest of Parker at this time.

Councilmember Leamy withdrew his motion and Councilmember Sumrow her second.

MOTION: Mayor Pro Tem Levine moved to repeal the motion made at the January 15, 2013 meeting: *“Councilmember Leamy moved to put the three-year staggered term on the May election ballot and include proposition one and two, subject to having contested candidates for Council. Councilmember Taylor seconded.”* Councilmember Pettie seconded with Councilmembers Leamy, Sumrow, Levine, Pettie and Taylor voting for. Motion carried 5-0.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AN ENFORCEMENT PLAN FOR BICYCLES ON DUBLIN ROAD. [FRAGOSO/PETTLE]

City Attorney Jim Shepherd gave a review of the bicycle laws in the State of Texas Transportation Code:

- a) if there is traffic hazard, or a nuisance, City Council may take action to abate and remove the problem
- b) disorderly conduct may be using a bicycle to annoy a person passing the bicycle
- c) local authorities can regulate their streets, which may include registration and licensing of bicycles
- d) bicycles may be used on improved shoulders of a road
- e) bicycles are to follow the same traffic laws as motor vehicles
- f) bicycles are to ride to the curb
- g) bicycles are not to be more than 2 abreast
- h) bicycles are not to impede traffic
- i) may get the road fixed to include shoulders, better shoulders or bike lanes under certain circumstances in which both the adjacent landowner and the city pays for such

Chief Fragoso had contacted Richardson Bike Mart- Coordinator Sam Montag and advised him of the citizen complaints in regards to cyclists riding more than two abreast and stop sign issues. Montag said he would contact other bike clubs which ride through Parker and advise them of complaints. Parker Police officers will be advised of ride schedules so, when available, can be more of a presence throughout the cyclists' route.

City Police Chief Fragoso presented an enforcement plan or enforcement action:

- a) enforce: no more than two riders abreast
- b) enforce: stopping at stop signs
- c) increase police presence especially during bike club rides
- d) joint education programs with the bicycle clubs that ride on Dublin and/or in Parker

Chief Fragoso noted that no citations have been issued in the last 12 months. He related that it is difficult to enforce laws on bikers as they are not licensed, the bike is not licensed, persons stopped on a bicycle may give erroneous information and reports of violations to police may come in but by the time the police arrive at the reported location of a violation, the biker is gone.

Citizens spoke and submitted written statements regarding issues with bicyclist on Dublin Road:

- Jim Goldblatt, 3705 Saddle Trail - Jim Goldblatt stated that two abreast is too much for such a narrow road as Dublin. The asphalt is uneven and falls off and there is no shoulder to the road which makes it dangerous. The number of riders in a pack should be limited unless they pay a fee for the privilege. Mr. Goldblatt noted that Parker can place bicycle rule signage and he presented bicycle signs to Council for their consideration for posting on Dublin Road, see attachment.

- Stephanie Casson, 1807 Dublin Road - Stephanie Casson related that it is “packs” of bicyclers on Dublin Road, sometimes two to four abreast that cause problems. Dublin is not good for bicyclers, walkers with or without dogs and runners to mix safely as everyone is at risk.
- Andrea Dennis, 3307 Bluffs Lane - Andrea Dennis thanked Jim Shepherd for his research on bicycle laws. Ms. Dennis’ HOA has been raising this issue repeatedly and finds no citations being issued to be unacceptable. She has called the police department to report violations, and her calls have gone to voicemail, so by the time the officer may receive the report, the biker is long gone. Ms. Dennis suggests that maybe a permit which a rider must purchase from Parker be developed and the fees from such permits go towards enforcement.
- Sam Montag, 789 Pierre Lane, Bike Mart - Sam Montag is with the Richardson Bike Mart and a club ride master. He admits that Dublin is a problem and the bike clubs try to police themselves. Bikes can go 30 mph but usually ride single file. He notes there have been no bicycle accidents on Dublin Road. Mr. Montag indicated that his club offers voluntary rider education/training and does discipline riders as necessary during a ride as does Mr. Gurney. Dublin Road is a great road for bikers and one of the only North-South country roads available to them.
- Rick Gurney, 2609 Dublin Park Drive - Rick Gurney is a Parker resident who owns Plano Cycling and Fitness and is a ride master. He feels progress has been made with his club’s riders but adds some enforcement is needed.
- Russell Wright, 5207 Estate Lane - Russell Wright indicates that bike riders should be allowed on Dublin but not “packs” of bicyclists. He reminds us that we should not get in a hurry and to better share the road. He asks the bike clubs to help with the situation and for signage to be considered.
- Joan Schulman, 5004 Dublin Creek Lane - Joan Schulman reported that over the years she has seen no improvement regarding bicyclists on Dublin Road. They ride three and four abreast and it is disappointing that nothing has been done. She believes the “packs” are dangerous and out of control.
- Frank “Lash” Larue, 4409 Sycamore Lane - Lash LaRue indicated that Sycamore is a scenic street that before cars, bikes were there as were horses. Dublin is narrow and not all cars fit. Bicycling is good exercise.
- Lynn Kaneps, 4803 Ridgeview Drive - Lynn Kaneps suggests the bike clubs let the police know of activities and maybe have to get permission for several riders. The bicyclists do not stop at the stop sign.
- Tony Cassevechia, 5001 Reserve Court - Tony Cassavechia states that safety is the issue. Dublin is too narrow and packs of bicyclists are all over which makes for a dangerous situation. The road is choppy causing bikers to swerve into traffic so it would help if the pavement was cleaned up and dividers placed to determine the middle of the road. Signs could help also. Safety is paramount.
- John Chisholm, 2905 Dublin Road - John Chisolm asks if the City can limit bike club rides. He suggests we start with enforcement and have the clubs’ leadership take responsibility. Safety is the issue and fees are not needed.
- Susan Dendingo, 5008 Edgewater Court - Susan Dendinger reports that bikes are courteous to runners which she is but that it is hard for drivers to get around bikers. Residents should be given priority over guest riders. The S curve on South Dublin is and will be a problem until someone gets killed.

Mr. Montag and Mr. Gurney offered to work with the City to develop solutions to the bicycle issues on Dublin Road.

Mayor Pro Tem Levine and Councilmember Pettie will work with citizens and bike clubs to come up with recommendations for future consideration by Council.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON WATER METER INSTALLATION. [BOYD]

Item was tabled.

ROUTINE ITEMS

6. FUTURE AGENDA ITEMS

- 2/19 Water Meter Installation
- 2/19 Bicycles on Dublin Road
- March – Directional and Builder signs
- March – Police vehicle maintenance and replacement policy
- March – Broadcast Media
- TBD – Dublin Road Traffic Study

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.

Mayor Marshal recessed the regular meeting into Executive Session.

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

- a. Govt. Code 551.074 - Personnel –Review and evaluation of personnel reports and duties of the Police Department employees and City Administrator.

8. RECONVENE REGULAR MEETING.

Mayor Marshall reconvened the regular meeting at 10:35 pm.

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

No action was taken.

4. ADJOURN

Mayor Marshall adjourned the meeting at 10:36 p.m.

APPROVED:

Mayor Z Marshall

ATTESTED:

APPROVED on the _____ day of
_____, 2013.

City Secretary Carrie L. Smith, TRMC, CMC

Exhibits
Public Comment Photos
Comment Cards and Letters regarding Bicycles



Council Agenda Item

Budget Account Code:	Meeting Date: March 19, 2013
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: C. Smith
Estimated Cost:	Date Prepared: 3/11/2013
Exhibits:	1. Minutes

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES
FOR MARCH 5, 2013. [SMITH]

SUMMARY

POSSIBLE ACTION

Approve, Amend or Table

Inter – Office Use			
Approved by:			
Department Head:	<i>Carrie Smith</i>	Date:	<i>3/15/2013</i>
City Attorney:		Date:	
City Administrator:	<i>Jeffrey Hays</i>	Date:	<i>3-15-13</i>

MINUTES
CITY COUNCIL MEETING

March 5, 2013

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 5:00 p.m. Councilmembers Leamy, Sumrow, Pettie, Taylor and Levine were present.

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

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.

Mayor Marshall recessed the meeting into Executive Session at 5:00 p.m.

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:
 - a. Govt. Code 551.074 - deliberate the appointment, employment, evaluation and or duties of members of the Police Department.
 - b. Govt. Code 551.071 - confidential legal advice regarding the item above.
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

AMERICAN PLEDGE: Resident Louis Zettler led the pledge.

TEXAS PLEDGE: Resident Hugh Lewis led the pledge.

None.

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR FEBRUARY 5, 2013. [SMITH]

Tabled.

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR FEBRUARY 19, 2013. [SMITH]

Amendments:

- Under Roll Call, note that Mayor Pro Tem Levine was present for the Executive Session.
- Page 4, Item 9:
 - **Insert** – *“City Attorney Shepherd is to prepare an ordinance or resolution permitting organizations based within the City of Parker, whose membership consists of 75% Parker residents and which makes donations to the City of Parker in their yearly budget to place approved signs on City property.”*
 - **Amend motion to read** – *“Motion: Councilmember Leamy moved to approve the PWC’s request to place approved signage in the City right-of-way and for the City Attorney to prepare an ordinance permitting organizations based within the City of Parker, whose membership consists of 75% Parker residents and which makes donations to the City of Parker in their yearly budget to place approved signs on City property. Councilmember Pettie seconded with Councilmembers Leamy, Sumrow, Pettie and Taylor voting for. Motion carried 4 to 0.”*

MOTION: Councilmember Pettie moved to approve the minutes as amended. Councilmember Taylor seconded with Councilmembers Leamy, Sumrow, Pettie and Taylor voting for. Motion carried 4-0. Mayor Pro Tem Levine abstained.

3. PUBLIC HEARING, CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PROPOSED CHANGES TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF PARKER. THE CHAPTERS OF THE ZONING ORDINANCE UNDER REVIEW ARE SECTIONS 156.32, ANIMALS; 156.33,(J) ANIMALS; AND 156.37,(D) LOT MAINTENANCE. IN ADDITION, CHAPTER 92. ANIMALS AND CHAPTER 94. NUISANCES, OF THE CODE OF ORDINANCES WILL BE REVIEWED.

See proposed changes to the mowing ordinance in Exhibit 3A.
See proposed changes to the animal ordinance in Exhibit 3B.

Mayor Marshall opened the public hearing at 7:20 pm.

- Jennifer Bost, 4603 Old Gate Lane – Ms. Bost feels the proposed animal ordinance should differentiate between large, midsize and small animals. Alpacas are medium size, ecofriendly, fed daily by their owners as well as graze and are vaccinated. She feels they should not be included in with large animals in their space requirements. She asked that this be addressed.
- Cindy Telisak, 4308 Church Lane – owner of Jacob's Reward Farm, which has both alpacas and sheep. She has the same sentiments as Ms. Bost noting that sheep and goats need to have different specifications than large animals as well. She would like to see different standards for different animals.
- Louis Zettler, 4202 Donna Lane – He feels there should be a different formula for grazing standards for large animals over 500 pounds and those animals under 500 pounds. While Parker has changed, recognize that alpacas, goats and so on are a part of our country lifestyle. He stated he moved here for the country lifestyle, which says live, and let live. He asked the Council to define large animals and redefine smaller animals and their requirements especially alpacas.
- Scott Jeffries, 4600 Sycamore Lane – Mr. Jefferies agrees with those who have spoken regarding the animal ordinance. He does support changes as proposed by the Planning and Zoning Commission regarding the mowing ordinance. He suggests the language be simplified so that those unfamiliar with such terms as prescriptive right-of-way will know exactly what is meant. He feels this is a good step in the right direction.
- Todd Fecht, 7234 Moss Ridge: Our country lifestyle calls for less restrictions on mowing and friendly support of alpacas. He supports the proposed mowing ordinance.
- Ellen Meyer 7278 Moss Ridge: she specifically chose Moss Ridge as it has no HOA and she is a gardener who wants to grow bluebonnets in her back yard. Under our current ordinance, she cannot grow wildflowers as they grow taller than allowed and her lot is less than the required size. Ms. Meyer suggests that Parker allow wildflowers to grow anywhere on a person's property and let them reseed before requiring mowing. Further she suggests that lot size restrictions be removed.
- Alan Meyer: the proposed mowing ordinance is a good compromise. Parker is known for county living in the most desirable community in North Texas, which is why people move here. He does not want to see wildflowers mowed back as he likes to watch them and tall grasses, so allow them to reseed before requiring mowing.
- Cindy Daugherty: See Exhibit 3C

Planning and Zoning Commissioner Tom Stone found in his research that some cities require mowing at 8 inches of height while cities like Parker require mowing at 12-inches of height, which sometimes seems like a catch all. It is recommended that for lots of 2 acres or more, there will be a 10-foot area into the property, which is to be maintained at 8 inches, but the rest of the lot may remain in its natural state. Beyond the above limit, grasses and weeds are not permitted to grow to a height in excess of 24-inches unless the vegetation is for agricultural operations. Agriculture operations are defined as: cultivating the soil; producing crops; floriculture; viticulture; horticulture; silviculture; wildlife management; and raising or keeping livestock and poultry. These do not apply to front yards of properties. (See Exhibit 3A)

Mayor Marshall closed the Public Hearing at 7:35 pm.

City Attorney Shepherd explained that a prescriptive right-of-way comes from years of use, typically outside of the bar ditch or fence to fence. These areas would be difficult to define. He suggested the measurement could be the fence, but the owners would still have to mow the bar ditch. The majority of the roads in Parker have bar ditches. The knolls does have storm drainage.

Councilmember Sumrow would like to remove Section 1 and define requirements for when dead wildflowers must be mowed and cultivated crops for proper code enforcement.

Councilmember Taylor agrees cultivated crops should be defined, but does not want to over define and limit residents.

Mayor Pro Tem Levine stated Section D2 comes from the Texas Agriculture rules. The State has taken a stance to protect Texas and we should follow statue. He appreciates what the Commission has done and we need to decide where to measure from, a right of way, edge of roadway or fence.

Councilmember Pettie agreement with Mayor Pro Tem Levine.

Mayor Marshall reopened the Public Hearing at 7:58 p.m.

Cindy Telisak, 4308 Church Lane – The wildflowers bloom in the spring but need time to allow the flowers to reseed. She can help council with a time frame required before mowing.

Todd Fecht, 7234 Moss Ridge: He wants to be allowed to grow grasses on the back acres up to 24" or 30" to release birds, such as chuckers, into a natural state.

Ellen Meyer 7278 Moss Ridge: feels 24 inches is ok. People moved to Parker to live country lives.

Mayor Marshall closed the public hearing at 8:05 p.m.

MOTION: Councilmember Sumrow moved to return the proposed changes to the Planning and Zoning Commission to create a section on wildflowers defining when they must be mowed; define regularly cultivated crops; look at acreage and lot size; develop a provision for enforcement; and eliminate required mowing at the fence line. Councilmember Leamy seconded.

Councilmember Taylor asked to amend the acreage to 1.8 acres.
Motion was amended.

Vote 4 – 1 Motion carried with Mayor Pro Tem Levine opposing.

MOTION: Councilmember Pettie moved to refer the proposed animal ordinance to the City Attorney and have him work with Planning and Zoning Chairperson in reviewing all of the City's ordinances regarding animals and to codify an ordinance(s) that will comply with State and Federal laws and defining large, medium and small animals and their grazing standards. Mayor Pro Tem Levine seconded.

After further discussion Councilmember Pettie and Mayor Pro Tem Levine withdrew their motion and second.

MOTION: Mayor Pro Tem Levine moved to authorize City Attorney to consult with the Planning and Zoning Chairperson and draft an ordinance for approval. Councilmember Taylor seconded with Councilmembers Leamy, Sumrow, Levine, Pettie and Taylor voting for. Motion carried 5-0.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION REGARDING BICYCLES ON DUBLIN ROAD. [LEVINE/PETTIE]

A three-tiered approach will be used to address the bicycle issues on Dublin Road:

- 1) City Engineer and staff will study roadway issues such as paving, potholes and side drop off;
- 2) Self-policing by bicycle groups; and
- 3) Police enforcement.

Self-policing by the bicycle groups includes coordinating their rides with Parker police; reducing the size of the group rides; rerouting certain rides; collecting data for Parker as to who is responsible for the ride and who is the bike leader; and having a tent on Dublin Road on occasion to observe rides to educate those not in compliance with rules. The tent will be coordinated with the Parker police. Parker police will enforce traffic/bicycle laws and coordinate with the bicycle groups. Citizens with bicycle complaints will be advised to email those complaints (non-emergency) to Mayor Pro Tem Levine or Councilmember Pettie noting the date and time of the ride. With that information, the ride group can be tracked and issues dealt with. After a 90 period, these efforts will be evaluated for effectiveness by Council.

Noted that a specific lane for bicycles was investigated and found to be quite costly. In order to have a bicycle lane on Dublin Road, drainage would need to be engineered and

storm sewers may have to be installed. This is estimated to cost over one million dollars.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A PLAT TITLED KING'S CROSSING PHASE 1 (AKA BEDELL TRACT) BEING 52.57 ACRES IN THE ANN S. HURT SURVEY, ABSTRACT NO 428.

Developer Steve Sallman was present to answer questions. The development is being constructed in accordance with an approved development agreement. This phase includes 38 residential lots. A 24-foot temporary access will be added and will remain in place until the second access easement is constructed.

Not all of the City Engineers issues have been addressed at this time. The issues deal with sewer service. Mayor Pro Tem Levine requested that in the future, all issues from the City Engineer be complete prior to bringing to Council for approval.

MOTION: Councilmember Leamy moved to approve King's Crossing Phase 1 plat as presented subject to all of the City Engineers issues being addressed before filing with the County. Councilmember Taylor seconded with Councilmembers Leamy, Sumrow, Levine, Pettie and Taylor voting for. Motion carried 5-0.

ROUTINE ITEMS

6. FUTURE AGENDA ITEMS

- March 12 – Special meeting at 6:00 p.m. for an executive session on personnel
- March 19 – Cancel May 7 regular meeting due to Early Voting
- TBD – Recognition of Pete and Dawn Loughlin
- TBD – Strategic growth plan before annual planning work session – Mayor Pro Tem Levine
- TBD – Mowing Ordinance
- TBD – Animal Ordinance
- May 21 – Recognition of outgoing Councilmember Sumrow

7. STAFF UPDATES

a. WATER METERS

Finance Manager/H.R. Manager Boyd noted that the installation of water meters is proceeding with no issues. It is estimated that completion of water meter installation will occur within 30 days.

8. ADJOURN

Mayor Marshall adjourned the meeting at 9:23 p.m.

APPROVED:

Mayor Z Marshall

ATTESTED:

City Secretary Carrie L. Smith, TRMC, CMC

APPROVED on the _____ day of
_____, 2013.

EXHIBITS
Exhibit 3A
Exhibit 3B
Exhibit 3C

156.37 SUPPLEMENTARY DISTRICT REGULATIONS (EXISTING)

(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.

156.37 SUPPLEMENTARY DISTRICT REGULATIONS (PROPOSED)

(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. The following provisions relate only to the height of grass and weeds on properties with an area or areas, which have remained in their natural state:

- (1) On lots of 2 acres or more: that portion of the property that has remained in its natural state – grass and weeds are not permitted to grow to a height in excess of eight (8) inches adjacent to a public or prescriptive road right of way for a distance of ~~twenty (20)~~ten (10) feet into the property from said right of way and within ten (10) feet of adjoining property (Discussion is needed on whether it is measured from right of way or edge of payment). Beyond the above limits, grass and weeds are not permitted to grow to a height in excess of twenty-four (24) inches, unless the vegetation is for agricultural operations.**
- (2) Agricultural operation includes the following activities:**
 - (A) Cultivating the soil;**
 - (B) Producing crops for human food, animal feed, planting seed, or fiber;**
 - (C) Floriculture;**
 - (D) Viticulture;**
 - (E) Horticulture;**
 - (F) Silviculture;**
 - (G) Wildlife management;**
 - (H) Raising or keeping livestock or poultry.**
- (3) This does not apply to front yards as defined in Supplemental District Regulations Section 156.37 (G) (1).**

Regularly cultivated crops shall not be allowed to grow within the public or prescriptive road 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.

§ 92.03 WILD, EXOTIC, AND VICIOUS ANIMALS. - EXISTING

(A) *Prohibited animals.* It shall be unlawful for a person to keep or harbor a prohibited animal within the city limits. Prohibited animals include the following. Any animal, regardless of state or duration of captivity, that poses a potential physical or disease threat to the public, that is protected by international, federal or state regulations, or that is considered to be excessively odiferous, noisy or having offensive characteristics, including but not limited to the following:

(1) *Class Reptilia.* Family Helodermatidea (venomous lizards); Family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers); Family Elapidae (coral snakes, cobras, mambas and other elapids); the following listed species of Family Colubridae-Dispholidus typus (boomslang), Hydrodynastes gigas (water cobra), Boiga (mangrove snake), and Thelotornis (African twig snake) only; Order Phidia, Family Boidae (racers, boas, water snakes and pythons); and Order Crocodilia (crocodiles, alligators, caimans and gavials).

(2) *Class Aves.* Order Falconiforms (such as hawks, eagles and vultures); Subdivision Ratitae (such as ostriches, rheas, cassowaries and emus); Order Strigiforms (such as owls); genus Meleagris (such as turkey); genus Inachis (such as peacocks).

(3) *Class Mammalia.* Order Carnivora, Family Felidae (such as ocelots, margays, tigers, jaguars, leopards and cougars), except commonly accepted domesticated cats; Family Canidae (such as wolves, wolf-dog hybrids, dingos, coyotes and jackals), except domesticated dogs; Family Mustelidae (such as weasels, skunks, martens, mink and badgers); Family Procyonidae (raccoon); Family Ursidae (such as bears); Order Marsupialia (such as kangaroos and common opossums); Order Edentata (such as sloths, anteaters and armadillos); Order Proboscidea (elephants); Order Primata (such as monkeys, chimpanzees and gorillas); Order Rodentia (such as porcupines); Species Procine (such as swine and potbellied pigs).

(B) Prohibited animal does not mean a gerbil, hamster, guinea pig or laboratory mouse or rat.

(C) *Large animal.*

(1) A large animal is defined as any herbivorous grazing animal over 500 pounds body weight. It shall be unlawful for any person to keep a large animal on any premises except as follows, or to keep any large animal on any premises in an unsanitary condition.

(2) The minimum lot size for large animals is 1.8 net acres. For each lot, the portion of the lot in excess of one-half acre is determined to be the net grazing area. A person may keep large animals in accordance with the following:

(a) One large animal per one-half acre of net grazing area, when each animal is provided a fully enclosed stall inside a barn, suitable for the large animal's care and feeding, accessible by the animal and not used for storage or other use.

(b) One large animal per acre of net grazing area when no fully enclosed stall is provided for the large animal.

(c) Two herbivorous grazing animals less than 500 pounds body weight shall be considered the same as one large animal in the calculation of the number of animals permitted on a lot.

(d) A special permit may be requested by applicants wishing to keep animals with a minor variance from the terms of this division (C).

(Ord. 414, passed 12-17-1996; Am. Ord. 560, passed 10-26-2004; Am. Ord. 625, passed 7-1-2008) Penalty, see § 92.99

§ 92.03 WILD, EXOTIC, AND VICIOUS ANIMALS.

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Those wild or vicious animals that would pose significant bodily threat to humans, animals or livestock, if not confined.

~~(1) *Class Reptilia.* Family Helodermatidea (venomous lizards); Family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers); Family Elapidae (coral snakes, cobras, mambas and other elapids); the following listed species of Family Colubridae Dispholidus typus (boomslang), Hydrodynastes gigas (water cobra), Boiga (mangrove snake), and Thelotornis (African twig snake) only; Order Phidia, Family Boidae (racers, boas, water snakes and pythons); and Order Crocodilia (crocodiles, alligators, caimans and gavials).~~

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(a) One large animal per one-half acre of net grazing area, when each animal is provided a fully enclosed stall inside a barn, suitable for the large animal's care and feeding, accessible by the animal ~~and not used for storage or other use.~~

(b) One large animal per acre of net grazing area when no fully enclosed stall is provided for the large animal.

(c) Two herbivorous grazing animals less than 500 pounds body weight shall be considered the same as one large animal in the calculation of the number of animals permitted on a lot.

(d) A special permit may be requested by applicants wishing to keep animals with a minor variance from the terms of this division (C).

(Ord. 414, passed 12-17-1996; Am. Ord. 560, passed 10-26-2004; Am. Ord. 625, passed 7-1-2008) [Penalty, see § 92.99](#)

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Those wild or vicious animals that would pose significant bodily threat to humans, animals or livestock, if not confined.

(C) *Large animal.*

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(b) One large animal per acre of net grazing area when no fully enclosed stall is provided for the large animal.

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(Ord. 414, passed 12-17-1996; Am. Ord. 560, passed 10-26-2004; Am. Ord. 625, passed 7-1-2008) [Penalty, see § 92.99](#)

Cc: Cindy M Telisak; Tim Daugherty
Subject: City Council meeting - animal ordinance

Ms. Smith,

My name is Cyndi Daugherty. I live at 3603 Hogge Drive, in the city of Parker, and have lived here for 21 years. Approximately 11 years ago, we began raising alpacas. Little did I know, since there is no stipulation on sheep, goats, alpacas, llamas, etc., they fall under the ordinance that states:

(c) Two herbivorous grazing animals less than 500 pounds body weight shall be considered the same as one large animal in the calculation of the number of animals permitted on a lot.

Dr. David Anderson at The Ohio State University was involved in a project to determine how many llamas or alpacas can forage an acre of pasture of grass pasture. His study "suggests 3 to 4 llamas and 5 to 6 alpacas per acre of grass pasture." Llama * Alpaca Veterinary Field Manual, pg 110. However, this study was entirely done to determine how much pasture grass would be needed to sustain these animals. Many alpaca farms supplement their animals with grain and hay, and hydroponic grass is becoming a popular forage for breeders (little to no pasture grass would be needed).

A quick Google search will tell you that most people have found that 8 to 10 alpacas per acre is suitable. Regardless, the city of Parker's current ordinance states that ***"two herbivorous grazing animals less than 500 pounds body weight shall be considered the same as one large animals in the calculation of the number of animals permitted on a lot."*** This is certainly a ridiculous statement. This ordinance would mean that two sheep, two goats, two alpacas, etc. would be considered equivalent to a horse or a cow (a large animal).

I would like to see either the entire ordinance, regarding large animals, be stricken from the document (section 92.03 Wild, Exotic, and Vicious Animals - C. Large Animals) or at least C.2.c, listed above, stating that two herbivorous grazing animals less than 500 pounds body weight should be considered the same as one large animal, be removed.

I will be unable to attend the council meeting tomorrow night. However, I hope you will take this email as my voice for the concerns of the current ordinance rules regarding animals in the city of Parker. If you have any questions, please do not hesitate to contact me at the email address listed above or at my residence number, 972-442-0110.

Thank you for your consideration to removing / altering these ordinance rules,
Cyndi Daugherty

Cyndi Daugherty

Tuesday, March 05, 2013 AOL: LPettle



Council Agenda Item

Budget Account Code:		Meeting Date: March 19, 2013	
Budgeted Amount:		Department/ Requestor: City Secretary	
Fund Balance-before expenditure:		Prepared by: C. Smith	
Estimated Cost:		Date Prepared: 3/11/2013	
Exhibits:	1. Minutes		

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES
FOR MARCH 12, 2013. [SMITH]

SUMMARY

POSSIBLE ACTION

Approve, Amend or Table

Inter - Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Tiffany Hays</i>	Date:	3-15-12

MINUTES
CITY COUNCIL MEETING

March 12, 2013

CALL TO ORDER – Roll Call and Determination of a Quorum

The Parker City Council met in a public 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 Leamy, Sumrow, Pettie and Taylor were present. Levine was absent.

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.

Mayor Marshall recessed the meeting into Executive Session at 6:30 p.m.

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:
 - a. Govt. Code 551.074 - deliberate the appointment, employment, evaluation and or duties of members of the Police Department and the City Administrator.
 - b. Govt. Code 551.071 - confidential legal advice regarding the item above.

2. RECONVENE REGULAR MEETING.

Mayor Marshall reconvened the regular meeting at 9:30 p.m.

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

No action was taken.

4. ADJOURN

Mayor Marshall adjourned the meeting at 9:33 p.m.

APPROVED:

Mayor Z Marshall

ATTESTED:

City Secretary Carrie L. Smith, TRMC, CMC

APPROVED on the _____ day of
_____, 2013.



Council Agenda Item

Budget Account Code:	Meeting Date: March 19, 2013
Budgeted Amount:	Department/ Requestor: Mayor Marshall
Fund Balance-before expenditure:	Prepared by: C. Smith
Estimated Cost:	Date Prepared: 3/12/2013
Exhibits:	1) Appointment of Judges 2) Appointment of Early Voting Deputy Clerk

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON APPOINTMENT OF ELECTION PERSONNEL FOR THE MAY 11, 2013 ELECTION, AS FOLLOWS:

- A. ORDER OF APPOINTMENT FOR ELECTION JUDGES AND ALTERNATES
- B. DESIGNATION OF DEPUTY EARLY VOTING CLERK
- C. ANY OTHER ELECTION PERSONNEL DEEMED NECESSARY OR REQUIRED.

SUMMARY

Election Code Sec. 32.008. Order of Appointment.

- (a) The appointment of election judges must be made by written order.
 - (b) The order of appointment need not be recorded in the minutes of the appointing authority.
 - (c) An order making an appointment for a single election shall be preserved for the period for preserving the precinct election records. An order making an appointment for a term shall be preserved for the longer of:
 - (1) the term for which the appointment is made; or
 - (2) the period for preserving precinct election records in the last election in which an appointee serves under the order.
 - (d) This section does not apply to an emergency appointment.
- (Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986)*

We are recommending Council appoint last year's judge Chuck Molyneaux and alternate judge Cindy Meyer.

Please Note: The deadline to make appointments is April 11, 2013.

Election Code Sec. 83.032. DEPUTY FOR COUNTY CLERK OR CITY SECRETARY.

(a) In an election in which a county clerk or a city secretary is the early voting clerk, the county clerk or city secretary by written order may appoint one or more of that officer's permanent deputies as deputy early voting clerks. The clerk or secretary may appoint temporary deputies to serve as deputy early voting clerks in accordance with the law applicable to the appointment of deputies generally.

(b) For a temporary deputy to be eligible for appointment as a deputy early voting clerk under this section, the temporary deputy must meet the requirements for eligibility for service as a presiding election judge, except that:

(1) an appointee is not required to be a qualified voter of any particular territory other than the county, in the case of an appointment by a county clerk, or the city, in the case of an appointment by a city secretary;

(2) in an election in which the early voting clerk is a candidate, an appointee's status as an employee of the clerk does not make the appointee ineligible for appointment as a deputy early voting clerk; and

(3) an appointee who is a permanent employee of the county or city, as applicable, and a qualified voter of any territory is not required to be a qualified voter of the county or city, as applicable.

(Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1991, 72nd Leg., ch. 203, Sec. 2.06; Acts 1991, 72nd Leg., ch. 554, Sec. 1, eff. Sept. 1, 1991; Acts 2003, 78th Leg., ch. 1316, Sec. 20, eff. Sept. 1, 2003.)

We are recommending Council appoint Johnna Boyd.

POSSIBLE ACTION

- Move to approve the Appointment of Election Day Judge Chuck Meyer, Alternate Judge Cindy Meyer and Early Voting Deputy Clerk Johnna Boyd.
- Table
- Deny

Inter - Office Use			
Approved by:			
Department Head:	Mayor Marshall approved	Date:	3/15/2013 @ 10:50 am
City Attorney:		Date:	
City Administrator:	Jeffrey Ray	Date:	3-15-13

ORDER OF APPOINTMENT FOR ELECTION JUDGES AND ALTERNATES

The City Council of the City of Parker, Texas, Collin County do hereby appoint the following election judge and alternate judge for one election to be held on May 11, 2013.

Precincts	Election Judge	Alternate Judge
41,60,165,175,196	Charles Molyneaux 6618 Estados Drive Parker, Texas 75002	Cindy Meyer 6618 Estados Drive Parker, Texas 75002

The City Secretary is hereby instructed to send notice of appointment to each election judge of their appointment for a single election as stated above in accordance with Tex. Elec. Code Ann. § 32.009.

APPROVED this ____ day of _____, 2013.

Z Marshall, Mayor

ATTEST:

Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney

DESIGNATION OF DEPUTY EARLY VOTING CLERK

I, Carrie Smith, the early voting clerk for the
May 11, 2013 Election conducted by City of Parker, do
hereby designate the following persons as deputy early voting clerks for the above named
Election. The named persons are hereby authorized to perform any duties which are assigned
to me in the performance of conducting early voting.

Names of Deputy Early Voting Clerks

Johnna Boyd

**Signature of Early Voting Clerk
or Appointing Authority**



Council Agenda Item

Budget Account Code:	1-40-6310	Meeting Date:	March 19, 2013
Budgeted Amount:	32,000	Department/ Requestor:	Fire Chief Sheff
Estimated Cost:		Prepared by:	M. Sheff
Contract Expiration	9/30/2014	Date Prepared:	3/11/2013
Exhibits:	1. Chief Sheff's presentation 2. Resolution 2013- 3. Modification Contract		

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-404 AMENDING THE AMBULANCE SERVICE CONTRACT. [SHEFF]

SUMMARY

Parker is a member entity of the Southeast Collin County EMS Coalition and contracts with East Texas Medical Center for the provision of paramedic ambulance service to Parker. This contract expires September 30, 2013. The Coalition is recommending to its member entities the following contract modifications, i) extend its maturity through September 30, 2014 and ii) allow the City of Lavon to exit the Coalition and the contract without penalty on November 1, 2013. During the extension period, Parker will pay its ratable share of the subsidy equal to the FY 2013 subsidy plus the appropriate Consumer Price Index adjustment (no change); however, our ratable share will increase with the exit of Lavon.

POSSIBLE ACTION

Approve, Table or Deny

Inter – Office Use			
Approved by:			
Department Head:	Mike Sheff	Date:	Tue 3/12/2013 11:48 AM
City Attorney:	approved by email	Date:	Fri 3/8/2013 12:00 PM

City Administrator:	<i>Tuffy Ray</i>	Date:	3-15-13
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Parker Fire Department

Amend and Extend of Contract for Ambulance Service



1

Background

- **Parker provides emergency medical care to its residents through three venues:**
 - Parker fire department's EMTs and Paramedics provide basic and advanced life support, respectively, arriving on a fire truck. We carry, in addition to basic medical equipment, LifePac cardiac monitor/defibrillators, cardiac and other drugs, intravenous fluids and other medical equipment. We do not transport to the hospital.
 - We receive 24/7 paramedic ambulance service as a member of the Southeast Collin County EMS Coalition (the "Coalition") under contract with East Texas Medical Center ("ETMC").
 - The Coalition consists of the following governmental agencies representing a population of approximately 56,000 people: Wylie, Parker, Lavon, Lucas, Saint Paul and Collin County.
 - ETMC provides the Coalition one ambulance that currently is stationed at Wylie Station #2 on Country Club Rd. This ambulance is known by its call sign "990".
 - Parker entered into the current contract with ETMC on October 1, 2008. It is set to expire September 30, 2013.
 - ETMC charges the Coalition an annual stipend to operate the ambulance. The annual stipend charged to the Coalition is ratably spread among the member entities based upon NTCOG population figures. Parker's annual charge for FY 2013/14 is approx. \$11,100 (\$139/run based upon CY 2012 ETMC runs).
 - We contract for back up, paramedic ambulance service from the City of Wylie.
 - Wylie FD staffs two additional ambulances making for a total of three medics covering a population of approx. 56,000.
 - The cost to Parker for back up ambulance service is set annually by Wylie based upon, among other things, the prior year's run volume. We are paying \$17,400 for FY 2012/13 (\$967/run).
 - We can anticipate backup fees will increase for FY 2013/14 by at least \$11,000 because of increased usage by Parker of backup ambulance service.

2

Present situation: many variables at play

- **EMS Coalition**
 - Our contract with ETMC expires September 30, 2013.
 - Lavon will leave the Coalition November 1, 2013. They are the smallest Coalition entity. Stipend charges will change ratably upon the exit of Lavon. The impact on Parker should be under \$750.
 - Collin County may or may not remain in the Coalition.
 - The County contracts with American Medical Response for coverage of the northern sections of the County. They may consider contracting with AMR for county-wide coverage.
 - If Collin County continues as a member of the Coalition projecting service demand is complicated by the potential for MUD developments within the Coalition's coverage territory.
- **Wylie Medical Center**
 - Wylie Medical Center, an affiliate of Lake Pointe Medical Center, opened within the city limits of Wylie in January 2013.
 - The center has a 24/7 emergency room; however, service is provided on an out-patient basis only.
 - Patients requiring a hospital stay or a greater level of care are transported by ambulance to other area hospitals.
 - ETMC has contracted on a trial basis with Wylie Medical Center to be the Center's exclusive ambulance provider.
 - ETMC staffs one paramedic ambulance (in addition to "990") that is made available to the Center. The ambulance is known by its call sign "991".
 - Presently, "991" is staffed only 12 hours per day, seven days per week.
 - After an undisclosed amount of time, ETMC will evaluate the operation of this ambulance. If revenues are insufficient it will be taken out of service, or the provision of transport service may be expanded to 24/7 if revenues support such a move.
 - It is presently contemplated that "991", when in service, will be made available to the Coalition for 911 response when it is not being utilized by the medical center for non-emergency transports.

3

Present situation: many variables at play

- **City of Lucas**
 - The City of Lucas and the Lucas Fire Department are planning to operate a 24/7 paramedic ambulance, probably as of October 1, 2013.
 - Lucas FD will add paid staff to operate the ambulance.
 - Lucas is undecided at this time whether they will operate the medic as an ETMC-provided/Lucas operated Coalition ambulance, or as a Lucas-owned /Lucas operated ambulance similar to the Wylie backup ambulances.
 - As a Coalition ambulance the Lucas ambulance will be "first up" for Lucas and Parker, then available to the remainder of the Coalition if "990" or "991" is unavailable.
 - This makes sense as the Lucas fire station is closer to our most dense population centers.
 - "990" then "991" would respond into Parker.
 - If Coalition ambulances are unavailable, then Wylie back up ambulances would be utilized.
 - Unlike the Wylie ambulances, it is not contemplated the Parker would pay a back up ambulance fee to Lucas.

4

Council action

- Extend the Coalition's current contract with East Texas Medical Center one year to September 30, 2014.
 - This action will provide Lucas the necessary time to make an ambulance decision and become operational.
 - This action will provide ETMC the necessary time to evaluate its transport ambulance assigned to Wylie Medical Center.
 - This action will provide time for the and ETMC to develop protocols regarding operational considerations with respect to "991".
- Permit the City of Lavon to remain in the Coalition for the period October 1, 2013 to October 30, 2013, then to exit without penalty. Subsidies would be reallocated ratably based on population for the remaining 11 months of the contract.
- ETMC is in agreement with the above modifications

RESOLUTION NO. 2013-404

*(Contractual Agreement for Ambulance Service Southeast
with the Collin County EMS Coalition)*

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY,
TEXAS, PROVIDING FOR THE EXECUTION OF A
CONTRACTUAL AGREEMENT FOR AMBULANCE SERVICE
WITH THE SOUTHEAST COLLIN COUNTY EMS COALITION.**

WHEREAS, the City of Parker is in need of assistance for the provision of paramedic ambulance services within the Coalition; and

WHEREAS, the Parker Fire Department has recommended approval of the agreement to the council; and

WHEREAS, the City of Parker desires to extend the term of the agreement;

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

SECTION 1. The Parker City Council does authorize the Mayor to enter into the Contractual Agreement for Ambulance Service with the Southeast Collin County EMS Coalition for the fire department as directed by the City. A copy of the Agreement is attached to this Resolution as Exhibit A.

SECTION 2. This resolution shall be effective upon its passage.

APPROVED AND ADOPTED this _____ day of _____, 2013.

CITY OF PARKER

Z Marshall, Mayor

ATTEST:

Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney

MODIFICATION OF CONTRACTUAL AGREEMENT FOR AMBULANCE SERVICE

SOUTHEAST COLLIN COUNTY EMS COALITION

This supplemental agreement is entered into between East Texas Medical Center, d/b/a/ East Texas Medical Center Emergency Medical Service (formerly known as East Texas Medical Center Emergency Medical Service) ("ETMC EMS") and the Southeast Collin County EMS Coalition, consisting of the following Texas cities: Wylie, Parker, St. Paul, Collin County, Lucas and Lavon hereinafter referred to as ("Coalition"). ETMC EMS and Coalition are sometimes collectively referred to herein as the "parties".

RECITALS

- A. ETMC EMS and Coalition entered into a Contract for Paramedic Ambulance Service (the "Contract") effective on October 1, 2008, for the provision of paramedic ambulance services within the Coalition. Such contract is attached hereto as Addendum A and is incorporated herein by reference.
- B. ETMC EMS and Coalition wish to modify this Contract.

THE PARTIES THEREFORE AGREE AS FOLLOWS:

For valuable consideration received by the Parties, the Contract is modified as follows:

- A. Regarding Coalition members Wylie, Parker, St. Paul, Collin County and Lucas, the current "Initial Term" of this Agreement is extended for an additional one (1) year period beginning October 1, 2013 and continuing until September 30, 2014. During this extension, the Coalition members Wylie, Parker, St. Paul, Collin County and Lucas shall each pay its respective subsidy equal to the FY 2013 subsidy plus the appropriate Consumer Price Index (CPI) adjustment.
- B. Regarding Coalition member Lavon, the current "Initial Term" of this Agreement is extended for an additional one (1) month period beginning October 1, 2013 and continuing until October 31, 2013. During this extension, Coalition member Lavon shall pay its subsidy equal to one twelfth (1/12) FY 2013 subsidy plus the appropriate Consumer Price Index (CPI) adjustment.
- C. This supplemental agreement takes precedence over any written notice of intent to terminate this contract from a current Coalition member received prior to February 1, 2013.
- D. Miscellaneous:

Headings. Section headings are for reference only and shall not affect the interpretation or meaning of any provision of this Modification of Contractual Agreement for Ambulance Service ("Modification").

Except for the modifications expressly set forth herein, all terms and provision of the contract shall remain unchanged and in full force and effect and are hereby ratified and confirmed.

Governing Law. This Modification shall be governed by and construed in accordance with the laws of the State of Texas.

Counterparts. This Modification of Contract may be executed by the different parties hereto on separate counterparts, each of which when so executed shall be deemed an original, but all such counterparts shall constitute but one and the same Modification.

SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.

City of Lavon, Texas

Mayor Date
Printed Name _____

**East Texas Medical Center d/b/a
East Texas Medical Center
Emergency Medical Service.**

Ronald J. Schwartz Date
Vice President/COO

City of Lucas, Texas

Mayor Date
Printed Name _____

Collin County, Texas

County Judge Date
Printed Name _____

City of St. Paul, Texas

Mayor Date
Printed Name _____

City of Wylie, Texas

City Manager Date
Printed Name _____

City of Parker, Texas

Mayor Date
Printed Name Z Marshall

**Council Agenda Item**

Budget Account Code: N/A	Meeting Date: March 19, 2013
Budgeted Amount:	Department/ Requestor: Police Chief Fragoso
Fund Balance-before expenditure:	Prepared by: T. Fragoso
Estimated Cost:	Date Prepared:
Exhibits:	1. Proposed Resolution and Agreement 2. Current TDEx Agreement 3. Program Information

AGENDA SUBJECT

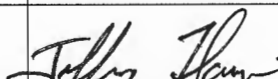
CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-405 APPROVING AN AGREEMENT WITH TDPS TO PARTICIPATE IN THE NATIONAL DATA EXCHANGE (N-DEX) PROGRAM. [FRAGOSO]

SUMMARY

T-DEX is the Texas Data Exchange. It collects and disseminates criminal justice information to and from other law enforcement agencies and is managed and operated by Texas-DPS. Texas-DPS is making a transition from T-DEX to the N-DEX (National Data Exchange). The N-DEX is operated by the FBI and an agreement must be in place to continue participating in information gathering and sharing. This agreement aids in investigations and promotes officer safety.

POSSIBLE ACTION

Recommendation: City Council approves this agreement.

Inter - Office Use			
Approved by:			
Department Head:	Tony Fragoso- Chief of Police	Date:	March 14, 2013
City Attorney:	By email	Date:	Tue 2/19/2013 10:38 AM
City Administrator:		Date:	3-15-13

RESOLUTION NO. 2013-405
(National Data Exchange (N-DEx) Agreement)

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY,
TEXAS, PROVIDING FOR THE EXECUTION OF A NATIONAL
DATA EXCHANGE AGREEMENT**

WHEREAS, the City of Parker is authorized by state law to execute an agreement for national data exchange with the Texas Department of Public Safety (TXDPS), State Administrator of the National Data Exchange (N-DEx); and

WHEREAS, the City of Parker finds it necessary to have the services of N-DEx for the welfare and protection of its residents and their property;

WHEREAS, TXDPS is the recognized and authorized agency of the State of Texas to provide the services of N-DEx, and the City of Parker does not otherwise provide such services;

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

SECTION 1. The Parker City Council does approve the attached agreement, and does authorize the Mayor to execute the agreement in substantially the form attached hereto with the Texas Department of Public Safety (TXDPS), State Administrator of the National Data Exchange (N-DEx), for national data exchange services.

SECTION 2. This resolution shall be effective upon its passage.

APPROVED AND ADOPTED this ____ day of _____, 2013.

Z Marshall, Mayor

ATTEST:

Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
DAVID G. BAKER
CHERYL MacBRIDE
DEPUTY DIRECTORS



COMMISSION
A. CYNTHIA LEON, CHAIR
CARIN MARCY BARTH
ADA BROWN
ALLAN B. POLUNSKY
JOHN STEEN

Dear Agency Head,

Agencies that participate in the Texas Data Exchange (TDEx) program, as contributors and/or portal users, were asked to execute a User Agreement. This agreement outlined the responsibilities of the participating agency and the Texas Department of Public Safety.

As we continue our transition to the National Data Exchange (N-DEx) portal, it has become necessary to have new user agreements put in place.

Enclosed in this envelope, you will find the new User Agreement. The agreement should be signed by the agency head or their designee.

Please return completed form to our office utilizing one of the following methods:

By Mail

Texas Dept. of Public Safety
PO Box 4143
Austin, TX 78665-4143
ATTN: TDEx

By Fax

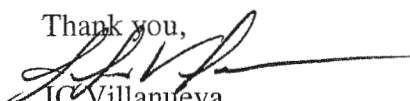
(512) 424-5599

By E-Mail

tdex@dps.texas.gov

If there are any questions or concerns, please contact our office at (512) 424-2629.

Thank you,


JC Villanueva
TDEx Bureau Manager

TEXAS DEPARTMENT OF PUBLIC SAFETY

CRIME RECORDS SERVICES

NATIONAL DATA EXCHANGE (N-DEx) USER/EQUIPMENT AGREEMENT

This document constitutes an agreement between the Texas Department of Public Safety (TXDPS), State Administrator of the National Data Exchange (N-DEx), P.O. Box 4143, Austin, Texas, 78765-4143 and a criminal justice or law enforcement agency, hereinafter referred to as the User Agency.

AGENCY PARKER POLICE DEPARTMENT
ADDRESS 5700 E. PARKER ROAD - PARKER TX 75002

The User Agency will ensure that only approved persons performing authorized criminal justice functions have access to N-DEx.

N-DEx information, including any analytical products derived there from, may not be used as a basis for action or disseminated outside User Agency for any purpose or in any other manner, unless the User Agency first obtains the express permission of the agency or agencies that contributed the information in question. Specifically included within this prohibition are any inclusion on N-DEx information in an official case file and any use of subpoenas. User Agency may not electronically retain N-DEx information without obtaining the N-DEx contributing agency's permission. When N-DEx information is summarized or otherwise documented, the User Agency shall indicate that the information was obtained from N-DEx.

Notwithstanding the requirement in the preceding paragraph that N-DEx information not be used as a basis for action or disseminated without first obtaining the permission of the contributing agency, in accordance with and to the extent permitted by applicable law, court process, or applicable guidelines, immediate dissemination on N-DEx information without such permission can be made if the User Agency determines that:

- (a) there is an actual or potential threat of terrorism, immediate danger of death or serious physical injury to any person, or imminent harm to U.S. national security; and
- (b) it is necessary to disseminate such information without delay to any appropriate recipient for the purpose of preventing or responding to such a threat, danger, or harm.

The User Agency shall immediately notify TXDPS and the N-DEx contributing agency if it disseminates any N-DEx information under this exception. Any requests for reports or information in N-DEx from anyone other than a party to this User Agreement will be directed to the N-DEx User Agency which contributed the data.

TXDPS RESPONSIBILITIES REGARDING N-DEx

TXDPS agrees to maintain, operate, and manage N-DEx communications and criminal justice information systems on a 24 hour, 7 day per week and 365 days a year basis. TXDPS further agrees to act as the State Administration Agency to facilitate the exchange of information between the User Agency and the following agencies: Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) National Data Exchange (N-DEx). TXDPS Driver's License Files (DL), Sex Offender Registration (SOR), Texas Department of Criminal Justice (TDCJ) probation/parole data and other data files may be implemented in future applications of information available to authorized users.

TXDPS reserves the right to restrict the type and scope of data to which the user may have access. TXDPS will provide system training to N-DEx users at no charge to the User Agency at a time and location to be designated by TXDPS. The obligation of TXDPS to incur training costs is conditional upon sufficient funds budgeted and available. No financial liability will be incurred by TXDPS by virtue of this agreement beyond monies available to it for the purpose of fulfilling this agreement.

TXDPS may provide or assist User Agency with the initial installation of adapter hardware, records management system (RMS) and/or jail management system (JMS) software enhancements or interface functionality(s). User Agency RMS and/or JMS software enhancements delivered as the result of custom developed N-DEx functionality are the property of the User Agency or User Agency RMS/JMS software vendor. User Agency is responsible for maintaining the capability to submit data to N-DEx following User Agency RMS/JMS enhancements or replacements.

TXDPS agrees to maintain its applicable N-DEx hardware, software and functionality including data adapter extraction and export methodology/technology plus future implementation(s) involving National Information Exchange Model (NIEM) Information Exchange Package Documentation (IEPDs). This determination may be made by TXDPS or its authorized designee.

N-DEx maintains an audit capability that will log the date, time, event type, and originating account of all user queries. N-DEx will maintain the audit logs for the life of the records accessed.

TXDPS reserves the right to immediately suspend service to the User Agency when applicable policies are violated. Service may be reinstated following such instances upon receipt of satisfactory assurances that such violations have been corrected. All costs for reconnection service are the responsibility of the User Agency. TXDPS shall have the authority to inspect and audit the equipment, records, and operations of the User Agency to determine compliance.

USER AGENCY RESPONSIBILITIES REGARDING N-DEx

The User Agency may only access and use N-DEx information for official criminal justice and national security purposes. N-DEx information cannot be accessed or used for any other purpose. User Agency agrees to allow TXDPS to share User Agency data contributed to N-DEx with other authorized criminal justice agencies.

The User Agency shall abide by all laws of the United States and the State of Texas, and shall abide by all present or hereinafter approved rules, policies and procedures of N-DEx and the CJIS Security Policy, concerning the collection, storage, processing, search, retrieval, dissemination and exchange of criminal justice information.

If the User Agency provides N-DEx derived criminal justice information to another criminal justice or law enforcement agency, which at that time is not operating through N-DEx pursuant to a N-DEx User Agreement, then it shall be the responsibility of the User Agency to verify that the non-user agency abides by the laws of the United States and the State of Texas and the operational policies of the applicable systems.

The User Agency agrees to appoint an N-DEx User Administrator responsible for:

- a. Acting as the single point of contact for N-DEx issues;
- b. Ensuring compliance with this agreement, current and future versions of policies and procedures regarding N-DEx, and all applicable state and federal laws;
- c. Vetting, authorizing and managing users through the role based user management tools provided in N-DEx;
- d. Terminating user access immediately upon user separation from the agency or otherwise become ineligible for access;
- e. Ensuring that all users from that agency are trained and informed of policies and procedures;
- f. Reporting security incidents to the TXDPS CJIS Information Officer (ISO), as required by the User Agency's CJIS Security Addendum.

The User Agency must notify the N-DEx State Administrator immediately whenever the incumbent User Administrator is replaced.

User Agency certifies that all User Agency staff with access to N-DEx have undergone background checks consistent with Texas or federal requirements, so long as, at a minimum, those requirements included a criminal history and state and national fingerprint check.

The User Agency shall manage information system accounts, including establishing, activating, modifying, reviewing, and disabling accounts. The agency shall validate information system accounts at least annually and shall document the validation process.

Account management includes assignment of associated authorizations. The agency shall identify authorized users of the information system and specify access rights/privileges. The agency shall grant access to the information system based on :

1. Valid need-to-know/need-to-share that is determined by assigned official duties.
2. Satisfaction of all personnel security criteria.

The User Agency shall be responsible for maintaining the User Agency RMS and/or JMS in good working order. The User Agency agrees to maintain its applicable hardware, RMS, JMS, and adapter interface functionality(s) to maintain complete and continual functionality with N-DEx. User Agency hardware (including workstations utilized to access), RMS, JMS and adapter interface shall be installed in a location where only authorized personnel have access.

The User Agency is responsible for providing its own internet connectivity and maintenance which meets CJIS Security Policy requirements.

Each N-DEx contributing User Agency retains sole ownership of, sole responsibility for, and exclusive control over the content of the information that it contributes to N-DEx, and each User Agency may, at will and at any time, update, correct, or delete the information that it contributes to N-DEx. Each N-DEx contributing User Agency has the sole responsibility to ensure that information that it contributes to N-DEx was not obtained and is not maintained in violation of any federal, state, or local law applicable to that agency.

In addition, each N-DEx contributing agency has the sole responsibility and accountability for ensuring compliance with all laws, regulations, policies, and procedures applicable to its entry and sharing of information into N-DEx. N-DEx User Agency will duly report to TXDPS and the contributing User Agency, in writing, any instance in which N-DEx information is used in an unauthorized manner. Such notice is to be provided in a timely manner within three days of when the party first learned of the unauthorized use.

Each N-DEx contributing User Agency has the duty, sole responsibility, and accountability to make reasonable efforts to ensure the accuracy, upon entry and continuing thereafter, of information that it contributes to N-DEx. Should TXDPS receive a challenge to, or reasonable question about, the accuracy of the information in N-DEx, TXDPS will notify the N-DEx User Agency.

Any User Agency data or process related to N-DEx that could affect and cause degradation of service to other N-DEx users must be authorized by TXDPS prior to implementation. TXDPS reserves the right to refuse such application on N-DEx should resources not be available, or in the best interest of the N-DEx users.

N-DEx USER AGREEMENT TERMINATION AND DURATION

This N-DEx User Agreement will enter into force on the day it is signed by the last party and it will remain in effect until terminated or modified by both parties. This N-DEx User Agreement may be terminated at any time upon the mutual written consent of the parties. In the event that both parties consent to terminate this N-DEx User Agreement, the parties will consult prior to the date of termination to ensure termination on the most economical and equitable terms.

Either party may terminate this N-DEx User Agreement upon 30 days written notice to the other party. Such notice will be the subject of immediate consultation by the parties to decide upon the appropriate course of action. In the event of such termination, the following will apply:

- (a) The terminating party will continue participation, financial or otherwise, up to the effective date of termination.
- (b) Each party will pay the costs it incurs as a result of termination.
- (c) All rights, obligations, responsibilities, limitations, and other understandings with respect to the disclosure and use of all information received during a party's participation in this User Agreement shall survive any termination.

User Agency, to the extent authorized by law, agrees to indemnify and save harmless TXDPS, its Director and Employees from and against any and all claims, demands, actions and suits, including but not limited to any liability for damages by reason of or arising out of any false arrest or imprisonment or any cause of action whatsoever, arising out of or involving any negligence on the part of the User Agency or its employees in the exercise of enjoyment of this Agreement.

**TEXAS DEPARTMENT OF PUBLIC
CRIME RECORDS SERVICE
TEXAS DATA EXCHANGE (TDEx) USER/EQUIPMENT AGREEMENT**

This document constitutes an agreement between the Texas Department of Public Safety (TXDPS), State Administrator of the Texas Data Exchange (TDEx), P. O. Box 4143, Austin, Texas, 78765-4143 and a criminal justice or law enforcement agency, hereinafter referred to as the User Agency.

AGENCY Parker Police Dept.

ADDRESS 5700 E. Parker Rd Parker, Tx 75002

This agreement is made pursuant to Chapter 791 of the Texas Government Code and/or Chapter 771 of the Texas Government Code and sets forth duties and responsibilities for both the TXDPS and the User Agency.

The User Agency will ensure that only approved persons performing authorized criminal justice functions have access to TDEx.

TDEx information, including any analytical products derived there from, may not be used as a basis for action or disseminated outside User Agency for any purpose or in any other manner, unless the User Agency first obtains the express permission of the agency or agencies that contributed the information in question. Specifically included within this prohibition is any inclusion of TDEx information in an official case file and any use of TDEx information in the preparation of judicial process such as affidavits, warrants, or subpoenas. User Agency may not electronically retain TDEx information without obtaining the TDEx contributing agency's permission. When TDEx information is summarized or otherwise documented, the User Agency shall indicate that the information was obtained from TDEx.

Notwithstanding the requirement in the preceding paragraph that TDEx information not be used as a basis for action or disseminated without first obtaining the permission of the contributing agency, in accordance with and to the extent permitted by applicable law, court process, or applicable guidelines, immediate dissemination of TDEx information without such permission can be made if the User Agency determines that:

- (a) there is an actual or potential threat of terrorism, immediate danger of death or serious physical injury to any person, or imminent harm to U.S. national security; and
- (b) it is necessary to disseminate such information without delay to any appropriate recipient for the purpose of preventing or responding to such a threat, danger, or harm.

The User Agency shall immediately notify TXDPS and the TDEx contributing agency if it disseminates any TDEx information under this exception. Any requests for reports or information in TDEx from anyone other than a party to this User Agreement will be directed to the TDEx User Agency which contributed the data.

TXDPS RESPONSIBILITIES REGARDING TDEx

TXDPS agrees to maintain, operate and manage TDEx communications and criminal justice information systems on a 24-hour, 7- day per week and 365 days per year basis. TXDPS further agrees to act as the State Administration Agency to facilitate the exchange of information between the User Agency and the following agencies: Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) National Data Exchange (N-DEx). TXDPS Driver's License Files (DL), Sex Offender Registration (SOR), Texas Department of Criminal Justice (TDCJ) probation/parole data and other data files may be implemented in future applications of information available to authorized users.

TXDPS reserves the right to restrict the type and scope of data to which the user may have access. TXDPS will provide system training to TDEx users at no charge to the User Agency at a time and location to be designated by TXDPS. The obligation of TXDPS to incur training costs is conditional upon sufficient funds budgeted and available. No financial liability will be incurred by TXDPS by virtue of this agreement beyond monies available to it for the purpose of fulfilling this agreement.

TXDPS may provide or assist User Agency with the initial installation of adapter hardware, records management system (RMS) and/or jail management system (JMS) software enhancements or interface functionality(s). User Agency RMS and/or JMS software enhancements delivered as the result of custom developed TDEx functionality are the property of the User Agency or User Agency RMS/JMS software vendor. User Agency is responsible for maintaining the capability to submit data to TDEx following User Agency RMS/JMS enhancements or replacement.

TXDPS agrees to maintain its applicable TDEx hardware, software and functionality including data adapter extraction and export methodology/technology plus future implementation(s) involving National Information Exchange Model (NIEM) Information Exchange Package Documentation (IEPDs). This determination may be made by TXDPS or its authorized designee.

TDEx maintains an audit capability that will log the date, time, subject, and originating account of all user queries. TXDPS will maintain the audit logs for five years or for the life of the records accessed, whichever is longer.

TXDPS reserves the right to immediately suspend service to the User Agency when applicable policies are violated. Service may be reinstated following such instances upon receipt of satisfactory assurances that such violations have been corrected. All costs for reconnection service are the responsibility of the User Agency. TXDPS shall have the authority to inspect and audit the equipment, records, and operations of the User Agency to determine compliance.

USER AGENCY RESPONSIBILITIES REGARDING TDEx

The User Agency may only access and use TDEx information for official criminal justice and national security purposes. TDEx information cannot be accessed or used for any other purpose. User Agency agrees to allow TXDPS to share User Agency data contributed to TDEx with other authorized criminal justice agencies.

The User Agency shall abide by all laws of the United States and the State of Texas, and shall abide by all present or hereinafter approved rules, policies and procedures of TDEx and N-DEX concerning the collection, storage, processing, search, retrieval, dissemination and exchange of criminal justice information.

If the User Agency provides TDEx derived criminal justice information to another criminal justice or law enforcement agency, which at that time is not operating through TDEx pursuant to a TDEx User Agreement, then it shall be the responsibility of the User Agency to verify that the non-user agency abides by the laws of the United States and the State of Texas and the operational policies of the applicable systems.

The User Agency agrees to appoint a TDEx Agency Administrator responsible for:

- a. Acting as the single point of contact for TDEx issues;
- b. Ensuring compliance with this agreement, current and future versions of policies and procedures regarding TDEx and all applicable state and federal laws;
- c. Vetting, authorizing and managing users through the role based user management tools provided in TDEx;
- d. Terminating user access immediately upon user separation from the agency or otherwise become ineligible for access;
- e. Ensuring that all users from that agency are trained and informed of policies and procedures;
- f. Reporting security incidents to the TXDPS CJIS Information Security Officer (ISO), as required by the User Agency's CJIS Security Addendum.

The User Agency must notify the TDEx State Administrator immediately whenever the incumbent Agency Administrator is replaced.

User Agency certifies that all User Agency staff with access to TDEx have undergone background checks consistent with Texas or federal requirements, so long as, at a minimum, those requirements included a criminal history and national fingerprint check.

The User Agency shall be responsible for maintaining the User Agency RMS and/or JMS in good working order. The User Agency agrees to maintain its applicable hardware, RMS, JMS, and adapter interface functionality(s) to maintain complete and continual functionality with TDEx. User Agency hardware (including workstations utilized to access), RMS, JMS and adapter interface shall be installed in a location where only authorized personnel have access.

The User Agency is responsible for providing its own Internet connectivity and maintenance which meets CJIS Security Policy requirements.

Each TDEx contributing User Agency retains sole ownership of, sole responsibility for, and exclusive control over the content of the information that it contributes to TDEx, and each User Agency may, at will and at any time, update, correct, or delete the information that it contributes to TDEx. Each TDEx contributing User Agency has the sole responsibility to ensure that information that it contributes to TDEx was not obtained and is not maintained in violation of any federal, state, or local law applicable to that agency. In addition, each TDEx contributing agency has the sole responsibility and accountability for ensuring compliance with all laws, regulations, policies, and procedures applicable to its entry and sharing of information into TDEx. TDEx User Agency will duly report to TXDPS and the contributing User Agency in writing any instance in which TDEx information is used in an unauthorized manner. Such notice is to be provided in a timely manner within three days of when the party first learned of the unauthorized use.

Each TDEx contributing User Agency has the duty, sole responsibility, and accountability to make reasonable efforts to ensure the accuracy upon entry, and continuing accuracy thereafter, of information that it contributes to TDEx. Should TXDPS receive a challenge to or reasonable question about the accuracy of the information in TDEx, TXDPS will notify the TDEx User Agency.

Any User Agency data or process related to TDEx that could affect and cause degradation of service to other TDEx users must be authorized by TXDPS prior to implementation. TXDPS reserves the right to refuse such application on TDEx should resources not be available, or in the best interest of the TDEx users.

TDEX USER AGREEMENT TERMINATION AND DURATION

This TDEx User Agreement may be terminated at any time upon the mutual written consent of the parties. In the event that both parties consent to terminate this TDEx User Agreement, the parties will consult prior to the date of termination to ensure termination on the most economical and equitable terms.

Either party may terminate this TDEx User Agreement upon 30 days written notice to the other party. Such notice will be the subject of immediate consultation by the parties to decide upon the appropriate course of action. In the event of such termination, the following will apply:

- (a) The terminating party will continue participation, financial or otherwise, up to the effective date of termination.
- (b) Each party will pay the costs it incurs as a result of termination.
- (c) All rights, obligations, responsibilities, limitations, and other understandings with respect to the disclosure and use of all information received during a party's participation in this MOU shall survive any termination.

This TDEx User Agreement will enter into force on the day it is signed by the last party and it will remain in effect until terminated or modified by the parties may be terminated at any time upon the mutual written consent of the parties. In the event that both parties

consent to terminate this MOU, the parties will consult prior to the date of termination to ensure termination on the most economical and equitable terms.

User Agency, to the extent authorized by law, agrees to indemnify and save harmless TXDPS, its Director and Employees from and against any and all claims, demands, actions and suits, including but not limited to any liability for damages by reason of or arising out of any false arrest or imprisonment or any cause of action whatsoever, arising out of or involving any negligence on the part of the User Agency or its employees in the exercise of enjoyment of this Agreement.

In **WITNESS WHEREOF**, the parties hereto caused this Agreement to be executed by the proper officers and officials.

TEXAS DEPARTMENT OF PUBLIC SAFETY

By Steven C. McCraw

Title Director

Signature Steven C. McCraw

Date 7/30/2009

USER AGENCY

By ~~CHIEF~~ MARCO A. (TONY) FRAGOSO

Title CHIEF of POLICE

Signature M.A. Fragoso

Date 9-10-09

**TEXAS DATA EXCHANGE (TDEx) ACCOUNT ADMINISTRATION
TEXAS DEPARTMENT OF PUBLIC SAFETY
CRIME RECORDS SERVICE**

The participating agency agrees to name a TDEx Agency Administrator responsible for:

1. Acting as the single point of contact for TDEx issues;
2. Ensuring compliance with this agreement, current and future versions of the TDEx Security Policy, Department policies and procedures regarding TDEx, and all applicable state and federal laws;
3. Authorizing users from that agency to participate in the TDEx system;
4. Granting users access through the user management tools provided by the system;
5. Removing users from the system when they leave the agency or otherwise become ineligible for access;
6. Ensuring that all users from that agency are trained and informed of policies and procedures that govern TDEx;
7. Reporting security incidents to the Texas Department of Public Safety CJIS ISO, as required by the TDEx User Agreement.
8. The participating agency must notify the TDEx System State Administrator immediately whenever the incumbent TDEx Agency Administrator is replaced by a new person.

The participating agency will ensure that only approved persons performing authorized functions have access to the TDEx system.

FOR THE PARTICIPATING AGENCY:

PARKER POLICE DEPT
Agency Name

9-10-09
Date

M.G. Lopez
Agency Director (Signature)

MARCO A. FRAGOSO
Agency Director (Print Name)

KENNETH PRICE
Agency Administrator assigned (Print Name)

469-446-0667
Agency Administrator Phone Number

Texas Data Exchange (TDEx)

The Texas Data Exchange (TDEx) is a system that compiles law enforcement incident records and other non-intelligence criminal justice information into a central state repository for sharing across jurisdictional lines. The information is available for law enforcement and criminal justice purposes. The greatest value of TDEx is being realized in the wealth of information it brings to criminal investigations. Data pertaining to incidents, suspects, booking and incarceration records, and other criminal justice information is contributed by Texas agencies. Access to TDEx is provided by TXDPS to authorized users at no cost to the local agency.



The Texas Department of Public Safety (TXDPS) is working toward expanding the quantity of contributing agencies; however this requires development of customized software tools ("adapters") which function to gather and standardize the agencies' crime incident and other data and submit it to the TDEx Application. The adapters developed under the TDEx Contract will allow for authorized regional and national integration of this same data without the burden of additional costs to contribute the data to those other systems. Once the information is gathered from local databases, it is populated in TDEx where it is combined with the data from other sources and optimized for searching by authorized TDEx users. Data in TDEx is shared or combined with other data sources only with the approval of TXDPS.

TXDPS requires that every agency using TDEx and/or contributing data must execute a TDEx User Agreement plus the TDEx Agency Administrator Assignment (appoints one individual to administer all of the agency's TDEx users and acts as TXDPS point of contact). The User Agreement and Agency Administrator form must be signed by the head of your agency (or their appointed designee authorized to enter the agency into contractual obligations).

National Data Exchange (N-DEx)

The TXDPS TDEx Program works closely with the Federal Bureau of Investigation, Criminal Justice Information Systems (CJIS) National Data Exchange (N-DEx) Program Office including promotion of Texas incident based records and related criminal justice information contributed to TDEx by local criminal justice partners for improved information sharing at the national level. The FBI CJIS Division N-DEx System provides criminal justice users nationwide, with a powerful new investigative tool to search, link, analyze, and share criminal justice information such as incident/case report and arrest data, booking and incarceration data, probation/parole data, and expanded DOJ data sources on a national basis to a degree never before possible. N-DEx allows authorized users to detect relationships between people, places, things, and crime characteristics and to link information across jurisdictions. N-DEx was developed in collaboration with the law enforcement community and is accessible to authorized users within law enforcement and criminal justice communities.



N-DEx is integrating information compiled through OneDOJ (formerly R-DEx) which is a repository for DOJ law enforcement components' (Bureau of Alcohol, Tobacco, Firearms, and Explosives; Bureau of Prisons; Drug Enforcement Agency; FBI; and United Marshall's Service) data that enables internal sharing of investigative information within the Department.

What is N-DEx?

The National Data Exchange (N-DEx) is a repository of criminal justice records, available in a secure online environment, managed by the FBI's Criminal Justice Information Services (CJIS) Division.

N-DEx brings together data from criminal justice agencies throughout the United States, including:

- Incident and case reports
- Arrest reports
- Computer-aided dispatch calls
- Traffic citations
- Narratives
- Photos
- Supplements
- Booking and incarceration data
- Parole/probation information

N-DEx automatically correlates and resolves data from open and closed reports to detect relationships between people, vehicles/property, locations, and/or crime characteristics.

N-DEx “connects the dots” between data that is seemingly unrelated. N-DEx supports multi-jurisdictional task forces—enhancing national information sharing, linking regional and state records management systems, and enabling virtual regional information sharing.

N-DEx provides **no-fee access** to national data in **real time**, with **results** returned in a matter of seconds, based upon the user's Internet connection.



How Does N-DEx Benefit Me?

Investigative Use

- Conduct nationwide searches from a single access point
- Search names, IDs, people, phone numbers, tattoos, associates, cars, boats, other property, etc.
- Search by modus operandi
- Receive notifications and collaborate with others on similar investigations

Strategic Use

- Coordinate task forces
- Identify crime trends
- Use geovisualization and mapping features
- Facilitate deconfliction

Tactical Use

- Identify “hotspots” of criminal activity
- Assess threat level of persons or addresses
- Form additional investigative partnerships
- Enhance officer safety

How Does N-DEx Work?

Electronic records are mapped in Extensible Markup Language, based on the National Information Exchange Model and Logical Entity Exchange Specification standards for electronically sharing criminal justice information. The records are then electronically transmitted to N-DEx.

How do I Participate with N-DEx?

Data Submission:

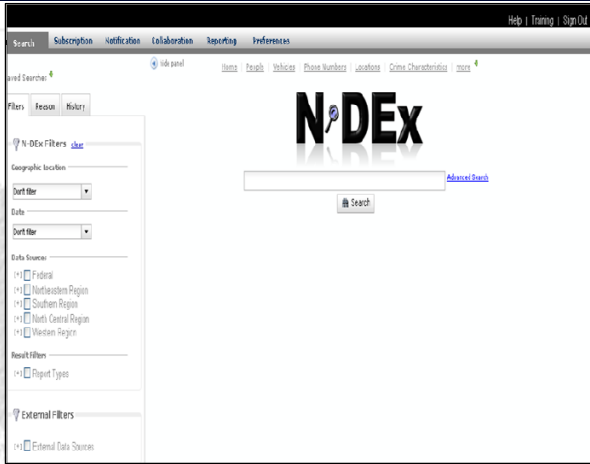
Please contact an N-DEx Liaison Specialist at 304.625.4242 to discuss data submission criteria and capabilities.

User Access:

To obtain an N-DEx user account, visit the Law Enforcement Online (LEO) Web site, <www.leo.gov>, where the N-DEx user account application can be found. Scroll to the bottom of the Sign On page to the “N-DEx, OneDOJ, LEO” access area. Click to select the appropriate access form. Select the N-DEx/OneDOJ User application form to open and print the application. Complete the application in its entirety, to include Page 8 of the FD-889, and fax to the number provided on the application for processing.

What's the Next Step?

Sign up to begin sharing data and begin searching the N-DEx system. Call 304.625.4242 today!



The N-DEx User Interface

The easy-to-use interface allows users to search all N-DEx data fields from the main search tab on the homepage. To conduct a search with more specific controls, users may click the Advanced Search tab located to the right of the main search tab.

N-DEx features a set of filters along with a Reason and History tab, which are located along the left side of the home page.

The filters may be used on any search and may be applied to the results as well. Filters can be used individually or in combination with one another.

Filters include geographic location, date, data sources, result filters, and external filters. This functionality provides fine granularity for searching and narrowing search results.

State-of-the-art tools for viewing, analyzing and understanding the data returns can be accessed via the tabs at the top of the page. Also, targeted search links reside above the N-DEx logo and provide the user with the option to specifically define a search for people, places, and things.

Key points to Remember

- Participating agencies own and maintain the sharing of their data.
- The N-DEx system includes active and up-to-date case files.
- Sharing controls allow submitters to define exactly how and what kind of data they want to share.
- No fees are required to access N-DEx.
- Data must not be disseminated, nor any law enforcement action taken, without first contacting the record-owning agency.
- Training is available for both N-DEx users and administrators. Computer-based training modules are available at <www.leo.gov>, and hands-on training may be requested by contacting the N-DEx Program Office.

N-DEx Contact Info

N-DEx Information Hotline: 304.625.4242

For technical problems: 304.625.4357

Email: <ndex@leo.gov>

Web site <www.fbi.gov/about-us/cjis/n-dex/n-dex-2>

Jeffrey C. Lindsey, Program Manager 304.625.4219

Send your N-DEx Success Story to the
Program Office

Email: <ndex@leo.gov>



N-DEx

THE RIGHT INFORMATION
IN THE RIGHT HANDS
RIGHT NOW



WHAT DO YOU NEED TO KNOW?



Council Agenda Item

Budget Account Code:	Meeting Date: March 19, 2013
Budgeted Amount:	Department/ Requestor: Mayor Marshall
Fund Balance-before expenditure:	Prepared by: C. Smith
Estimated Cost:	Date Prepared: 3/11/2013
Exhibits:	

AGENDA SUBJECT

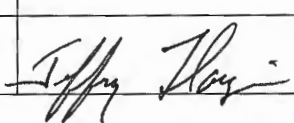
CONSIDERATION AND/OR ANY APPROPRIATE ACTION TO CANCEL THE MAY 7, 2013 REGULAR MEETING. [MARSHALL]

SUMMARY

Early voting will be held in the Council Chambers on May 7th from 7 am to 7 pm. It has been recommended we cancel this regular meeting.

POSSIBLE ACTION

Approve, Table or Deny

Inter - Office Use			
Approved by:			
Department Head:	Approved by Mayor Marshall	Date:	Thu 3/7/2013 10:45 AM
City Attorney:		Date:	
City Administrator:		Date:	3-15-13



Council Agenda Item

Budget Account Code:	1-55-6810	Meeting Date:	March 19, 2013
Budgeted Amount:	25,000	Department/ Requestor:	City Administrator
Fund Balance-before expenditure:	25,000	Prepared by:	J. Flanigan
Estimated Cost:	25,000	Date Prepared:	3/11/2013
Exhibits:	<ol style="list-style-type: none">1. Exhibit A –original trail plan2. Exhibit B – as-built trail plan3. Exhibit C – proposed trail loop4. Complete County Grant		

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON TRAILS IN THE PRESERVE. [FLANIGAN]

SUMMARY

In 2011 we received a grant from Collin County for a 633 linear foot trail extension to the northeast corner of the trail for a 50/50 match totalling \$25,000.

The original trail plan (see Exhibit A) was for the loop to be ¼ mile. Due to funding the loop was modified in two areas, from City Hall parking lot straight to existing trail and to the south end to existing trail (see Exhibit B).

The Collin County Open Space Coordinator, Jeff Durham, Parker Trail Committee and Park and Recreation Commission has agreed to the proposed changes for the new loop to be less than ¼ mile. (see Exhibit C)

POSSIBLE ACTION

- Move to approve the proposed changes to the trail plan for loop east of City Hall.
- Table
- Deny

Inter – Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	Jeff Flanigan	Date:	March 15, 2013

EXHIBIT A – ORIGINAL TRAIL PLAN

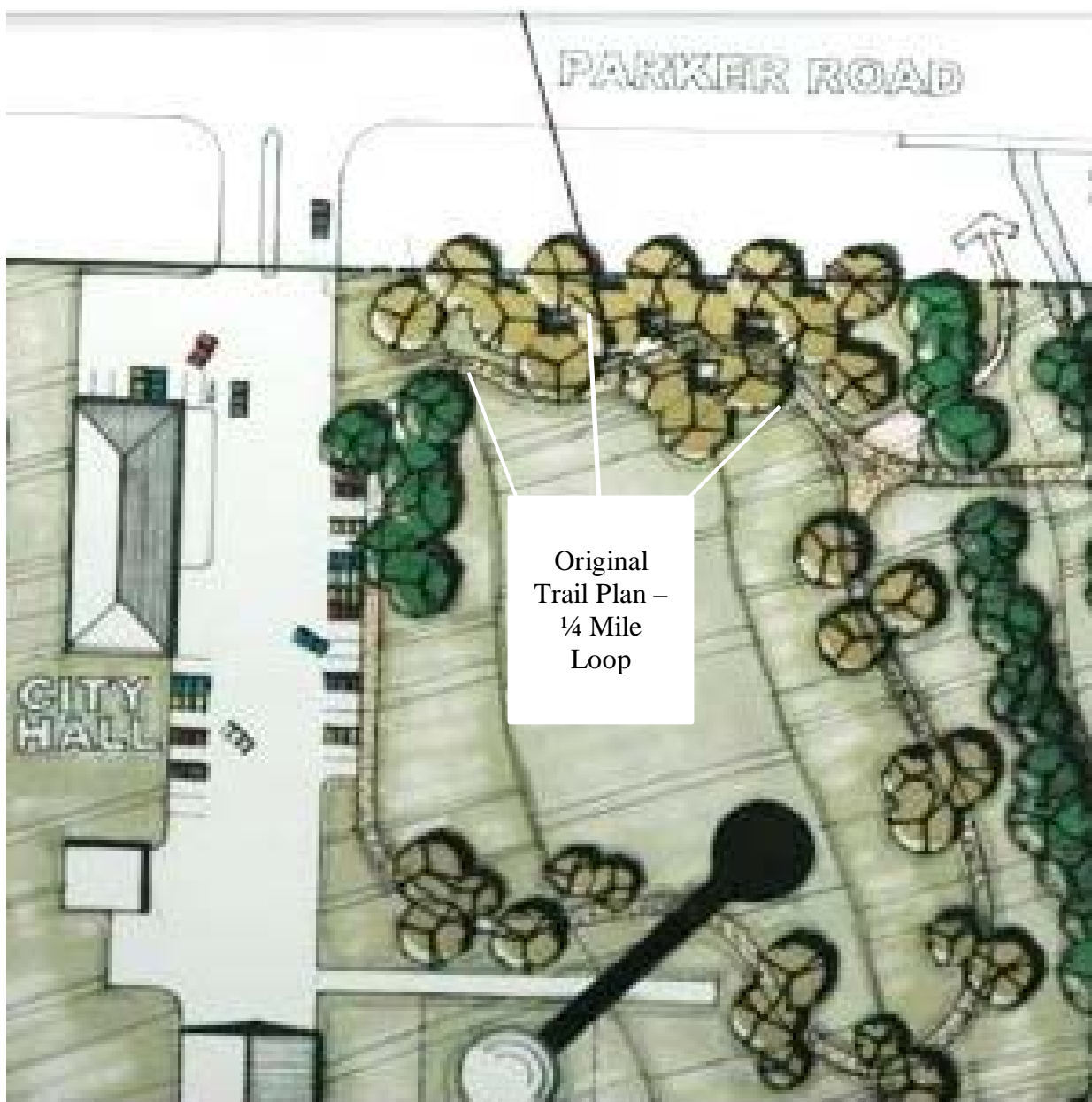


EXHIBIT B – 2011 AS-BUILTS

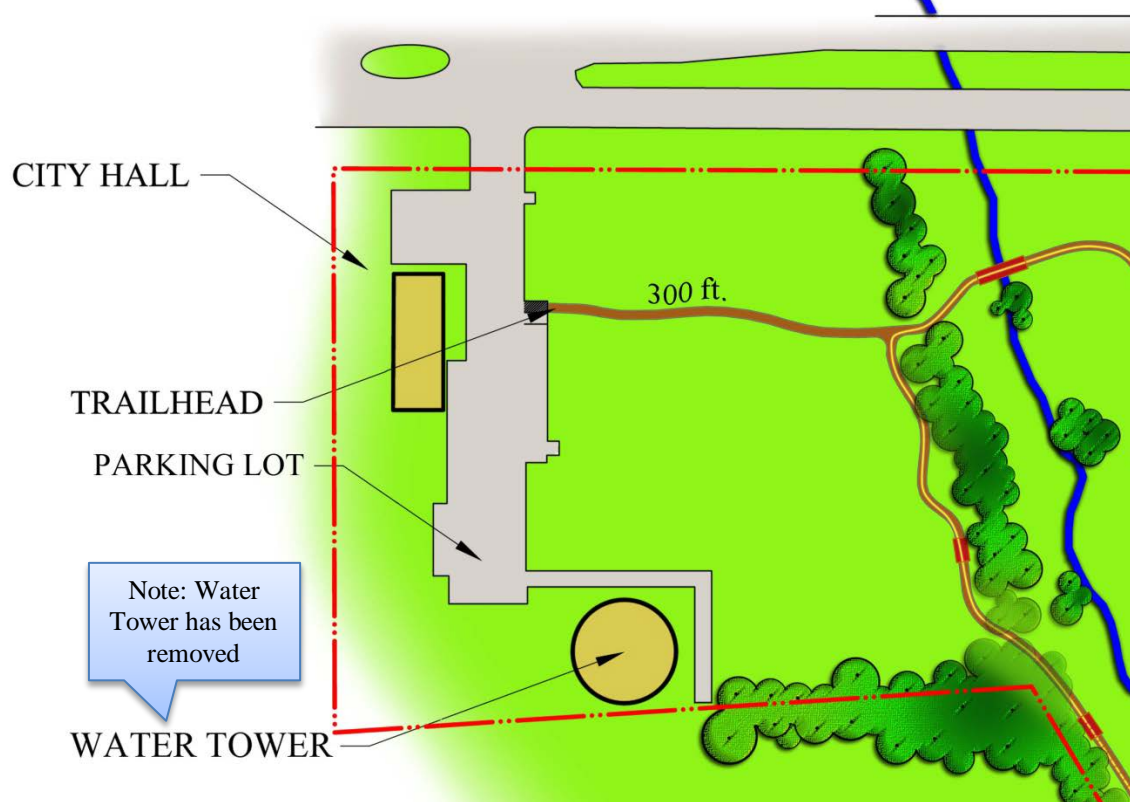
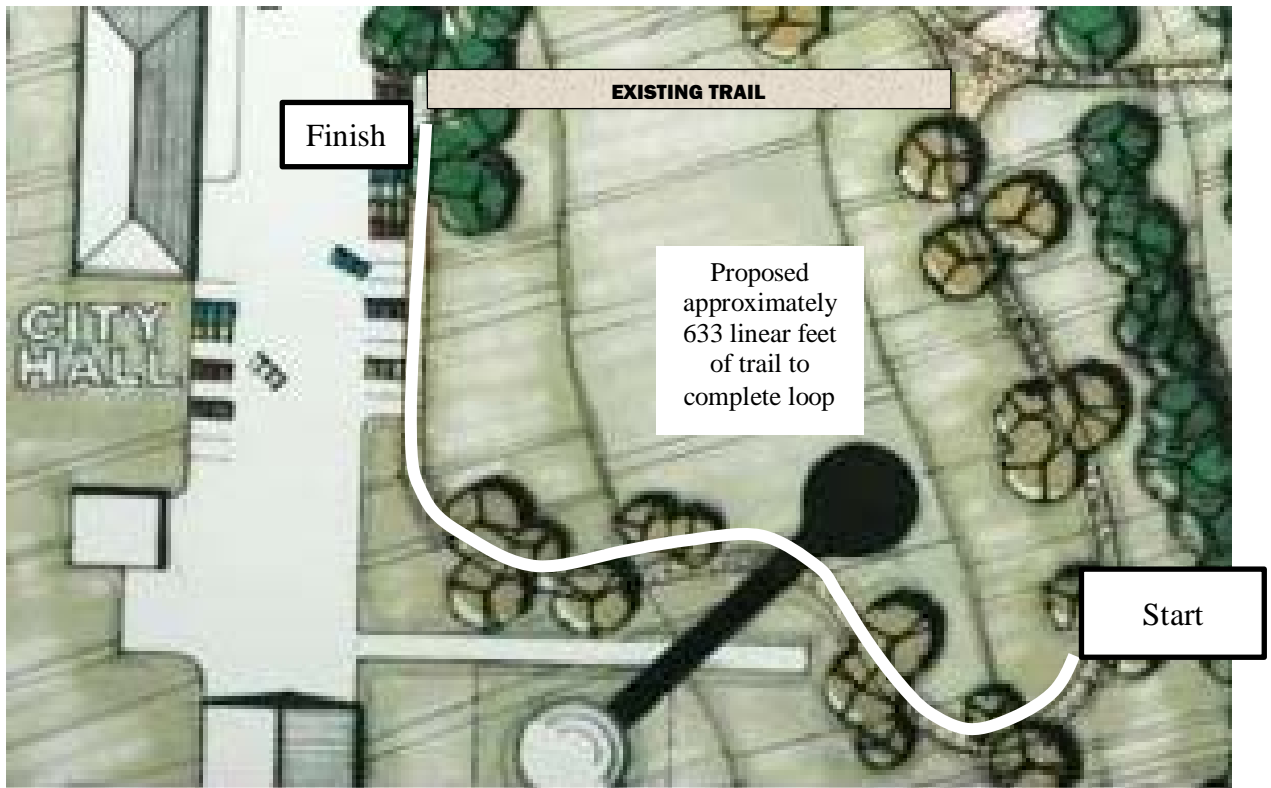


EXHIBIT C – PROPOSED LOOP





**Collin County
Parks and Open Space
Project Funding Assistance Program
Application**

Please use Arial Font size 11 and submit a signed original Application and 12 photocopies stapled and pages numbered. Please no cover pages, this should be Page 1.

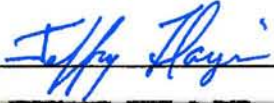
SECTION 1: APPLICANT AND PROJECT INFORMATION

1. Project Applicant Information	
Applicant – (Legal Name): City of Parker, TX	Project Contact Name/Title: Jeff Flanigan, Assistance City Administrator
Complete Mailing Address: 5700 East Parker Rd Parker, TX 75002	Telephone Number: 972.442.6811
Fax Number: 972.442.2894	E-mail Address: jflanigan@parkertexas.us
Federal Tax Identification Number: 73-1382954	Date Resolution Signed: June 7, 2011
2. Project Title: Preserve Recreational Trail Extension	
3. Brief Description of Purpose of Project: Add approximately 633 linear foot trail extension to the northeast corner of the soft surface trail at Parker Preserve. This trail will give the citizens of Parker an extended area to walk, bike, and jog for health and recreation.	
4. General Project Information:	
a. Please check the one category this application addresses: <input type="radio"/> Land Acquisition for Parks and Open Space <input checked="" type="radio"/> Six Cities Trail Connector or Trail Project <input type="radio"/> Facilities (Capital) Improvements for Parks and Open Space	
b. Amount of Funding Requested: \$ 12,500	c. Total Project Costs: \$ 25,000
d. Start Date of Project: November 2011	e. End Date of Project: June 2012
5. Authorized Signature (signatory must have contract signing authority):	
Signature: <i>Jeff Flanigan</i>	Title: Assistant City Administrator
Print Name: Jeff Flanigan	Date: 7-6-11

SECTION 2: AUTHORIZED REPRESENTATIVE

The Applicant hereby designates the individual named below as the person authorized to act on behalf of the Applicant.

Authorized Project Representative: The following person is authorized to receive direction, manage work performed, sign required reports, and other acts on behalf of the Applicant.

Signature: 	Assistance City Administrator Title:
Jeff Flanigan Printed Name:	972.442.6811 Phone Number:
5700 East Parker Rd Parker, TX 75002 Address:	jflanigan@parkertexas.us E-mail Address:

Has Collin County previously provided funding for this Project?

☐ Yes

☐ No

For Collin County Parks Foundation Advisory Board Use Only

Does the proposed project advance the mission of the County Parks /Open Space Strategic Plan? ☐ yes ☐ no

Is the application administratively complete? ☐ Yes ☐ No

Did the applicant receive funding for this project in previous years? ☐ yes ☐ no (If yes, were they successful in the timely completion of the project? ☐ yes ☐ no)

SECTION 3: CERTIFICATIONS AND ASSURANCES

1. Certifications

In order to receive funding under this program, the proposed project goals must be similar to and support or advance the mission published in the *Collin County Parks and Open Space Strategic Plan* (October 2001). By signing this Application, the person acting on behalf of the Applicant makes the certifications below.

a. **Authority to Sign Application**

The person signing this Application hereby certifies that he/she is the official contact regarding this Application and has authority from the Applicant to sign the Application and that such authority will bind the Applicant in subsequent agreements.

b. **Application Contains No False Statements**

The Applicant certifies that this Application has no false statements and that the Applicant understands that signing this Application with a false statement is a material breach of contract and shall void the submitted Application and any resulting contracts.

c. **This is a Reimbursement Program**

Applicants must have a minimum dollar for dollar in matching funds, comprised of direct cash, value of land to be improved, donated labor, material or in-kind services for the project being proposed. Under special circumstances at the recommendation of the Parks Foundation Advisory Board and approval by the Commissioners' Court, a direct payment may be considered.

d. **Eligible Applicants**

The Applicant must be a 501(c)(3) tax exempt organization, non-political group or any unit of local government, including municipalities, school districts, or county located in Collin County, Texas. Faith-based organizations are eligible to apply as long as inherently religious activities, such as worship and religious instructions are not conducted.

e. **Technical Feasibility**

The Applicant certifies that he/she has carefully reviewed the Project Narrative and Action Plan. To the best of their knowledge all activities are technically feasible and can be satisfactorily completed within the time frame proposed.

f. **Costs Reasonable and Necessary**

The Applicant certifies to the best of their knowledge that the proposed activities and the expenses outlined in the Budget are reasonable and necessary to accomplish the project objectives, and the proposed expenses are consistent with the costs of comparable goods and services.

2. Assurances

a. **Compliance with Progress and Result Reporting**

Applicant provides assurances that, if funded, the Applicant will comply with the requirements for reporting: reporting on the progress of the project activities and deliverables on a quarterly basis; providing before, during and after photos; and promptly notifying the Parks Foundation Advisory Board of any changes in plans.

b. **Financial Management**

Applicant provides assurances that, if funded, the Applicant will comply with contractual provisions and requirements necessary to ensure that expenses are reasonable and necessary, and to adhere to financial administration and reimbursement procedures and provide financial reports on a schedule established by Collin County.

c. **Accessibility**

Applicant provides assurances that, if funded, the park or proposed improvements will be accessible to all County residents.

d. **Compliance with Americans with Disabilities Act**

Applicant provides assurances that, if funded, the Applicant will comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101-12213 (Pamphlet 1995).

City of Parker, Texas
Preserve Recreational Trail
Parks and Open Space Project Funding Assistance Program Application - 2011
SECTION 4: PROJECT COSTS AND ELEMENTS

Item No.	Description	U/M	Quantity	Unit Cost	Total	Requested Amount	Match Amount
1	8' Wide Crushed Granite Trail with recycle retainers, geotech fabric, concrete binder where needed, compacted, to ADA requirements for grade and access installed contractor.	Linear ft	Approx. 633	\$30	\$18,990	\$9,495	\$9,495
2	Design, engineering, advertising, miscellaneous expenses		1	\$6,010	\$6010	\$3,005	\$3,005
	Project Total				\$25,000	\$12,500	\$12,500

SECTION 5: RESOLUTION

RESOLUTION 2011-337
(Parks Grant Application Approval)

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY,
TEXAS REGARDING APPROVAL OF AN APPLICATION FOR A
PARKS GRANT FROM COLLIN COUNTY**

WHEREAS, the City of Parker, Collin County, Texas ("City") desires to improve and enhance its parks and open space areas; and

WHEREAS, the City Plan Commission has formulated a plan for trails and other improvements to the City's parks areas;

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

Section 1. The parks grant request to Collin County in the amount of \$12,500, as prepared by the City Parks and Recreation Commission, is approved, a summary of which is as follows:

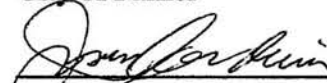
Add a 633 linear-foot trail extension to the northeast corner of the soft surface trail in the Parker Preserve. This trail will give the citizens of Parker an extended area to walk, bike, and jog for health and recreation. The anticipated starting date of construction is November of 2011, concluding June of 2012.

Section 2. Funding for the City's matching funds for the grant in an amount not to exceed \$12,500 is available for budget approval.


PASSED AND APPROVED the 7th day of June, 2011.



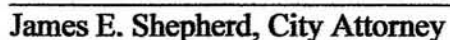
APPROVED:
City of Parker


Joe Cordina, Mayor

ATTEST:


Carrie Smith, City Secretary

APPROVED AS TO FORM:


James E. Shepherd, City Attorney

City of Parker, Texas
Preserve Recreational Trail
Parks and Open Space Project Funding Assistance Program Application - 2011
SECTION 6: PROJECT NARRATIVE

Project Description:

By adding the trail extension to the trails in the Parker Preserve, the city of Parker Trails project addresses the recommendations made in the Collin County Parks and Open Space Strategic Plans. The city of Parker is located in the southern part of Collin County surrounded by the cities of Plano on the West, Murphy on the South, Allen on the North, and Wylie and Lucas on the East. It is the goal of Parker to keep a more rural look even while the Dallas urban sprawl is rapidly growing around Parker. The Parker Nature Preserve, known as the Preserve, is the only park owned by the city and currently we have about 3,800 residents. The Preserve is a linear park located along Maxwell Creek containing over 12.9 wooded acres. The property connects to the land on which the City Hall is built providing a convenient trailhead for the Preserve trail. Parking exists on the south east corner of the Preserve. Additional parking and access to the trails and Preserve is available from the City Hall Parking lot which is located close to the north east corner of the Preserve.

The Parker City Council has approved a Master Trails Plan which includes the trails in the Preserve which will connect to the trails in Plano, Allen, Murphy and Lucas according to the Collin County Trail plan.

The Parker City Council has also approved the Parker Preserve Long Range Plan which was developed using public input. The Long Range Plan includes trails, dry water crossings, interpretive signs, picnic tables, Pavilion, picnic tables, benches, wishing well (already built), Gazebo (built and donated by the Parker Women's Club), Rose Garden, Parking, Pond, and even a Council Ring.

This grant request will be for the construction of a trail extension as follows:

- Trail Length: Approximately 633 linear feet. While the total trail length needed to complete all trails in the Preserve is 4,216 linear feet, the city of Parker is asking for approximately 633 linear feet in this grant request.
- Trail Width: Approximately 8 feet (hiking, biking, and jogging)
- Surfacing: 6" deep crushed/compacted decomposed granite with concrete binder in areas.
- Configuration: A trail extension that completes the loop on the northeast corner of the Parker Preserve. The loop connects the City Hall parking lot to the existing trail that provides access to the Rose Garden, and pond, the barn pavilion, and the old homesite.

Other future funds will be used for the educational signs, barn pavilion, table and benches, parking on the south end of the preserve, and the establishment of a "Recognition Grove".

Objectives and Need for the Project:

The City of Parker wishes to complete the soft surface trail in the park that will give the citizens of Parker and all Collin County residents a place to walk, bike, jog, and ride horses for health and recreation. This trail will meet ADA compliance requirements. The trail will:

**City of Parker, Texas
Preserve Recreational Trail**

Parks and Open Space Project Funding Assistance Program Application - 2011

- Implement the Parker Preserve Master Plan that was developed using public input and which was approved by the City Council in December 2008.
- Provide access to a nature area for scout projects for erosion control, birdhouse projects, and education and interpretation of the flora and fauna.
- Provide handicap access to the Preserve and the Rose Garden.
- Provide opportunities for environmental, geological, historical, and natural interpretation and education.
- Provide an opportunity for pedestrians to walk in the park and enjoy a natural setting.
- Help satisfy the recreational and health needs of Collin County residents by providing a place for biking, walking, and jogging.
- Provide access to the Preserve for public gatherings and special events.
- Make the "Old Barn" shelter and pond accessible.
- Make the Rose Garden more accessible to citizens.
- Become a part of the Collin County Open Space Master Trail System for Collin County.

History of the Preserve:

In 2002, the City of Parker purchased 12.9 acres of land along Maxwell Creek now known as the Parker Nature Preserve. The Preserve includes an Old Family Homestead which has several mature pecan trees, a well (that was modified into a wishing well in 2006), and a weather barn that is thought to be over one hundred years old. The area along the creek is heavily wooded. A pond is located to the east of the creek and is a stopping off place for migratory birds. The property contains many native trees, grasses, and plants. This area is a habitat for wildlife such as: beaver, possum, raccoon, armadillo, etc. Construction of the new divided highway bridge enables expansion of the Preserve trails that match the Parker Trails Master Plan.

Funding Mechanisms:

The funds requested in this grant will be used to build approximately 633 linear feet extension to the current trail completed in 2010. Matching funds for this grant will come from the City of Parker General Fund, as approved by the City Council.

Additional amenities along the trail extension including benches, tables, bike racks, and litter barrels will be funded through donations and city funds.

Project Action Plan:

Description	Start Date	End Date
Approval to Bid Documents: 2 months from Grant Approval	Oct. 2011	Nov. 2011
Bid Approval to Construction	Dec. 2011	Jan. 2012
Construction to Completion	Feb. 2012	Mar. 2012

**City of Parker, Texas
Preserve Recreational Trail**

Parks and Open Space Project Funding Assistance Program Application - 2011

- Grading of the trail bed will be done via a small track loader or tractor to level the grade with minimal disturbance to the soil to reduce the damage to the roots of the surrounding native trees. Accessibility grades will be maintained throughout the trail.
- Installation of 4"x4" retainers/borders made of recycled rubber tires. Some areas will require use of 6"x6" border made of the same materials to maintain ADA cross slopes. The borders will be secured to the ground via ½" rebar spikes. The use of this system will help reduce the damage to roots of the trees by allowing a shallower trail bed. This process and design has been successfully implemented by the City of Richardson on its Huck Finn Trail in Prairie Creek Park. (optional)
- Pinning GEO/weed blocking materials in the bed of the trails to discourage vegetation growing through the trail surface materials.
- Delivery of the specified decomposed granite for trails to the site by a qualified vendor. Specifications will be similar to the ones used for trails by the Cities of Allen and Richardson.
- Placing the trail surface material (decomposed granite), rolling, tamping and leveling via mechanical devices and manual handwork. Concrete binders will need to be added in areas subject to erosion.
- Watering the trail to settle the surface material if required.
- Erosion control where needed.

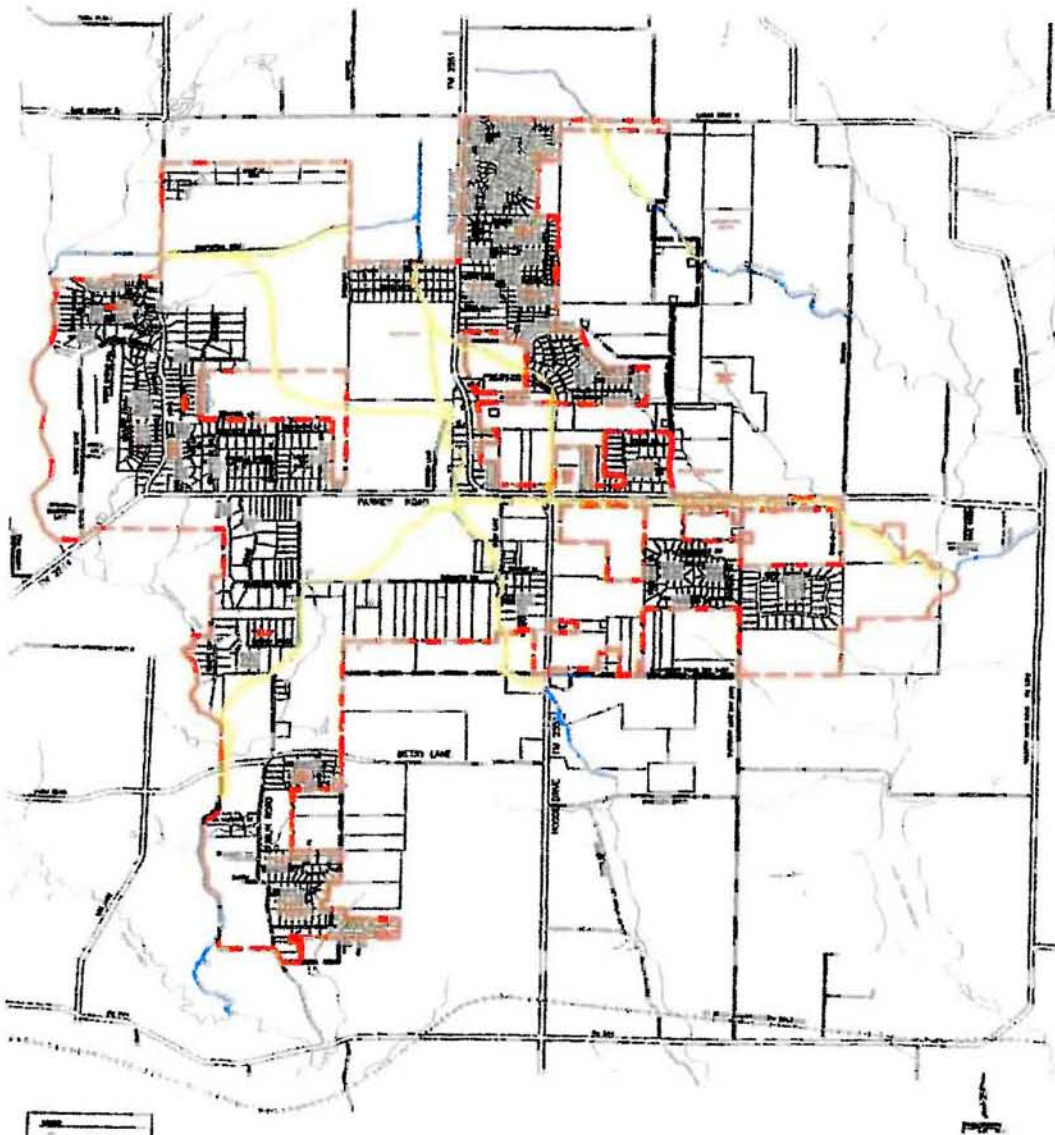
Implementation and Maintenance:

Jeff Flanigan, assistant city administrator, will oversee the project along with input from Parker Parks & Recreation Commission. Jeff has worked for the city of Parker for over 12 years, has maintained all of Parker's Open Spaces and street improvements, and managed the successful installation of the first phase of the Preserve trail in 2010.

The project will be maintained by the City of Parker Maintenance Division and funded through the annual budget process. The project is supported by the Parker City Council and the Parks & Recreation Commission via approval of the Parker Preserve Master Plan and authorization to submit this grant.

SECTION 7: LOCATION MAPS, SITE PHOTOS, PROJECT SKETCHES, ETC.

**City of Parker, Texas
 Preserve Recreational Trail
 Parks and Open Space Project Funding Assistance Program Application - 2011**



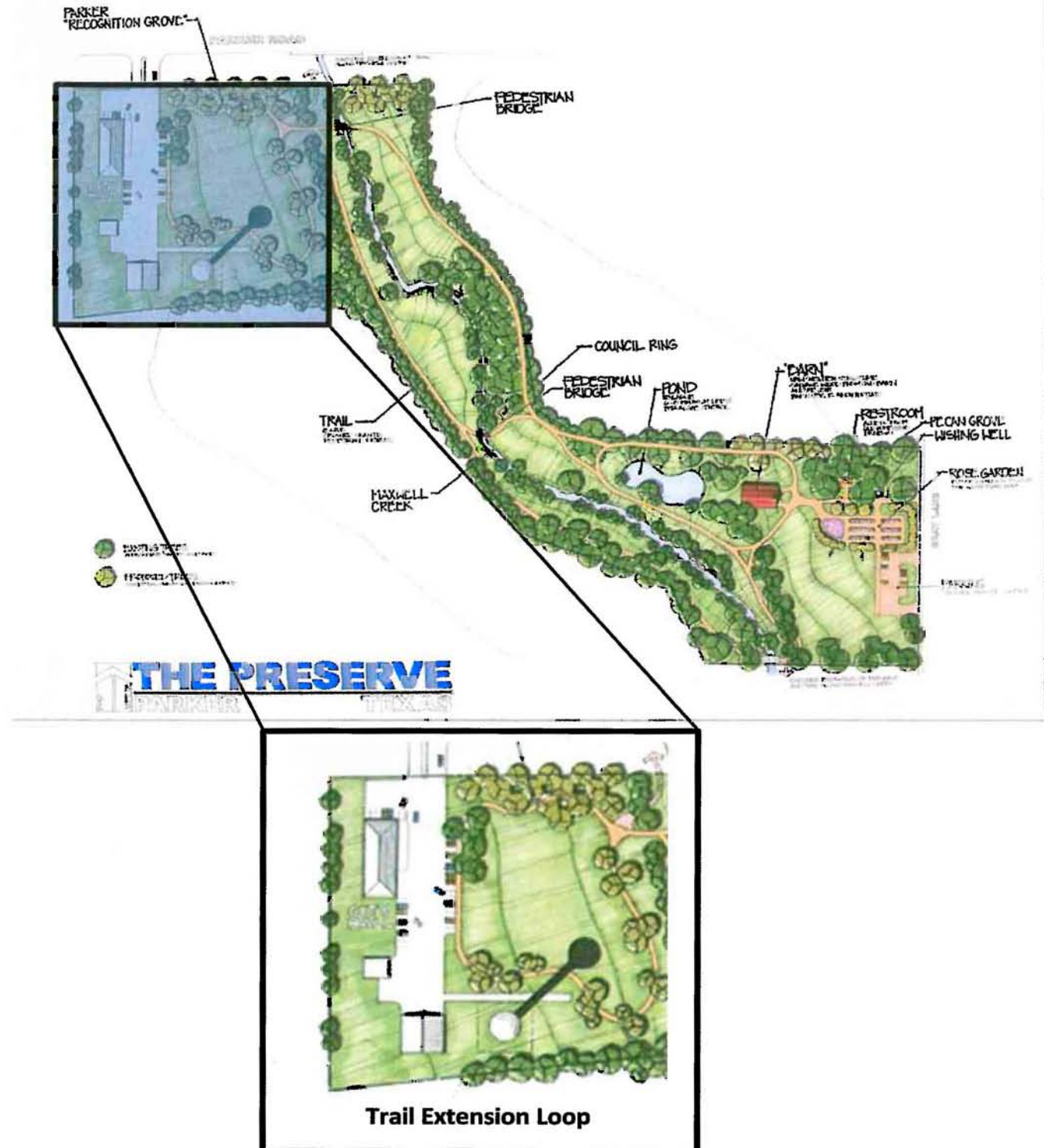
City of Parker, Texas Trails Plan



**Phase I, Parker Trails Segments
 of Collin County Trails System**

REVISED: 10.2008
 PRINTED BY: G. H. H. & S. H. H.
 MAPS & PLANS PREPARED BY: PARKER
 PARKS AND RECREATION COMMISSION
 AAT BY: 307

City of Parker, Texas
Preserve Recreational Trail
Parks and Open Space Project Funding Assistance Program Application - 2011
Trail Extension Area – North West Corner of Preserve



**City of Parker, Texas
Preserve Recreational Trail
Parks and Open Space Project Funding Assistance Program Application - 2011**



Trails started May 2011



Trail Leading to the Gazebo



Sunset on the Pond in the Preserve



High Flood Areas reinforced with concrete



Rose Garden in the Preserve



Start of Trail from City Hall to Preserve



Open Space View in Preserve



Trail on East side along tree line



Joe Cordina, Mayor



June 28, 2011

Ms. Teresa Nelson
Collin County Parks and Open Spaces
825 N. McDonald Street, Suite 145
McKinney, TX 75069

Re: Park Grant

Dear Ms. Nelson:

The Parker Trail is becoming a reality! Thanks to all of you at Collin County, along with our many dedicated volunteers, the trail is well on its way to completion.

As you may remember, we are doing our project in stages and since another round of funding has been identified, we would like to be considered for the next increment which is detailed within the proposal attached. I would be pleased to discuss the trail project with any of the staff members and others with interest in these kinds of projects that enhance the feeling of community not only for Parker, but for all those who enjoy the out-of-doors and the associated wildlife.

Thank you once again for all your support. The County has made a wise investment in strengthening the bond between the taxpayers and the elected County leadership. I invite you to take a stroll through our parkland when the "hot days of summer" subside. It will be a most pleasant experience.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Joe Cordina', written over a white background.

Joe Cordina

Enclosure: Grant Application Package



Parks and Recreation Commission

Teresa Nelson
Collin County
Parks & Open Spaces
825 N. McDonald Street, Suite 145
McKinney, Texas 75069

RE: Parks and Open Space Project Assistance Funding Program 2011

Dear Ms. Nelson:

I want to start by thanking you and the Collin County Parks and Open Spaces for your past support and the grant you awarded us in 2009. With this grant, Parker is currently constructing the trails. However, during the bid process, we had to remove some of the trails in the north east corner of the Preserve. We are asking Collin County to help us again in completing the trails from our initial trail plan.

Some of citizens are already using the new trail and I have been out a couple of times walking the trail and taking pictures of the progress of the trail construction. Because of the hot days, I have been going in the evening and enjoy seeing wildlife come to life during the sunset. The Parks & Recreation Commission has spent lots of time and effort in getting the trails completed in the Preserve. While we are very excited about what has been accomplished, it would be nice to have the trails completed in the original plan.

Your grant can do a lot to help us complete the trails in the Preserve. The Parker Nature Preserve is an area that can be enjoyed by providing a unique experience that is different from others in our area. The trails being constructed now go along the creek, by the pond, and through the homestead area that once housed one of the oldest homes in our city. The barn in the Homestead area still stands today and our plans are to save as much as we can from the barn and create the Parker Preserve Shelter Pavilion that will show the framework of the barn but will also be used for events or just a family reunion get together. The additional trail in the north west corner will be the most visible from Parker Road and the city hall complex. This is a great way to attract Collin county residents to our park and trails.

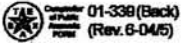
I would love the opportunity to show you and others from the Collin County Parks and Open Spaces Commission, what we have completed so far in the Preserve. You can either contact Assistant City Administrator Jeff Flanigan at Parker City Hall or call me directly at 972-896-0384 and I will be glad to show you around and share our vision for the trails in Parker.

Please consider our grant request and help Parker create a truly beautiful trail system in one the most beautiful places in north Texas. Thank you in advance for your support.

Sincerely,

Joe Sterk
Parker Parks & Recreation Chairman

SECTION 9: EVIDENCE OF NON-PROFIT STATUS



TEXAS SALES AND USE TAX EXEMPTION CERTIFICATION

Name of purchaser, firm or agency City of Parker, Texas	
Address (Street & number, P.O. Box or Route number) 5700 E. Parker Road	Phone (Area code and number) 972-442-6811
City, State, ZIP code Parker, Texas 75002	

I, the purchaser named above, claim an exemption from payment of sales and use taxes (for the purchase of taxable items described below or on the attached order or invoice) from:

Seller: _____

Street address: _____ City, State, ZIP code: _____

Description of items to be purchased or on the attached order or invoice:

Purchaser claims this exemption for the following reason:

Municipal Government Park Trail

I understand that I will be liable for payment of sales or use taxes which may become due for failure to comply with the provisions of the Tax Code: Limited Sales, Excise, and Use Tax Act; Municipal Sales and Use Tax Act; Sales and Use Taxes for Special Purpose Taxing Authorities; County Sales and Use Tax Act; County Health Services Sales and Use Tax; The Texas Health and Safety Code; Special Provisions Relating to Hospital Districts, Emergency Services Districts, and Emergency Services Districts in counties with a population of 125,000 or less.

I understand that it is a criminal offense to give an exemption certificate to the seller for taxable items that I know, at the time of purchase, will be used in a manner other than that expressed in this certificate and, depending on the amount of tax evaded, the offense may range from a Class C misdemeanor to a felony of the second degree.

sign here	Purchaser <i>Carrie L. Smith</i>	Title City Secretary	Date 7/6/2011

NOTE: This certificate cannot be issued for the purchase, lease, or rental of a motor vehicle.

THIS CERTIFICATE DOES NOT REQUIRE A NUMBER TO BE VALID.

Sales and Use Tax "Exemption Numbers" or "Tax Exempt" Numbers do not exist.

Digitally signed by
Carrie L. Smith
DN: cn=Carrie L. Smith,
o=City of Parker,
ou=City Secretary,
email=carried@parker
tx.us, c=US
Date: 2011.06.30
16:51:14 -0500

**Carrie L.
Smith**

This certificate should be furnished to the supplier. Do not send the completed certificate to the Comptroller of Public Accounts.

**Who Represents Me?
Districts By Address**

U.S. Senators|U.S. Representatives|State Senators|State Representatives|SBOE

5700 E Parker Rd
Parker, TX
75002-6767
Collin

Texas U.S. Senators

U.S. Senators represent the entire state. Texas' current U.S. Senators are Senator John Cornyn and Senator Kay Bailey Hutchison. See their websites for current contact information.

Texas U.S. Representative

Congressional District 3--Congressman Sam
Johnson
Texas Congressional Member Websites

Texas State Senator

Senate District 8--Senator Florence Shapiro
Capitol Office: CAP 1E.3
Capitol Phone: (512) 463-0108
Capitol Address: P.O. Box 12068, Capitol Station
Austin, TX 78711
District Address: 5000 Legacy Dr., Ste. 494
Plano TX 75024
Phone: (972) 403-3404
State District Offices

Texas State Representative

House District 89--Representative Jodie
Laubenberg
Capitol Office: EXT E2.902
Capitol Phone: (512) 463-0186
Capitol Address: P.O. Box 2910
Austin, TX 78768
District Address: 206 North Murphy Road
Murphy TX 75094
Phone: (972) 424-6810

Texas State Board of Education Members

SBOE District 12--Mr. George Clayton
State Board of Education Member Websites



Indicates address is located near a district
boundary. If absolute certainty about the district
assignment of the address is required, please
contact the local county voter registration office
for verification.

RESOLUTION NO. 2011-357

*(Approving Interlocal Agreement with Collin County
Concerning Improvements to Parker Preserve)*

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY,
TEXAS, PROVIDING FOR THE EXECUTION OF AN INTERLOCAL
AGREEMENT BETWEEN COLLIN COUNTY AND THE CITY OF
PARKER CONCERNING IMPROVEMENTS TO PARKER PRESERVE IN
THE CITY OF PARKER, COLLIN COUNTY, TEXAS.**

WHEREAS, the County of Collin, Texas (“County”) and the City of Parker (“City”) desire to enter into an Agreement concerning improvements to Parker Preserve in the City of Parker, Collin County, Texas; and

WHEREAS, the Interlocal Cooperation Act (Texas Government Code Chapter 791) authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, the City and County have determined that the improvements may be constructed most economically by implementing this Agreement; and

WHEREAS, the City and the County find that this Agreement will benefit the residents of the County and provide additional park and recreational facilities and open space for all County residents; and

WHEREAS, this Agreement will support or advance the mission of the Collin County Parks and Open Space Strategic Plan; and

WHEREAS, the City has or will have budgeted sufficient funds prior to the commencement of construction to make the required payments; and

WHEREAS, the estimated total cost of the project is \$25,000.00; and

WHEREAS, the Agreement provides for \$12,500.00 in funding from the County, and \$12,500.00 for the remaining project cost from the City;

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

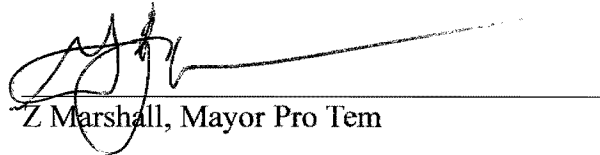
SECTION 1. The Parker City Council does authorize the Mayor to enter into the Agreement with Collin County for park improvements in the Parker Preserve in the form attached hereto. The park improvements subject of the Agreement is known as the Parker Preserve Recreational Trail Extension.

SECTION 2. This resolution shall be effective upon its passage.

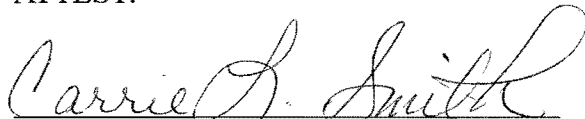
APPROVED AND ADOPTED this 15th day of November, 2011.



APPROVED:


Z Marshall, Mayor Pro Tem

ATTEST:

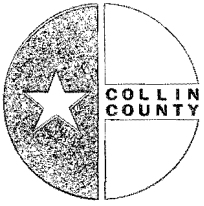

Carrie L. Smith, City Secretary

APPROVED AS TO FORM:


James E. Shepherd, City Attorney

RESOLUTION NO. 2011-357

(Approving Interlocal Agreement with Collin County Concerning Improvements to Parker Preserve)



COLLIN COUNTY

Special Projects
825 N. McDonald St., Ste. 145
McKinney, Texas 75069
972-548-3744
www.collincountytx.gov

October 7, 2011

City of Parker
Jeff Flanigan
5700 East Parker Road
Parker, Texas 75002

RE: Collin County Project Funding Assistance Program

The Collin County Parks Foundation Advisory Board completed review of applications and provided funding recommendations, which were approved by Commissioners Court on September 27, 2011.

On behalf of Commissioners Court, the Advisory Board is pleased to inform you that the **Preserve Recreational Trail Extension** project was awarded **\$12,500.00** in funding.

Enclosed are four (4) originals of the Interlocal Agreement for execution. **Please leave signature tags affixed and return all signed originals to Teresa Nelson at the above address.** Upon execution by the Collin County Commissioners Court an original will be returned for your file. The project must not commence until both parties have executed this Agreement.

The 2007 Open Space Bond, 2nd Series, will provide funding assistance to thirteen (13) applicants for a total of \$2,291,388.00.

If you have any questions you may contact Teresa Nelson (972) 548-3744.

Best regards,

Ryan Dry
Chairperson
Parks Foundation Advisory Board

Enclosure

**INTERLOCAL AGREEMENT
BETWEEN
COLLIN COUNTY
AND THE
CITY OF PARKER**

WHEREAS, the County of Collin, Texas (“County”) and the City of Parker (“City”) desire to enter into an Agreement concerning improvements to Parker Preserve in the City of Parker, Collin County, Texas; and

WHEREAS, the Interlocal Cooperation Act (Texas Government Code Chapter 791) authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, the City and County have determined that the improvements may be constructed most economically by implementing this Agreement; and

WHEREAS, the City and the County find that this Agreement will benefit the residents of the County and provide additional park and recreational facilities and open space for all County residents; and

WHEREAS, this Agreement will support or advance the mission of the Collin County Parks and Open Space Strategic Plan;

NOW, THEREFORE, this Agreement is made and entered into by the County and the City upon and for the mutual consideration stated herein.

WITNESSETH:

ARTICLE I.

The City shall arrange for improvements to Parker Preserve Recreational Trail, hereinafter called the “Project”. The Project shall consist of the items described in Exhibit “A”.

ARTICLE II.

The City shall prepare plans and specifications for improvements, accept bids, award a construction contract and administer the construction contract in accordance with all state statutory requirements. The City shall provide the county with a copy of executed construction contract(s) for the Project. All improvements shall be in accordance with the plans and specifications approved by the City. Changes to the project which alter the initial funding request referenced in Exhibit “A” must be reviewed by the Parks Foundation Advisory Board and approved by Commissioners Court.

ARTICLE III.

The City will not expend assistance funds to acquire easements or real property for use as right-of-way.

ARTICLE IV.

The City estimates the total actual cost of the project to be \$25,000.00. The County agrees to fund a portion of the total cost of items described in Exhibit "A" in an amount not to exceed **\$12,500.00**. The County shall reimburse the City for invoices paid by the City for cost related to the Project. Alternative payment schedules would require Commissioners Court approval.

ARTICLE V.

Collin County's participation in this project shall not exceed \$12,500.00 as indicated in Article IV above. The City shall be responsible for any costs, which exceed the total estimated project cost.

ARTICLE VI.

The City shall install a **project sign** identifying the project as being partially funded by the Collin County 2007 Parks and Open Space Bond Program. The City shall also provide **before, during and after photos** and **quarterly progress reports** in electronic format or via US mail to the contact identified on Exhibit "A". Following completion of the project, the City shall provide **an itemized final accounting of expenditures** including in-kind services or donations for the project. All projects for which the County has provided funds through its 2007 Parks and Open Space Bond Program must remain open and accessible to all County residents.

ARTICLE VII.

The City and County agree that the party paying for the performance of governmental functions or services shall make those payments only from current revenues legally available to the paying party.

ARTICLE VIII.

INDEMNIFICATION. To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgements and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this Agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this Agreement.

ARTICLE IX.

VENUE. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement. The parties agree that this Agreement is performable in Collin County, Texas and that exclusive venue shall lie in Collin County, Texas.

ARTICLE X.

SEVERABILITY. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

ARTICLE XI.

ENTIRE AGREEMENT. This Agreement embodies the entire Agreement between the parties and may only be modified in writing executed by both parties.

ARTICLE XII.

SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this Agreement without the written consent of the other party.

ARTICLE XIII.

IMMUNITY. It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

ARTICLE XIV.

TERM. This Agreement shall be effective upon execution by both parties and shall continue in effect annually until final acceptance of the Project.

ARTICLE XV.

The declarations, determinations and findings declared, made and found in the preamble to this Agreement are hereby adopted, restated and made part of the operative provisions hereof.

EXHIBIT "A"

The County will provide funding assistance for the following:

- ☐ Trail Construction

Total funding

\$12,500.00

Contact Information

Request for reimbursement submitted to:

Collin County
Special Projects
Teresa Nelson
825 N. McDonald Street, Suite 145
McKinney, Texas 75069
972-548-3744

Submission of electronic photos and quarterly reports:

Teresa Nelson
tnelson@collincountytexas.gov

Project Manager Contact: (must be able to answer specific questions regarding project)

Name: Jeff Flanigan

Address: 5700 E. Parker Road

Parker, Texas 75002

Phone: 972-442-6811

Fax: 972-442-2894

Email: jflanigan@parkertexas.us

The purpose of the resolution is to extend the effective date of Atmos Mid-Tex's proposed rate increase to give the City time to review the rate-filing package. The resolution suspends the March 6, 2012 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the other ACSC cities, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy to pursue, including settlement and ultimately to approve reasonable rates.

MOTION: Mayor Pro Tem Marshall moved to approve Resolution 2012-366 as written. Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION AS A RESULT OF DAMAGE TO THE TRAILS FROM RECENT FLOODING.

This item was tabled from the February 7 meeting to acquire engineering review, and bids for repairs on the trail; Councilmember Levine contacted Jeff Durham with Collin County Special Projects requesting an extension of the existing trail grant to fall of 2012 or spring of 2013.

On February 10, 2012; City Engineer Birkhoff, Public Works Supervisor Mooney and City Administrator Flanigan walked, measured, and discussed the trail and appropriate action to make repairs from recent flooding.

Bids for the repairs to the trail were received from three companies ranging from \$23K to \$28K. Jeronimo Cavazos' bid was \$23,000. The City has worked with Mr. Cavazos on other projects as well. \$12,500 will be expended from the Parks and Recreation Trails Fund and the balance will be expended from City Council Contingency Fund.

MOTION: Councilmember Evans moved to approve and accept Jeronimo Cavazos bid of \$23,000 for the repair of the trail; \$12,500 from the Parks and Recreation Trails fund and balance from City Council Contingency fund; a letter to be sent to Collin County, requesting an extension on current grant. Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE PROCEDURE FOR APPOINTING BOARD OFFICERS.

Resolution 2011-348 section 5 was reviewed by Council. It was agreed no changes were required at this time.

No action was taken.

9. CONSIDERATION OF AN APPOINTMENT OF A COUNCIL MEMBER AS A LIAISON TO THE NTMWD, AND THE ROLE OF THE LIAISON.

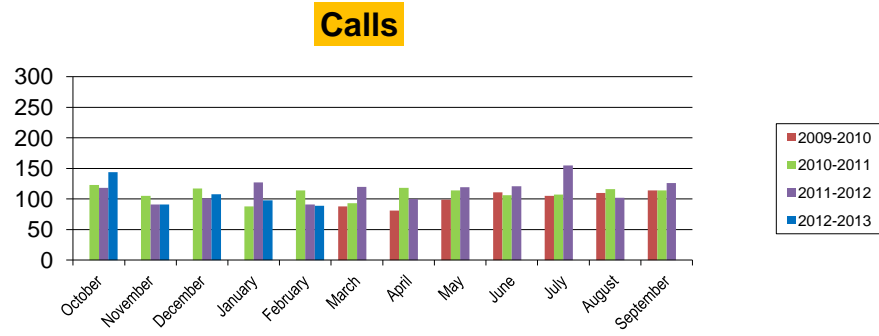
Mayor Cordina had recently attended a TML training and water conservation was a main area of discussion. He requested a councilmember be appointed as a liaison that

Future Council Agenda Items

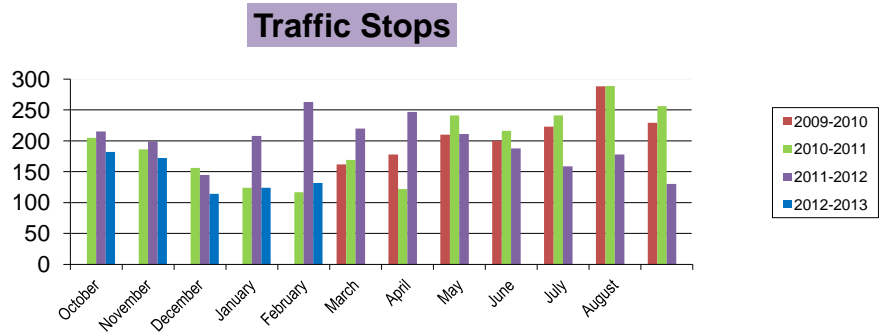
ITEM DESCRIPTION	SCHEDULED AGENDA DATE	Project Contact/ Requestor	Notes
Item cover letters and complete back up due to City Secretary March 25th.			
Recognition of Pete and Dawn Loughlin	April 2, 2013	Sheff	
ACSC Resolution 2013 Membership Assessment Invoice	April 2, 2013	Steering Committee	
Ordinance 481- Employee Benefits	April 2, 2013	Marshall	
CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AMENDING RESOLUTION 2008-231, REPLACEMENT OF CAPITAL EQUIPMENT AND VEHICLES FOR THE POLICE DEPARTMENT. [TAYLOR]	April 2, 2013	Taylor	Draft prepared and sent to Shepherd for approval 2/13.
DUBLIN ROAD TRAFFIC STUDY. [FLANIGAN]	April 2, 2013	Flanigan	Tentative
Item cover letters and complete back up due to City Secretary April 8th.			
Parks and Recs quarterly report	April 16, 2013		
Board Appointments	April 16, 2013	Smith	Boardmembers with terms expiring May 31, 2013
Review of the mowing ordinance	April 16, 2013	Sumrow	Tentative - will be on P&Z 3/28 agenda
Review of animal ordinance	April 16, 2013	Sumrow	Tentative - will be on P&Z 3/28 agenda
Meeting to be canceled			
Item cover letters and complete back up due to City Secretary May 13th.			
Canvass May 11 Election	May 21, 2013	Smith	
Appoint Mayor Pro Tem	May 21, 2013	Smith	
Administer Oath of Office	May 21, 2013	Mayor	
Department Reports	May 21, 2013		
Recognition of Allison for her service on Council	May 21, 2013		

City of Parker
POLICE DEPARTMENT
MONTHLY REPORT

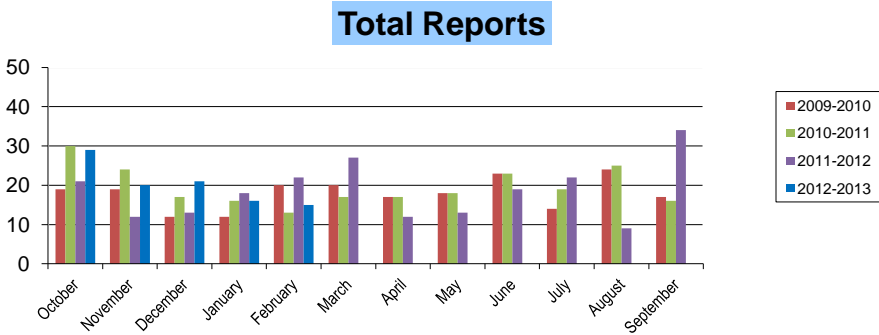
Calls				
Fiscal Year	2009-2010	2010-2011	2011-2012	2012-2013
October		123	118	144
November		105	91	91
December		117	101	108
January		88	127	98
February		114	91	89
March	88	93	120	
April	81	118	100	
May	99	114	119	
June	111	106	121	
July	105	107	155	
August	110	116	102	
September	114	114	126	
Y-T-D Total	708	1315	1371	530



Traffic Stops				
Fiscal Year	2009-2010	2010-2011	2011-2012	2012-2013
October		205	215	182
November		186	199	172
December		156	145	114
January		124	208	124
February		117	263	132
March	162	169	220	
April	178	122	247	
May	210	241	211	
June	200	216	188	
July	223	241	159	
August	288	289	178	
September	229	256	130	
Y-T-D Total	1490	2322	2363	724

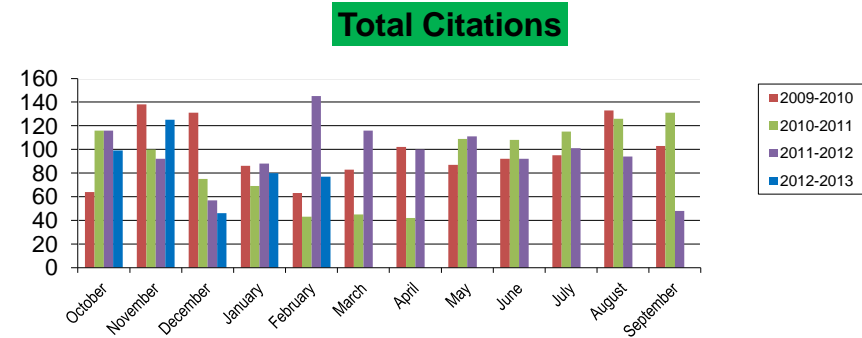
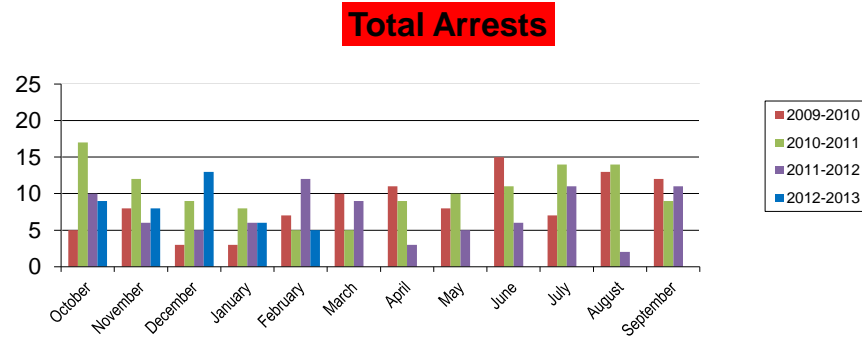


Total Reports				
Fiscal Year	2009-2010	2010-2011	2011-2012	2012-2013
October	19	30	21	29
November	19	24	12	20
December	12	17	13	21
January	12	16	18	16
February	20	13	22	15
March	20	17	27	
April	17	17	12	
May	18	18	13	
June	23	23	19	
July	14	19	22	
August	24	25	9	
September	17	16	34	
Y-T-D Total	215	235	222	101



City of Parker
POLICE DEPARTMENT
MONTHLY REPORT

Total Arrests				
Fiscal Year	2009-2010	2010-2011	2011-2012	2012-2013
October	5	17	10	9
November	8	12	6	8
December	3	9	5	13
January	3	8	6	6
February	7	5	12	5
March	10	5	9	
April	11	9	3	
May	8	10	5	
June	15	11	6	
July	7	14	11	
August	13	14	2	
September	12	9	11	
Y-T-D Total	102	123	86	41
Total Citations				
Fiscal Year	2009-2010	2010-2011	2011-2012	2012-2013
October	64	116	116	99
November	138	100	92	125
December	131	75	57	46
January	86	69	88	80
February	63	43	145	77
March	83	45	116	
April	102	42	100	
May	87	109	111	
June	92	108	92	
July	95	115	101	
August	133	126	94	
September	103	131	48	
Y-T-D Total	1177	1079	1160	427



City of Parker
POLICE DEPARTMENT
VEHICLE MAINTENANCE

[illegible]

RESERVE OFFICERS

OFFICER	HOURS WORKED												
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	TOTAL
Alan Blankenship	0	19	29	18	26.5								92.5
Paul Cogwell	10	16	22	15.5	17.5								81
Mike McCandless	18	20	16	15	16								85



BUILDING PERMIT TOTALS

Feb-13

ACCESSORY/OUTBUILDING PERMITS

4

IRRIGATION/LAWN SPRINKLER PERMITS

3

MISCELLANEOUS PERMITS

6

SWIMMING POOL PERMITS

3

REMODEL/ADDITION PERMITS

1

SINGLE FAMILY RESIDENTIAL PERMITS

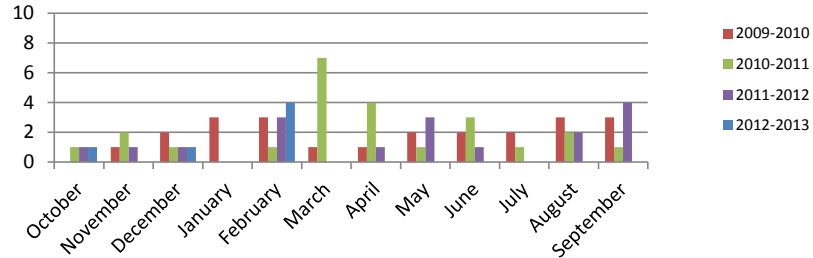
4

INSPECTIONS

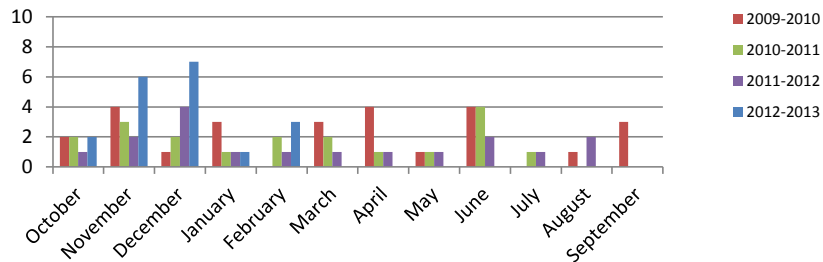
PERMIT GRAPHS

Accessory/Outbuildings Permits				
Fiscal Year	2009-2010	2010-2011	2011-2012	2012-2013
October	0	1	1	1
November	1	2	1	0
December	2	1	1	1
January	3	0	0	0
February	3	1	3	4
March	1	7	0	
April	1	4	1	
May	2	1	3	
June	2	3	1	
July	2	1	0	
August	3	2	2	
September	3	1	4	
Y-T-D Total	23	24	17	6
Irrigation/Lawn Sprinkler Permits				
Fiscal Year	2009-2010	2010-2011	2011-2012	2012-2013
October	2	2	1	2
November	4	3	2	6
December	1	2	4	7
January	3	1	1	1
February	0	2	1	3
March	3	2	1	
April	4	1	1	
May	1	1	1	
June	4	4	2	
July	0	1	1	
August	1	0	2	
September	3	0	0	
Y-T-D Total	26	19	17	19
Miscellaneous Permits				
Fiscal Year	2009-2010	2010-2011	2011-2012	2012-2013
October	4	6	7	10
November	10	7	10	7
December	3	10	8	5
January	2	12	5	9
February	5	6	4	6
March	10	14	10	
April	4	12	9	
May	10	8	13	
June	10	6	15	
July	3	3	10	
August	9	14	13	
September	7	7	7	
Y-T-D Total	77	105	111	37

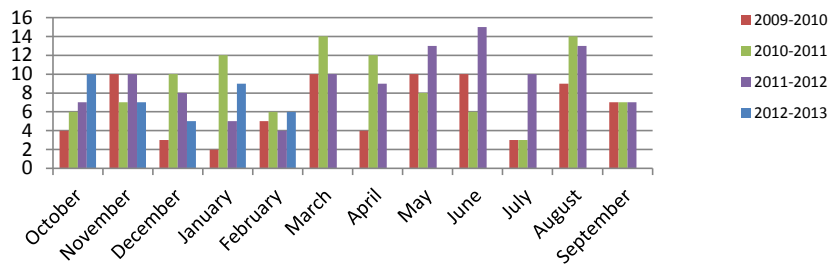
Accessory/Outbuilding Permits



Irrigation/Lawn Sprinkler Permits



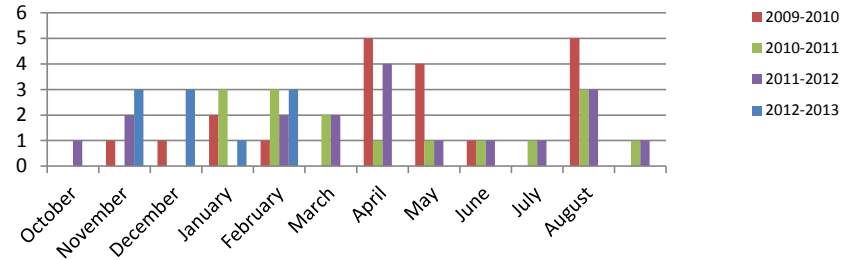
Miscellaneous Permits



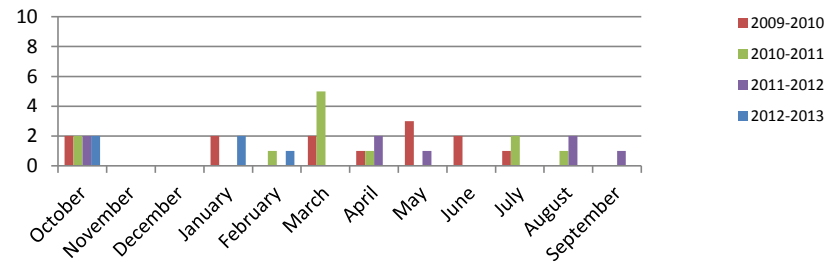
PERMIT GRAPHS

Swimming Pool Permits				
Fiscal Year	2009-2010	2010-2011	2011-2012	2012-2013
October	0	0	1	0
November	1	0	2	3
December	1	0	0	3
January	2	3	0	1
February	1	3	2	3
March	0	2	2	
April	5	1	4	
May	4	1	1	
June	1	1	1	
July	0	1	1	
August	5	3	3	
September	0	1	1	
Y-T-D Total	20	16	18	10
Remodel/Addition Permits				
Fiscal Year	2009-2010	2010-2011	2011-2012	2012-2013
October	2	2	2	2
November	0	0	0	0
December	0	0	0	0
January	2	0	0	2
February	0	1	0	1
March	2	5	0	
April	1	1	2	
May	3	0	1	
June	2	0	0	
July	1	2	0	
August	0	1	2	
September	0	0	1	
Y-T-D Total	13	12	8	5
Single Family Residential Building Permits				
Fiscal Year	2009-2010	2010-2011	2011-2012	2012-2013
October	1	0	2	7
November	1	0	1	0
December	0	1	1	3
January	4	5	2	3
February	1	4	2	4
March	5	2	6	
April	0	3	0	
May	5	2	3	
June	4	9	4	
July	1	0	5	
August	2	0	2	
September	2	2	0	
Y-T-D Total	26	28	28	17

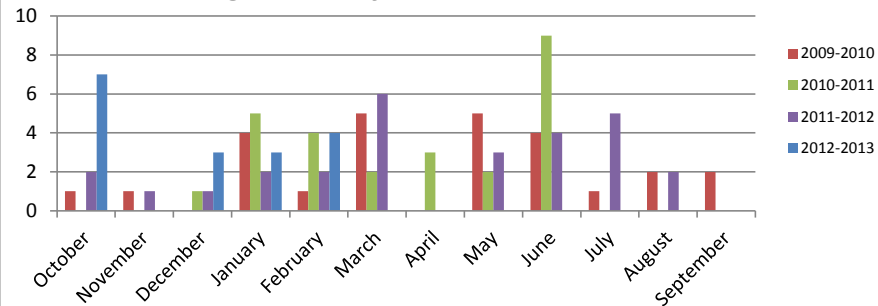
Swimming Pool Permits



Remodel/Addition Permits



Single Family Residential Permits



CITY OF PARKER
PERMIT LOG
FEBRUARY 2013

PERMIT NUMBER	ISSUE DATE	TYPE	ADDRESS	CONTRACTOR	DESCRIPTION	ESTIMATED VALUE	SQUARE FOOTAGE	PERMIT FEE	DEPOSIT FEE	WATER METER FEE
2013-1001	2/1/2013	ACC	4300 WAGONWHEEL DR	OWNER	POOL ARBOR	\$4,000.00	540	\$100.00	NA	NA
2013-1003	2/12/2013	ACC	6504 NORTHRIDGE PKWY	BMR POOL & PATIO	ARBOR GRILL	\$7,000.00	200	\$250.00	NA	NA
2013-1002	2/12/2013	ACC	6004 SOUTHRIDGE PKWY	BUTLER	GARAGE WITH WORKSHOP/EXERCISE/STORAGE	\$50,000.00	1,332	\$375.00	NA	NA
2013-1004	2/26/2013	ACC	3710 SADDLE TRL	SAM MATASSA	STEEL BUILDING	\$30,000.00	2,400	\$375.00	NA	NA
2013-6004	2/18/2013	DEMO	6804 AUDUBON DR	PACE HOMES	DEMOLITION	NA	NA	\$75.00	NA	NA
2013-2003	2/14/2013	ELEC	4302 SYCAMORE LN	SENTRY BUILDERS ELECTRIC	PANEL WITH METER ON BARN	NA	NA	\$75.00	NA	NA
2013-6002	2/12/2013	FENCE	6704 OVERBROOK DR	ACE FENCE DFW	FENCE	\$5,000.00	NA	\$75.00	NA	NA
2013-6003	2/18/2013	FENCE	4605 SYCAMORE LN	JEFFRIES	FENCE	\$800.00	NA	\$75.00	NA	NA
2013-3002	2/12/2013	FSPR	3100 DUBLIN RD	RES COM	FIRE SPRINKLER SYSTEM	NA	NA	\$150.00	NA	NA
2013-4002	2/13/2013	IRR	6808 OVERBROOK DR	GREEN DREAM OUTDOORS		\$7,455.00	NA	\$75.00	NA	NA
2013-4003	2/19/2013	IRR	7501 FOREST BEND DR	M L JOHNSON	IRRIGATION SYSTEM	\$1,100.00	NA	\$75.00	NA	NA
2013-4004	2/28/2013	IRR	6808 AUDUBON DR	CHOATE USA	IRRIGATION SYSTEM	\$2,000.00	NA	\$75.00	NA	NA
2013-7002	2/13/2013	PLUM	5206 EDGEWATER CT	HARVEY WEST PLUMBING	REPLACE 2 WATER HEATERS	NA	NA	\$75.00	NA	NA
2013-10003	2/18/2013	POOL	4108 ROLLING KNOLLS DR	ROBERTSON POOLS	POOL	\$42,000.00	NA	\$500.00	NA	NA
2013-10002	2/18/2013	POOL	6504 NORTHRIDGE PKWY	BMR POOL & PATIO	POOL	\$50,000.00	NA	\$500.00	NA	NA
2013-10005	2/26/2013	POOL	4610 VISTA RIDGE	CLAFFEY POOLS	POOL	\$52,780.00	NA	\$500.00	NA	NA
2013-80003	2/26/2013	REMOD	6004 SOUTHRIDGE PKWY	SURE SCAPES	ADDITION	\$25,000.00	950	\$557.00	NA	NA
2013-9003	2/7/2013	SFR	7402 FOREST BEND DR	GRAND HOMES	NEW RESIDENCE	\$577,900.00	6,816	\$4,271.44	\$1,000.00	\$2,000.00
2013-9005	2/18/2013	SFR	6903 STONY OAK CT	JOSEPH PAUL HOMES	NEW RESIDENCE	\$422,000.00	6,055	\$3,822.45	\$1,000.00	\$2,000.00
2013-9004	2/18/2013	SFR	7308 FOREST BEND DR	GRAND HOMES	NEW RESIDENCE	\$549,900.00	4,895	\$3,138.05	\$1,000.00	\$2,000.00
2013-9007	2/26/2013	SFR	7505 FOREST BEND DR	GRAND HOMES	NEW RESIDENCE	\$302,040.00	9,263	\$5,991.88	\$1,000.00	\$2,000.00
					TOTALS=	\$2,128,975		\$21,130.82	\$4,000.00	\$8,000.00

INSPECTION LOG

FEBRUARY 2013

ASYST REPORT				
TYPE	NUMBER	INSPECTION	COMPLETION DATE	COMMENTS
ACCESSORY/OUTBUILDING	20121016	Building Final	2/13/2013	
ACCESSORY/OUTBUILDING	20131001	Building Final	2/18/2013	
ELECTRICAL	20132003	Electrical Inspection	2/15/2013	
FIRE SPRINKLER	20123008	Fire Hydro Visual	2/25/2013	FAILED 10.23.12
		Fire Final	2/25/2013	
FIRE SPRINKLER	20133001	Fire Hydro Visual	2/7/2013	FAILED 2.6.13 NOT READY
FIRE SPRINKLER	20133002	Fire Hydro Visual	2/14/2013	
REMODEL/ADDITION	201380001	Plumbing Top-Out	2/14/2013	FAILED 2.6.13
		Electrical Rough	2/14/2013	FAILED 2.6.13
		Plumbing Rough	2/14/2013	FAILED 2.6.13
		Framing	2/14/2013	FAILED 2.6.13
SINGLE FAMILY RESIDENTIAL	20119029	Building Final	2/13/2013	FAILED 11.29.12 & 12.07.12
SINGLE FAMILY RESIDENTIAL	20129012	Meter Release - Electric	2/5/2013	
		Meter Release - Gas	2/15/2013	
SINGLE FAMILY RESIDENTIAL	20129015	Meter Release - Electric	2/15/2013	FAILED 2.7.13 & 2.13.13
		Meter Release - Gas	2/15/2013	FAILED 2.7.13 & 2.13.13
SINGLE FAMILY RESIDENTIAL	20129021	Meter Release - Electric	2/22/2013	
		Meter Release - Gas	2/25/2013	FAILED 2.22.13
SINGLE FAMILY RESIDENTIAL	20129023	Meter Release - Electric	2/15/2013	FAILED 2.7.13
		Meter Release - Gas	2/15/2013	FAILED 2.7.13 & 2.13.13
SINGLE FAMILY RESIDENTIAL	20129024	Driveway Approach	2/27/2013	FAILED 2.25.13
SINGLE FAMILY RESIDENTIAL	20129025	Meter Release - Electric	2/15/2013	

INSPECTION LOG

FEBRUARY 2013

ASYST REPORT				
TYPE	NUMBER	INSPECTION	COMPLETION DATE	COMMENTS
		Meter Release - Gas	2/15/2013	
SINGLE FAMILY RESIDENTIAL	20129026	Driveway Approach	2/28/2013	
SINGLE FAMILY RESIDENTIAL	20129027	Meter Release - Electric	2/1/2013	
		Meter Release - Gas	2/13/2013	
SINGLE FAMILY RESIDENTIAL	20129028	Plumbing Top-Out	2/6/2013	
		Electrical Rough	2/6/2013	
		Mechanical Rough	2/6/2013	
		Framing	2/6/2013	
SINGLE FAMILY RESIDENTIAL	20129029	Plumbing Top-Out	2/28/2013	FAILED 2.6.13 & 2.15.13
SINGLE FAMILY RESIDENTIAL	20129029	Electrical Rough	2/28/2013	FAILED 2.6.13 & 2.15.13
		Mechanical Rough	2/28/2013	FAILED 2.6.13 & 2.15.13
		Framing	2/28/2013	FAILED 2.6.13 & 2.15.13
SINGLE FAMILY RESIDENTIAL	20129031	Plumbing Top-Out	2/22/2013	
		Electrical Rough	2/22/2013	
		Mechanical Rough	2/22/2013	
		Framing	2/22/2013	
SINGLE FAMILY RESIDENTIAL	20129032	Foundation	2/7/2013	
SINGLE FAMILY RESIDENTIAL	20129033	Foundation	2/6/2013	
SINGLE FAMILY RESIDENTIAL	20129036	Form Survey	2/5/2013	
		Plumbing Rough	2/5/2013	
		Foundation	2/15/2013	
SINGLE FAMILY RESIDENTIAL	20139001	Plumbing Rough	2/27/2013	
		Form Survey	2/27/2013	

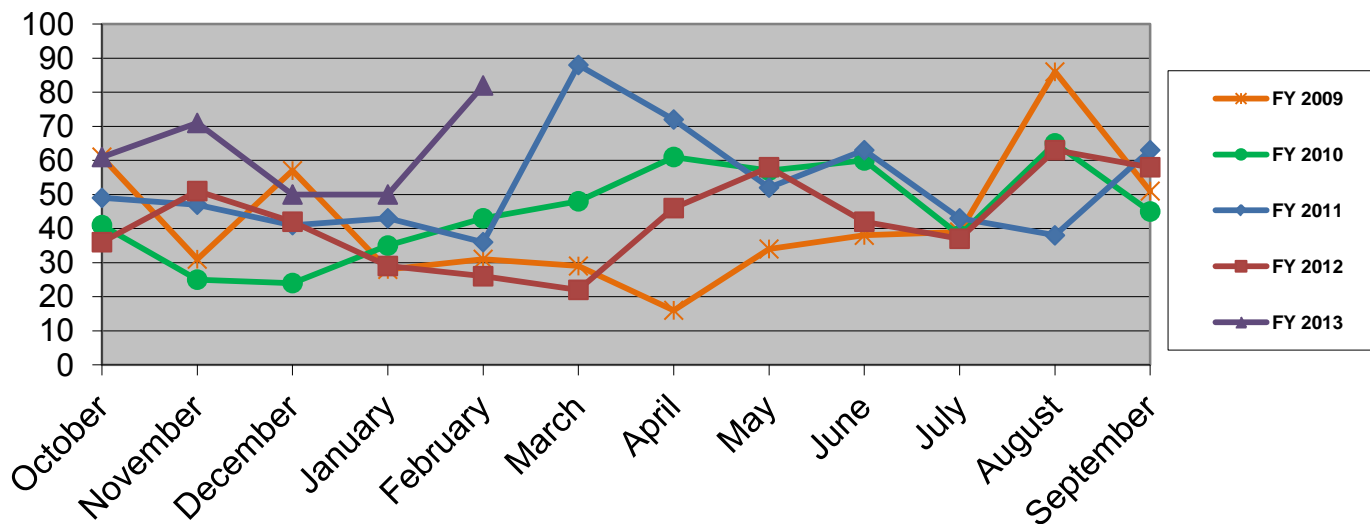
INSPECTION LOG

FEBRUARY 2013

ASYST REPORT				
TYPE	NUMBER	INSPECTION	COMPLETION DATE	COMMENTS
SINGLE FAMILY RESIDENTIAL	20139002	T-Pole	2/22/2013	
SINGLE FAMILY RESIDENTIAL	20139005	T-Pole	2/26/2013	
SWIMMING POOL	201210011	Fence Final	2/22/2013	
SWIMMING POOL	201210016	Fence Final	2/8/2013	
SWIMMING POOL	201210018	Deck Steel	2/7/2013	
		Fence Final	2/28/2013	
		Pool Protection Certification	2/28/2013	
SWIMMING POOL	201210019	Pool Final	2/14/2013	
		Pool Protection Certification	2/14/2013	
SWIMMING POOL	201210020	Deck Steel	2/1/2013	
		Fence Final	2/11/2013	
		Pool Protection Certification	2/11/2013	
		Pool Final	2/27/2013	
			TOTAL =	82

Monthly Inspection Report

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
October	61	41	49	36	61
November	31	25	47	51	71
December	57	24	41	42	50
January	28	35	43	29	50
February	31	43	36	26	82
March	29	48	88	22	
April	16	61	72	46	
May	34	57	52	58	
June	38	60	63	42	
July	39	38	43	37	
August	86	65	38	63	
September	51	45	63	58	
Year Total	501	542	635	510	314



CODE ENFORCEMENT REPORT

2012-2013

Violation Description	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	YTD Totals
High Grass	5	2	1										8
Illegal Dumping	1	2	1		1								5
Illegal Structure	1												1
Illegal Vehicle			1	2									3
Junked Vehicles				2	1								3
Lot Maintenance	2	3	2	2	1								10
Trash and Debris	5	6	2	1	3								17
ITEM TOTALS	14	13	7	7	6	0	0	0	0	0	0	0	47

Officer Actions	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	YTD Totals
Verbal Warnings	5	10	3	5	4								27
Complied/Resolved	5	10	3	5	4								27
10 Day Notice (Letters	3	6	2										11
Extension Granted	2	1											3
Complied/Resolved	2	1											3
Citations Issued													0
Stop Work Order													0
Misc													0
ITEM TOTALS	17	28	8	10	8	0	0	0	0	0	0	0	71

