



**AGENDA**  
**CITY COUNCIL MEETING**  
**June 4, 2013 @ 5:30 PM**

Notice is hereby given the City Council for the City of Parker will meet in a Regular Meeting on Tuesday, June 4, 2013 at 5:30 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 551.087—ECONOMIC DEVELOPMENT PROSPECT AND PROPOSAL REGARDING A PENDING PROJECT IN THE AREA OF LEWIS AND BETHANY ROADS—KINGS CROSSING.
  - B. GOVT. CODE 551.074 - DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION AND OR DUTIES OF MEMBERS OF THE POLICE DEPARTMENT AND THE CITY ADMINISTRATOR.
  - C. 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.

## RECOGNITION

RECOGNITION OF DAVID LEAMY FOR HIS DEDICATION AND SERVICE TO THE CITY OF PARKER.

**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 MAY 21, 2013. [SMITH]
5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013 - 408 APPOINTING 2013-2014 PLANNING AND ZONING COMMISSIONERS AND OFFICERS. [P&Z]
6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-409 APPOINTING 2013-2014 PARKS AND RECREATION COMMISSIONERS AND OFFICERS. [P&R]
7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-410 APPOINTING MEMBERS TO SERVE ON THE PERSONNEL COMMITTEE; AMENDING RESOLUTION 2011-334. [FLANIGAN]
8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-411 APPOINTING MEMBERS TO THE CITY NEWSLETTER COMMITTEE; AMENDING RESOLUTION 2012-377. [FLANIGAN]
9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-412 APPOINTING MEMBERS TO SERVE ON THE EMERGENCY MANAGEMENT COMMITTEE; AMENDING RESOLUTION 2011-335. [FLANIGAN]
10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-413 APPROVING AND ADOPTING RATE SCHEDULE "RRM – RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE. [SHEPHERD/ACSC]

## ROUTINE ITEMS

11. FUTURE AGENDA ITEMS
12. UPDATES ON UPCOMING PLANNING AND BUDGET WORK SESSION DATES.

### 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 May 31, 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](http://www.parkertexas.us).

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Date Notice Removed

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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: June 4, 2013
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: C. Smith
Estimated Cost:	Date Prepared: May 22, 2013
Exhibits:	1. Minutes

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR MAY 21, 2013. [SMITH]

### SUMMARY

Please review the attached minutes and email me any changes or comments prior to the meeting.

Thank you - Carrie

### POSSIBLE ACTION

- **APPROVE:** Move to approve the May 21, 2013 meeting minutes as written (*or amended*).
- **TABLE:** Move to table to a future agenda.

Inter – Office Use			
Approved by:			
Department Head:	Carrie L. Smith	Date:	May 31, 2013
City Attorney:		Date:	
City Administrator:		Date:	

**MINUTES**  
**CITY COUNCIL MEETING**

**May 21, 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 7:00 p.m. Councilmembers Sumrow, Levine, Pettie and Taylor were present. Leamy was absent.

Newly Elected Councilmembers Stone and Standridge 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 Fragoso.

**PLEDGE OF ALLEGIANCE**

AMERICAN PLEDGE: Councilmember Sumrow led the pledge.

TEXAS PLEDGE: Councilmember Pettie 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.

No comments.

**INDIVIDUAL CONSIDERATION ITEMS**

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR APRIL 16, 2013. [SMITH]

MOTION: Councilmember Sumrow moved to approve the April 16, 2013 minutes as written. Mayor Pro Tem Levine seconded with Councilmembers Sumrow, Levine, Pettie and Taylor voting for. Motion carried 4-0.

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-407 CANVASSING THE ELECTION RETURNS AND DECLARATION OF RESULTS OF AN ELECTION HELD IN THE CITY OF PARKER, TEXAS ON MAY 11, 2013. [SMITH]

Votes were reviewed and certified by Collin County Elections Administrator Sharon Rowe.

Patrick Taylor	177
David Leamy	112
Ed Standridge	164
Tom Stone	265

It appearing that Tom Stone, Patrick Taylor and Ed Standridge received the majority vote for the office of City Councilmember and they are hereby declared to be elected to the office to serve after qualifying for said term commencing immediately.

MOTION: Councilmember Sumrow moved to approve Resolution 2013-407 as written. Councilmember Pettie seconded with Councilmembers Sumrow, Levine, Pettie and Taylor voting for. Motion carried 4-0.

3. ADMINISTER OATH OF OFFICE TO NEWLY ELECTED COUNCILMEMBERS.  
[MARSHALL]

Mayor Marshall administered the Oath of Office to the newly elected Councilmembers. Councilmembers Stone, Standridge and Taylor took their seats at the bench.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON APPOINTMENT OF A MAYOR PRO TEM. [MARSHALL]

MOTION: Councilmember Pettie moved to appoint Councilmember Scott Levine as Mayor Pro Tem. Councilmember Taylor seconded with Councilmembers Stone, Standridge, Levine, Pettie and Taylor voting for. Motion carried 5-0.

5. RECOGNITION AND RECEPTION FOR OUTGOING AND INCOMING COUNCILMEMBERS. [MARSHALL]

Mayor Marshall recessed the meeting for a brief break.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION AUTHORIZING STAFF TO ADVERTISE FOR BIDS FOR THE 2013 ANNUAL ROAD MAINTENANCE CONTRACT. [FLANIGAN]

It is the standard process for Council to authorize staff and engineering to evaluate, and prepare documents for bidding the City's annual street maintenance contract. Staff will prepare the necessary bid documents and advertise for bids. Once bids are received, they will be brought to Council for approval. The streets that will be repaired will be evaluated based on cost.

MOTION: Councilmember Taylor moved to authorize staff to advertise for bids for the 2013 annual road maintenance contract. Councilmember Pettie seconded with Councilmembers Stone, Standridge, Levine, Pettie and Taylor voting for. Motion carried 5-0.

7. PUBLIC HEARING, CONSIDERATION, AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 695 AMENDING THE 2012-2013 MUNICIPAL BUDGETS FOR MUNICIPAL PURPOSES. [BOYD]

Finance Manager Boyd's six-month budget review showed some line items may go over budget. After analyzing each department, staff is recommending the reallocations of funds within some departments. (See Exhibit 7A)

Mayor Marshall opened a public hearing at 7:31 pm.

No Comments.

Mayor Marshall closed the public hearing at 7:32 pm.

MOTION: Councilmember Taylor moved to approve Ordinance 695 amending the 2012-2013 municipal budgets for municipal purposes. Councilmember Stone seconded with Councilmembers Stone, Standridge, Levine, Pettie and Taylor voting for. Motion carried 5-0.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON BROADCASTING CITY MEETINGS ON THE CITY WEBSITE. [PETTIE]

Councilmember Pettie noted she had received numerous requests from the public that recordings of the meetings be made available on the City website. Other complaints were the audience could not hear Council during meetings and reviewing the meeting on the website would allow them to listen to the meetings at a volume that was appropriate for them. This option would also allow someone who was unable to attend the meeting an opportunity to review it at a later time.

Our current website software offers the Media Center Module providing 10 GB of space with no additional software or hardware costs. The community may listen to audio recordings of City business meetings 24/7. By searching through the Channels, checking the Recently Added, or using the Search function, they can find the meeting audio recordings.

Cost involved is staff time and potential additional staff in the future.

Councilmember Pettie requested Council authorize staff to move forward with a 60-day trial period and report back to Council.

MOTION: Councilmember Pettie moved to authorize staff to move forward with a trial period and report back to Council in 60-days. Councilmember Taylor seconded with Councilmembers Stone, Standridge, Levine, Pettie and Taylor voting for. Motion carried 5-0.

9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 696 AMENDING MUNICIPAL CODE OF ORDINANCES CHAPTER 156, § 156.37, LOT MAINTENANCE REQUIREMENTS. [SHEPHERD]

Council discussed this item in great length at the 4/16 meeting. This item is to approve the form of the document as written.

MOTION: Councilmember Stone moved to approve Ordinance 696 as written. Councilmember Standridge seconded with Councilmembers Stone, Standridge, Pettie and Taylor voting for. Levine opposed. Motion carried 4-1.

## **ROUTINE ITEMS**

### **10.FUTURE AGENDA ITEMS**

60-day review of audio broadcasting on website

### **11.DEPARTMENT REPORTS – ANIMAL CONTROL, POLICE, BUILDING, WEBSITE**

Mayor Marshall request Police Chief Fragoso to add the County Call Log each month.

### **12.UPDATES ON UPCOMING PLANNING AND BUDGET WORK SESSION DATES.**

- a. PLANNING SESSION JUNE 18<sup>TH</sup> AND 19<sup>TH</sup>
- b. BUDGET SESSION JULY 15<sup>TH</sup> AND 16<sup>TH</sup>

These dates are tentative and subject to change. The work sessions will be held at Parker City Hall.

## **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.

### **13.RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:**

Mayor Marshall received into executive session at 7:56 pm.

551.071 - CONFIDENTIAL LEGAL ADVICE REGARDING THREATENED OR PENDING CONTEMPLATED LEGAL ACTIONS OF THE CITY.

551.087—ECONOMIC DEVELOPMENT PROSPECT AND PROPOSAL REGARDING A PENDING PROJECT IN THE AREA OF LEWIS AND BETHANY ROADS—KINGS CROSSING.

551.074 – PERSONNEL – REVIEW AND EVALUATION OF SPECIFIC MEMBERS OF THE POLICE DEPARTMENT.

### **14.RECONVENE REGULAR MEETING.**



Mayor Marshall reconvened the regular meeting at 10:29 pm.

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

No action was taken.

16. ADJOURN

Mayor Marshall adjourned the meeting at 10:30 pm.

APPROVED:

\_\_\_\_\_  
Mayor Marshall

ATTESTED:

APPROVED on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2013.

\_\_\_\_\_  
City Secretary Carrie L. Smith, TRMC, CMC

EXHIBITS  
7A – 2012-2013 Budget Amendments

CC 4/16/13  
Ord. 695

Budget Adjustments - General Fund (AMENDED)							
Account	Description	Original Budget	Increase	Decrease	Revised Budget	YTD Actual	Changes highlighted in yellow
1-10 8400	Health Insurance	20,700.00	3,000.00	0.00	23,700.00	15,690.68	
1-10-8100	Overtime Wages	5,000.00	0.00	3,000.00	2,000.00	0.00	
	<b>Admin Totals</b>	25,700.00	3,000.00	3,000.00	25,700.00	15,690.68	
Account	Description	Original Budget	Increase	Decrease	Revised Budget	YTD Actual	
1-20-6340	Utilities	5,500.00	400.00	0.00	5,900.00	3,162.21	
1-20-6410	Vehicle Repairs & Maint	12,500.00	3,000.00	0.00	15,500.00	8,296.50	
1-20-6455	Inmate Boarding	3,000.00	0.00	400.00	2,600.00	488.53	
1-20-6878	Tuition	1,000.00	0.00	1,000.00	0.00	0.00	
1-20-7800	Insurance	8,000.00	0.00	1,200.00	6,800.00	6,751.13	
1-20-7900	Training	10,000.00	0.00	800.00	9,200.00	2,131.69	
	<b>Police Totals</b>	40,000.00	3,400.00	3,400.00	40,000.00	20,830.06	
Account	Description	Original Budget	Increase	Decrease	Revised Budget	YTD Actual	
1-30-6510	Court Refunds/Jury	1,800.00	1,000.00	0.00	2,800.00	1,148.00	
1-30-6520	State Costs	75,000.00	0.00	1,000.00	74,000.00	27,413.50	
	<b>Court Totals</b>	76,800.00	1,000.00	1,000.00	76,800.00	28,561.50	
Account	Description	Original Budget	Increase	Decrease	Revised Budget	YTD Actual	
1-55-6840	Maintenance	1,500.00	0.00	45.00	1,455.00	79.03	
1-55-6850	Parkerfest	3,500.00	45.00	0.00	3,545.00	3,543.84	
	<b>Parks &amp; Rec Totals</b>	5,000.00	45.00	45.00	5,000.00	3,622.87	
Account	Description	Original Budget	Increase	Decrease	Revised Budget	YTD Actual	
1-60-7200	Engineering	25,000.00		2,500.00	22,500.00	13,451.85	
1-60-6630	Median	9,750.00		1,000.00	8,750.00	4,147.69	
1-60 -6650	Public Safety and Signage	7,500.00	3,500.00	0.00	11,000.00	5,562.43	
		42,250.00	3,500.00	3,500.00	42,250.00	23,161.97	
Account	Description	Original Budget	Increase	Decrease	Revised Budget	YTD Actual	
1-65-6720	Improvements	10,000.00		1,000.00	9,000.00	1,994.79	
1-65-6710	Maintenance	27,500.00	1,000.00	0.00	28,500.00	15,896.32	
		37,500.00	1,000.00	1,000.00	37,500.00	17,891.11	

Budget Adjustments - Proprietary Fund (AMENDED)							Changes highlighted in yellow
Account	Description	Original Budget	Increase	Decrease	Revised Budget	YTD Actual	
2-70-5750	Meter Reading	22,000.00	0.00	7,500.00	14,500.00	12,249.85	
2-70-6920	Contingency	8,447.00	0.00	6,700.00	1,747.00	935.00	
2-70-7200	Engineering	25,000.00	0.00	13,500.00	11,500.00	3,344.22	
2-70-7300	Auditors	9,500.00	0.00	2,000.00	7,500.00	7,450.00	
2-70-7800	Insurance	17,000.00	0.00	2,000.00	15,000.00	14,604.09	
2-70-8250	Worker's Comp	6,040.00	0.00	800.00	5,240.00	5,211.54	
2-70-8600	Personnel Contingency	3,000.00	0.00	3,000.00	0.00	0.00	
2-70-5740	Water R&M	40,000.00	35,500.00	0.00	75,500.00	56,988.47	
	<b>Water Total</b>	130,987.00	35,500.00	35,500.00	130,987.00	100,783.17	
Account	Description	Original Budget	Increase	Decrease	Revised Budget	YTD Actual	
2-70-5700	Cost NT Water	939,250.00	0.00	2,000.00	937,250.00	468,593.44	
2-70-6020	Computer Equip	2,000.00	0.00	1,500.00	500.00	390.00	
2-70-7400	Legal**	27,000.00	0.00	5,500.00	21,500.00	3,000.00	*Consultant fees must be paid out of CC Contingency
2-70-5720	Utilities-Water Distribution	40,000.00	9,000.00	0.00	49,000.00	23,942.97	
	<b>Water Total</b>	1,008,250.00	9,000.00	9,000.00	1,008,250.00	495,926.41	
Account	Description	Original Budget	Increase	Decrease	Revised Budget	YTD Actual	
2-70-6010	Printing	7,000.00	0.00	800.00	6,200.00	3,972.87	
2-70-6100	Communications	3,051.50	800.00	0.00	3,851.50	3,051.50	
	<b>Water Total</b>	10,051.50	800.00	800.00	10,051.50	7,024.37	



## Council Agenda Item

Budget Account Code:	Meeting Date: June 4, 2013
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: C. Smith
Estimated Cost:	Date Prepared: May 31, 2013
Exhibits:	<ol style="list-style-type: none"> <li>1. Proposed Resolution – 2013-408</li> <li>2. Resolution 2012-384 - 2012-2013 Appointments</li> </ol>

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-408 APPOINTING 2013-2014 PLANNING AND ZONING COMMISSIONERS AND OFFICERS. [P&Z]

### SUMMARY

Per Resolution 2011-348, P&Z interviewed two applicants Wei Wei Jeang and Tony Cassavechia and prepared a recommendation for members, alternates and officers.

Alternate Rick Herzberger submitted his resignation.

Alternate Cleburne Raney has been recommended to Place 4 serving the unexpired term of Tom Stone.

Applicants Wei Wei Jeang and Tony Cassavechia have been recommended to Alternate positions 1 & 2 with terms expiring in 2015.

### POSSIBLE ACTION

- **APPROVE:** Move to approve Resolution 2013-408, Appointing 2013-2014 Planning And Zoning Commissioners and Officers, as written (*or amended*).
- **TABLE:** Move to table to a future agenda.
- **DENY:** Move to deny.

Inter – Office Use			
Approved by:			
Department Head:	Carrie L. Smith	Date:	5/31/2013
City Attorney:	by Email	Date:	Fri 5/31/2013 3:33 PM
City Administrator:		Date:	

**RESOLUTION NO. 2013-408**  
*(2013-2014 P&Z Appointments)*

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY,  
TEXAS, APPOINTING MEMBERS AND ALTERNATE MEMBERS TO  
SERVE ON THE PLANNING AND ZONING COMMISSION**

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

**SECTION 1. Appointment of Voting Members Expiring May 2015**

The following are hereby appointed to serve on the Planning and Zoning Commission as voting members for a two year term, expiring May 31, 2015 or until their successors are appointed and qualified.

Place 1	Russell Wright
Place 3	Leonard Stanislav
Place 5	Steven Schroeder

**SECTION 2. Appointment of Voting Members Expiring May 2014**

The following person is hereby appointed to serve on the Planning and Zoning Commission as a voting member filling an unexpired term of one year, expiring May 31, 2014 or until his successor is appointed and qualified.

Place 4	Cleburne Raney
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**SECTION 3. Appointment of Alternate Members Expiring May 2015**

The following are hereby appointed to serve on the Planning and Zoning Commission as alternate members for a term of two years, expiring May 31, 2015 or until their successors are appointed and qualified.

Alternate 1	Wei Wei Jeang
Alternate 2	Tony Cassavechia

**SECTION 4. Appointment of Officers Expiring May 31, 2014**

THAT the officers of the Planning and Zoning Commission shall include a Chairperson, Vice-chairperson, and Secretary for a term of one-year, expiring May 31, 2014 or until their successors are appointed and qualified.

Chairperson	Russell Wright
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Vice Chairperson  
Secretary

Joe Lozano  
Leonard Stanislav

**SECTION 5. Effective Date.**

This resolution shall be effective upon its passage.

**PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
Z Marshall, Mayor

ATTEST:

\_\_\_\_\_  
Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
James E. Shepherd, City Attorney

**RESOLUTION NO. 2012-384**  
*(2012-2013 P&Z Appointments)*

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY,  
TEXAS, APPOINTING MEMBERS AND ALTERNATE MEMBERS TO  
SERVE ON THE PLANNING AND ZONING COMMISSION**

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

**SECTION 1. Appointment of Voting Members Expiring June 2013**

The following are hereby appointed to serve on the Planning and Zoning Commission as voting members for the unexpired portion of a two year term, expiring June 1, 2013 or until their successors are appointed and qualified.

Place 1	Russell Wright
Place 3	Leonard Stanislav
Place 5	Steven Schroeder

**SECTION 2. Appointment of Voting Members Expiring June 2014**

The following are hereby appointed to serve on the Planning and Zoning Commission as voting members for a term of two years, expiring June 1, 2014 or until their successors are appointed and qualified.

Place 2	Joe Lozano
Place 4	Tom Stone

**SECTION 3. Appointment of Alternate Members Expiring June 2014**

The following are hereby appointed to serve on the Planning and Zoning Commission as alternate members for a term of two years, expiring June 1, 2014 or until their successors are appointed and qualified.

Alternate 1	Rick Herzberger
Alternate 2	Cleburne Raney
Alternate 3	Jasmat Sutaria



**SECTION 4. Appointment of Officers Expiring June 2013**

THAT the officers of the Planning and Zoning Commission shall include a Chairperson, Vice-chairperson, and Secretary for a term of one-year, expiring June 1, 2013 or until their successors are appointed and qualified.

Chairperson	Russell Wright
Vice Chairperson	Joe Lozano
Secretary	Leonard Stanislav

**SECTION 5. Effective Date.**

This resolution shall be effective upon its passage.

**PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas on this the 21st day of August, 2012.

APPROVED:



*[Signature]*  
Z Marshall, Mayor

ATTEST:

*[Signature]*  
Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
James E. Shepherd, City Attorney



## Council Agenda Item

Budget Account Code:	Meeting Date: June 4, 2013
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: C. Smith
Estimated Cost:	Date Prepared: May 31, 2013
Exhibits:	<ol style="list-style-type: none"> <li>1. Proposed Resolution – 2013-409</li> <li>2. Resolution 2012-396 - 2012-2013 Appointments</li> </ol>

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-408 APPOINTING 2013-2014 PARKS AND RECREATION COMMISSIONERS AND OFFICERS. [P&R]

### SUMMARY

Per Resolution 2011-348, P&R has prepared a recommendation for members, alternates and officers.

### POSSIBLE ACTION

- **APPROVE:** Move to approve Resolution 2013-409, Appointing 2013-2014 Parks and Recreation Commissioners and Officers, as written (*or amended*).
- **TABLE:** Move to table to a future agenda.
- **DENY:** Move to deny.

Inter – Office Use			
<b>Approved by:</b>			
Department Head:	Carrie L. Smith	Date:	5/31/2013
City Attorney:	By Email	Date:	Fri 5/31/2013 3:43 PM
City Administrator:		Date:	

**RESOLUTION NO. 2013-409**  
*(2013-2014 P&R Appointments)*

A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS,  
APPOINTING OFFICERS, MEMBERS AND ALTERNATE MEMBERS TO  
SERVE ON THE PARKS AND RECREATION COMMISSION

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

**SECTION 1.** Appointment of Voting Members Expiring May 2015

The following are hereby appointed to serve on the Parks and Recreation Commission as voting members for a two-year term, expiring May 31, 2015 or until their successors are appointed and qualified.

Place 1	Joe Sterk
Place 3	Julie Ellison
Place 5	Sandy Waites

**SECTION 2.** Appointment of Officers Expiring May 2014

The following persons are appointed as officers of the Parks and Recreation Commission for a term of one-year, expiring May 31, 2014 or until their successors are appointed and qualified.

Chairperson Joe Sterk  
Vice Chairperson Cindy Stachiw  
Secretary Julie Ellison

**SECTION 3.** Appointment of a Council Liaison

Councilmember Lee Pettie is appointed Liaison to Parks and Recreation for a term to expire May 31, 2014, or until her successor is appointed.

**SECTION 4.** Effective Date

This resolution shall be effective upon its passage.

**PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

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Z Marshall, Mayor

ATTEST:

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Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

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James E. Shepherd, City Attorney

**RESOLUTION NO. 2012-396**  
*(2012-2013 P&R Appointments)*

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY,  
TEXAS, APPOINTING MEMBERS AND ALTERNATE MEMBERS TO  
SERVE ON THE PARKS AND RECREATION COMMISSION**

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

**SECTION 1. Appointment of Voting Members Expiring May 2013**

The following are hereby appointed to serve on the Parks and Recreation Commission as voting members for the unexpired portion of a two-year term, expiring May 31, 2013 or until their successors are appointed and qualified.

Place 1	Joe Sterk
Place 3	Julie Ellison
Place 5	Renee Sims

**SECTION 2. Appointment of Voting Members Expiring May 2014**

The following are hereby appointed to serve on the Parks and Recreation Commission as voting members for a term of two-years, expiring May 31, 2014 or until their successors are appointed and qualified.

Place 2	Bart Blaydes
Place 4	Cindy Stachiw

**SECTION 3. Appointment of Alternate Members Expiring May 2014**

The following are hereby appointed to serve on the Planning and Zoning Commission as alternate members for a term of two-year, expiring May 31, 2014 or until their successors are appointed and qualified.

Alternate 1	Brooke Asiatico
Alternate 2	Phyllis Houx
Alternate 3	Sandy Waites
Alternate 4	Frank Guynn

**SECTION 4. Appointment of Officers Expiring May 2013**

THAT the officers of the Parks and Recreation Commission shall include a Chairperson, Vice Chairperson, and Secretary for a term of one-year, expiring May 31, 2013 or until their successors are appointed and qualified.

Chairperson Joe Sterk  
Vice Chairperson Cindy Stachiw  
Secretary Julie Ellison

**SECTION 5. Appointment of a Council Liaison**

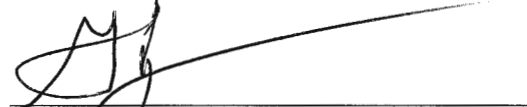
Councilmember Lee Pettie is appointed Liaison to Parks and Recreation for a term to expire May 31, 2013, or until her successor is appointed.

**SECTION 6. Effective Date and Repealer**


This resolution shall be effective upon its passage. Resolution 2012-390 is repealed and replaced by this resolution.

**PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas on this the 16th day of October, 2012.

APPROVED:

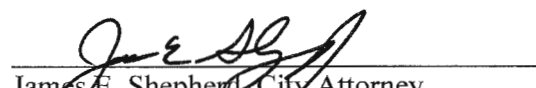
  
Z Marshall, Mayor

ATTEST:

  
Carrie L. Smith, City Secretary



APPROVED AS TO FORM:

  
James E. Shepherd, City Attorney



## Council Agenda Item

Budget Account Code:	Meeting Date: June 4, 2013
Budgeted Amount:	Department/ Requestor: Routine
Fund Balance-before expenditure:	Prepared by: Smith
Estimated Cost:	Date Prepared: May 31, 2013
Exhibits:	1. Proposed Resolution 2013--410 2. Resolution 2011-334

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-410 APPOINTING MEMBERS TO SERVE ON THE PERSONNEL COMMITTEE; AMENDING RESOLUTION 2011-334.

### SUMMARY

This item is to remove Allison Sumrow and/or revise the form or committee duties, or dissolve the committee.

### POSSIBLE ACTION

- **APPROVE:** Move to approve Resolution 2013-410 Appointing Members To Serve On The Personnel Committee; Amending Resolution 2011-334, as written (*or amended*).
- **TABLE:** Move to table to a future agenda.
- **DENY:** Move to deny.



Inter – Office Use			
Approved by:			
Department Head:	Carrie L. Smith	Date:	5/31/2013
City Attorney:	By Email	Date:	Fri 5/31/2013 3:27 PM
City Administrator:		Date:	

**RESOLUTION NO. 2013-410**

*(Personnel Committee)*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS APPOINTING MEMBERS TO SERVE ON THE PERSONNEL COMMITTEE; AND ESTABLISHING THE PRIMARY FUNCTIONS OF THE COMMITTEE.**

**WHEREAS** the City Council has determined that the appointment of a Personnel Committee will facilitate matters of personnel in the city, and the interrelationship of elected officials, management, and employees;

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

**SECTION 1    Appointments.** The following are hereby appointed to serve as members of the Personnel Committee:

	TITLE
_____	Chairperson and City Council Member
Scott Levine	City Council Member
City Administrator	Ex-officio, non-voting member

The Mayor serves as a non-voting ex-officio member of the Personnel Committee.

**SECTION 2    Functions.** The Personnel Committee shall have the following two primary functions:

- A. Compensation and salary planning within the City of Parker
  - 1) Strategic direction regarding the City's compensation program
  - 2) Oversight to City staff during the salary budgeting process:
    - a) Market compensation levels
    - b) Merit/promotion and adjustment increase budgets
  - 3) Review staff recommendations for merit increases and promotions, based on annual performance appraisals and staff input.
- B. Human Resource Guidance on non-routine issues:
  - 1) Employee relations
  - 2) Organizational design
  - 3) Recruiting and hiring
  - 4) Training and organizational development
  - 5) Benefits
  - 6) Policies
  - 7) Performance appraisal process
  - 8) Other human resource issues that may arise

**SECTION 3    Authority.** The City Council has not delegated any final authority to the Personnel Committee. All actions of the Personnel Committee are advisory to the City Council, the Mayor, and/or the City Administrator.

**DULY PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas on this the \_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF PARKER:

\_\_\_\_\_  
Mayor Z Marshall

ATTEST:

\_\_\_\_\_  
City Secretary Carrie L. Smith

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney James E. Shepherd

**RESOLUTION NO. 2011-334**

*(Personnel Committee)*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER,  
COLLIN COUNTY, TEXAS APPOINTING MEMBERS TO SERVE ON  
THE PERSONNEL COMMITTEE; AND ESTABLISHING THE  
PRIMARY FUNCTIONS OF THE COMMITTEE.**

**WHEREAS** the City Council has determined that the appointment of a Personnel Committee will facilitate matters of personnel in the city, and the interrelationship of elected officials, management, and employees;

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

**SECTION 1 Appointments.** The following are hereby appointed to serve as members of the Personnel Committee:

	TITLE
Allison Sumrow	Chairperson and City Council Member
Scott Levine	City Council Member
City Administrator	Ex-officio, non-voting member

The Mayor serves as a non-voting ex-officio member of the Personnel Committee.

**SECTION 2 Functions.** The Personnel Committee shall have the following two primary functions:

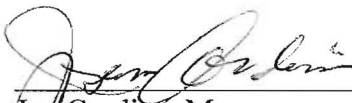
- A. Compensation and salary planning within the City of Parker
  - 1) Strategic direction regarding the City's compensation program
  - 2) Oversight to City staff during the salary budgeting process:
    - a) Market compensation levels
    - b) Merit/promotion and adjustment increase budgets
  - 3) Review staff recommendations for merit increases and promotions, based on annual performance appraisals and staff input.
- B. Human Resource Guidance on non-routine issues:
  - 1) Employee relations
  - 2) Organizational design
  - 3) Recruiting and hiring
  - 4) Training and organizational development
  - 5) Benefits
  - 6) Policies
  - 7) Performance appraisal process
  - 8) Other human resource issues that may arise

**SECTION 3 Authority.** The City Council has not delegated any final authority to the Personnel Committee. All actions of the Personnel Committee are advisory to the City Council, the Mayor, and/or the City Administrator.

**DULY PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas on this the 15th day of June, 2011.



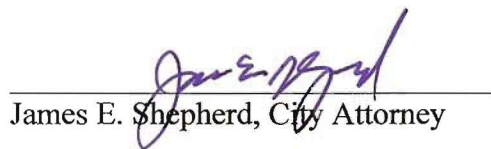
CITY OF PARKER:

  
\_\_\_\_\_  
Joe Cordina, Mayor

ATTEST:

  
\_\_\_\_\_  
Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
James E. Shepherd, City Attorney



## Council Agenda Item

Budget Account Code:	Meeting Date: June 4, 2013
Budgeted Amount:	Department/ Requestor: Routine
Fund Balance-before expenditure:	Prepared by: Smith
Estimated Cost:	Date Prepared: May 31, 2013
Exhibits:	1. Proposed Resolution 2013-411

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-411 APPOINTING MEMBERS TO THE CITY NEWSLETTER COMMITTEE; AMENDING RESOLUTION 2012-377.

### SUMMARY

Allison Sumrow is to be removed from the current Resolution.

The committee has reviewed the process and is recommending the committee be reduced to the Mayor, one Councilmember, City Administrator and City Secretary.

### POSSIBLE ACTION

- **APPROVE:** Move to approve Resolution 2013-411 Appointing Members To The City Newsletter Committee; Amending Resolution 2012-377, as written (*or amended*).
- **TABLE:** Move to table to a future agenda.
- **DENY:** Move to deny.

Inter – Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:		Date:	

**RESOLUTION NO. 2013-411**

*(Newsletter Committee – Amended)*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS APPOINTING MEMBERS TO SERVE ON THE NEWSLETTER COMMITTEE, AMENDING RESOLUTION 2012-377.**

**WHEREAS** the City Council of the City of Parker has formed a Newsletter Committee to provide the citizens with a municipal newsletter providing current information regarding city activities and events; and

**WHEREAS** the committee will consist of the Mayor, one (1) Councilmember, the City Administrator, and the City Secretary;

**NOW THEREFORE BE IT RESOLVED** BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, the following are hereby appointed to serve as members of the Newsletter Committee:

Z Marshall

Mayor

\_\_\_\_\_

Councilmember

Jeff Flanigan

City Administrator

Carrie Smith

City Secretary

**DULY PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**CITY OF PARKER:**

\_\_\_\_\_  
Mayor Z Marshall

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carrie L. Smith, City Secretary

\_\_\_\_\_  
James E. Shepherd, City Attorney





## Council Agenda Item

Budget Account Code:	Meeting Date: June 4, 2013
Budgeted Amount:	Department/ Requestor: Routine
Fund Balance-before expenditure:	Prepared by: Smith
Estimated Cost:	Date Prepared: May 31, 2013
Exhibits:	<ol style="list-style-type: none"> <li>1. Proposed Resolution 2013-412</li> <li>2. Resolution 2011-335</li> </ol>

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-412 APPOINTING MEMBERS TO SERVE ON THE EMERGENCY MANAGEMENT COMMITTEE; AMENDING RESOLUTION 2011-335.

### SUMMARY

Removing Cordina, Daniel and Leamy.

Council is to appoint one Councilmember to serve on the committee. The Emergency Preparedness Plan has Mayor Pro Tem listed as a committee member, so we have added him.

### POSSIBLE ACTION

- **APPROVE:** Move to approve RESOLUTION 2013-412 Appointing Members To Serve On The Emergency Management Committee; Amending Resolution 2011-335. *(or amended)*.
- **TABLE:** Move to table to a future agenda.
- **DENY:** Move to deny.

Inter – Office Use			
Approved by:			
Department Head:	Carrie L. Smith	Date:	5/31/2013
City Attorney:	by Email	Date:	Fri 5/31/2013 3:25 PM
City Administrator:		Date:	

**RESOLUTION NO. 2013-412**

*(Emergency Management Committee)*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PARKER, COLLIN COUNTY, TEXAS APPOINTING MEMBERS TO  
SERVE ON THE EMERGENCY MANAGEMENT COMMITTEE.**

**WHEREAS** the City Council of the City of Parker has formed an Emergency Management Committee to provide and perform the appropriate procedures and management in the event of an emergency;

**NOW THEREFORE BE IT RESOLVED** BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, the following are hereby appointed to serve as members of the Emergency Management Committee:

	TITLE
Z Marshall	Mayor
Scott Levine,	Mayor Pro Tem
_____	Councilmember
Jeff Flanigan	City Administrator
Mike Sheff	Fire Chief
Tony Fragoso	Police Chief
James E. Shepherd	City Attorney

**DULY PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas on this the \_\_\_\_ day of \_\_\_\_\_, 2013.

**CITY OF PARKER:**

\_\_\_\_\_  
Z Marshall, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carrie L. Smith, City Secretary

\_\_\_\_\_  
James E. Shepherd, City Attorney

**RESOLUTION NO. 2011-335**  
*(Emergency Management Committee)*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PARKER, COLLIN COUNTY, TEXAS APPOINTING MEMBERS TO  
SERVE ON THE EMERGENCY MANAGEMENT COMMITTEE.**

**WHEREAS** the City Council of the City of Parker has formed an Emergency Management Committee to provide and perform the appropriate procedures and management in the event of an emergency;

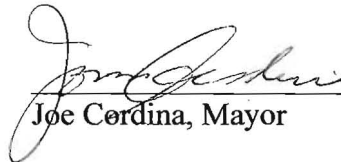
**NOW THEREFORE BE IT RESOLVED** BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, the following are hereby appointed to serve as members of the Emergency Management Committee:

Joe Cordina,	TITLE
David Leamy,	Mayor
Z Marshall,	Councilmember
Dena Daniel,	Councilmember
Jeff Flanigan,	City Administrator
Mike Sheff,	Assistant City Administrator
Tony Fragoso,	Fire Chief
Jim Shepherd,	Police Chief
	Attorney

**DULY PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas on this the 17th day of May, 2011.

**CITY OF PARKER:**

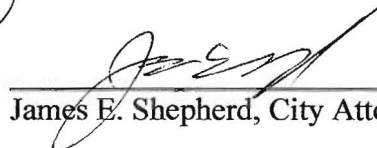


  
Joe Cordina, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

  
Carrie L. Smith, City Secretary

  
James E. Shepherd, City Attorney



## Council Agenda Item

Budget Account Code:	Meeting Date: June 4, 2013
Budgeted Amount:	Department/ Requestor: ACSC
Fund Balance-before expenditure:	Prepared by: Shepherd
Estimated Cost:	Date Prepared: May 31, 2013
Exhibits:	<ol style="list-style-type: none"> <li>1. Staff Report</li> <li>2. Proposed Resolution</li> </ol>

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-413 APPROVING AND ADOPTING RATE SCHEDULE "RRM – RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE. [SHEPHERD/ACSC]

### SUMMARY

#### Purpose of the Resolution:

The purpose of the Resolution is to approve the RRM tariff ("Attachment A") that reflects the negotiated RRM process. For the RRM process to continue, cities exercising original jurisdiction must approve a tariff that authorizes the process.

Action must be taken by July 15.

### POSSIBLE ACTION

- **APPROVE:** Move to approve Resolution 2013-413, Approving And Adopting Rate Schedule "RRM – Rate Review Mechanism" For Atmos Energy Corporation, Mid-Tex Division To Be In Force In The City For A Period Of Time As Specified In The Rate Schedule. *(or amended)*.
- **TABLE:** Move to table to a future agenda.
- **DENY:** Move to deny.

Inter – Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:	By Email	Date:	Fri 5/31/2013 3:24
City Administrator:		Date:	

## **STAFF REPORT**

The City, along with 154 other cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC” or “Steering Committee”). In 2007, ACSC and Atmos Mid-Tex agreed to implement an annual rate review mechanism for Atmos Mid-Tex, known as the Rate Review Mechanism (“RRM”), as a temporary replacement for the statutory mechanism known as GRIP (the “Gas Reliability Infrastructure Program”). This first RRM tariff expired in 2011, and although ACSC and Atmos Mid-Tex met many times to attempt to reach an agreement on a renewed or replacement tariff, they were unable to do so. Atmos Mid-Tex filed a full rate case in 2012. The resulting rates were approved by the Railroad Commission in December 2012 in G.U.D. No. 10170.

ACSC and the Company renewed discussions to develop revisions to the RRM tariff, and have reached a tentative agreement on the form of the RRM tariff to be in effect for a four-year period from 2013 to 2017. If the RRM process is to continue to function as a substitute for the GRIP process, cities that exercise original jurisdiction must adopt a tariff that authorizes the process. For the reasons outlined below, the ACSC Executive Committee and ACSC legal counsel recommend approval of the new RRM tariff by all ACSC member cities.

### **RRM Background:**

The RRM tariff was originally approved by ACSC member cities as part of the settlement agreement resolving the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. The RRM process was created collaboratively by ACSC and Atmos Mid-Tex as an alternative to the legislatively-authorized GRIP rate adjustment process. GRIP, like the RRM, is a form of expedited rate relief for gas utilities that avoids the long and costly process of a full rate filing. However, ACSC strongly opposes the GRIP process because it constitutes piecemeal ratemaking, does not allow any review by cities of the reasonableness of capital expenditures, and does not allow participation by cities in the Railroad Commission’s review of the annual GRIP filings, or recovery by cities of their rate case expenses. The Railroad Commission undertakes only an administrative review of GRIP filings (instead of a full hearing) and the rate increases go into effect without any material adjustments. In ACSC’s view, the GRIP process unfairly raises customers’ rates without any real regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual adjustment as a substitute for GRIP filings.

### **Purpose of the Resolution:**

The purpose of the Resolution is to approve the RRM tariff (“Attachment A”) that reflects the negotiated RRM process. For the RRM process to continue, cities exercising original jurisdiction must approve a tariff that authorizes the process.

### **Reasons Justifying Approval of the Negotiated RRM Tariff:**

In the opinion of ACSC's Executive Committee, the RRM process is a better deal for customers than the GRIP process. Atmos Mid-Tex has stated if it were to file for a rate adjustment in 2013 under the GRIP provisions, it would request approximately \$5 million more in rate relief than it plans to request in a filing under this revised RRM tariff. ACSC assumes that is because the GRIP process only evaluates changes to capital investment. The RRM process looks at revenues (that may be increasing) and expenses (that may be declining), as well as capital investment.

Additionally, the statute authorizing the GRIP rate adjustment process allows the Company to place the entirety of any rate increase in the unavoidable monthly customer charge portion of its rates. If the Company were to file for an increase under the GRIP provisions, the entire amount of the increase would be collected through the fixed portion of the bill, rather than the volumetric charge that varies by a customer's usage. Between 2007 and 2012, ACSC was able to negotiate rate design results that constrained residential customer charges to the \$7.00 to \$7.50 range. However, the Railroad Commission has recently raised the residential customer charge to \$17.70.

The Company has agreed that for the first filing under the revised RRM tariff, there will be no increase to the residential customer charge. Thus, some of the primary benefits of the attached RRM tariff are that it moderates the impact of rate adjustments on residential customers by not changing the residential customer charge for the first RRM period. In subsequent years only 40% of the proposed increase in revenues to the residential class will be recovered through the fixed customer charge, and in no event will the residential customer charge increase by more than \$.50 per month. No such constraints exist under the GRIP process.

Additionally, the attached RRM tariff provides a discount as an incentive for cities permitting the Company annual rate relief. The RRM tariff includes an adjustment amount that is a reduction to the Company's requested increase. The adjustment lowers the Company's rate request by at least \$3 million each year. Additional reductions will also be made each year depending on the size of the Company's requested increase. The attached RRM tariff also caps at 55% the percentage of equity that can be used to calculate the Company's capital structure. Railroad Commission policy allows rates to be based on a parent company's actual capital structure, which for Atmos could mean increases in equity above the most recent level of 52%.

Under the RRM tariff, cities are also able to review the Company's annual expenses and capital investments and make adjustments, or disallowances, for any such expenses or investments that are considered to be unreasonable or unnecessary. The cities' costs in reviewing the annual filings, such as fees associated with the hiring of expert consultants and legal counsel, will be reimbursed by the Company on a monthly basis.

If cities do not approve the RRM tariff, the Company has stated that it will reinstitute its annual filings under the GRIP provisions. The anticipated GRIP adjustment for 2013 would be approximately \$5 million higher than the Company anticipates requesting through an RRM filing. Additionally, GRIP rate adjustments would place the entire amount of the Company's requested increase into the customer charge. The ACSC Executive Committee recommends that ACSC city members take action to approve the Resolution authorizing the RRM tariff.



**Explanation of “Be It Resolved” Paragraphs:**

1. This section approves all findings in the Resolution.
2. This section adopts the attached RRM Tariff (“Attachment A”) and finds the adoption of the tariff to be just, reasonable, and in the public interest. Note that only the new tariff being revised is attached to the Resolution. The initial RRM Tariff has expired by its own terms, and other existing tariffs not being changed in any way are not attached to the Resolution.
3. This section repeals any resolution or ordinance that is inconsistent with this Resolution.
4. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
5. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Resolution. This section further directs that the remaining provisions of the Resolution are to be interpreted as if the offending section or clause never existed.
6. This section provides for an effective date upon passage.
7. This section paragraph directs that a copy of the signed Resolution be sent to a representative of the Company and legal counsel for ACSC.

## **The New RRM: How Does It Stack Up?**

### **RRM (2007-2011)**

- Negotiated limits to the amount of increase included in customer charge.
- Less money requested from ratepayers, because it considers the Company's entire cost of providing service, including declining expenses.
- Cities can review reasonableness of expenses and negotiate disallowances.
- Reimbursement of Cities' rate case expenses.
- Cities can order reductions to requested increase.
- Better working relationship between Cities and Company.

### **GRIP**

- All increase included in customer charge.
- More costly to ratepayers, because it does not consider the Company's entire cost of providing service, including declining expenses.
- Cities have no input as to reasonableness or recovery of expenses.
- No reimbursement of Cities' rate case expenses.
- No reduction in requested increase.
- Poorer working relationship between Cities and Company.

### **New RRM Tariff**

- Includes limits on percentage of increase to be included in monthly customer charge.
- Shorter turn-around on discovery.
- Technical conference to expedite receipt of information from Company.
- No post-test year adjustments.
- Time limit for O&M known and measurable adjustments.
- Reduction in requested increase of at least \$3 million each year.
- Tracks the methodologies approved by the Railroad Commission in the most recent Mid-Tex rate case.

## **RESOLUTION NO. 2013-413**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS, (“CITY”) APPROVING AND ADOPTING RATE SCHEDULE “RRM – RATE REVIEW MECHANISM” FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND ACSC LEGAL COUNSEL.**

**WHEREAS**, the City of Parker, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “the Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

**WHEREAS**, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of cities, most of whom retain original jurisdiction over the rates and services of Atmos Mid-Tex; and

**WHEREAS**, in 2007 ACSC member cities and Atmos Mid-Tex collaboratively developed the Rate Review Mechanism (“RRM”) Tariff that allows for an expedited rate review process controlled by cities as a substitute for the legislatively-constructed Gas Reliability Infrastructure Program (“GRIP”); and

**WHEREAS**, the GRIP mechanism does not permit the City to review rate increases, and constitutes piecemeal ratemaking; and

**WHEREAS**, the RRM process permits City review of requested rate increases and provides for a holistic review of the true cost of service for Atmos Mid-Tex; and

**WHEREAS**, the initial RRM tariff expired in 2011; and

**WHEREAS**, ACSC’s representatives have worked with Atmos Mid-Tex to negotiate a renewal of the RRM process that avoids litigation and Railroad Commission filings; and

**WHEREAS**, the ACSC's Executive Committee and ACSC's legal counsel recommend ACSC members approve the negotiated new RRM tariff; and

**WHEREAS**, the attached Rate Schedule "RRM – Rate Review Mechanism" ("RRM Tariff") provides for a reasonable expedited rate review process that is a substitute for, and is superior to, the statutory GRIP process; and

**WHEREAS**, the expedited rate review process as provided by the RRM Tariff avoids piecemeal ratemaking; and

**WHEREAS**, the RRM tariff reflects the ratemaking standards and methodologies authorized by the Railroad Commission in the most recent Atmos Mid-Tex rate case, G.U.D. No. 10170; and

**WHEREAS**, the RRM Tariff provides for an annual reduction in Atmos Mid-Tex's requested rate increase of at least \$3 million; and

**WHEREAS**, the RRM Tariff provides for a lower customer charge than if Atmos Mid-Tex pursued GRIP filings; and

**WHEREAS**, the attached RRM Tariff as a whole is in the public interest;

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

**Section 1.** That the findings set forth in this Resolution are hereby in all things approved.

**Section 2.** That the City Council finds that the RRM Tariff, **which is attached hereto and incorporated herein as Attachment A**, is reasonable and in the public interest, and is hereby in force and effect in the City.

**Section 3.** That to the extent any resolution or ordinance previously adopted by the City Council is inconsistent with this Resolution, it is hereby repealed.

**Section 4.** That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 5.** That if any one or more sections or clauses of this Resolution is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

**Section 6.** That this Resolution shall become effective from and after its passage.

**Section 7.** That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Christopher Felan, Vice President of Rates and Regulatory Affairs for Atmos Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1600, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.**

\_\_\_\_\_  
Mayor Z Marshall

ATTEST:

\_\_\_\_\_  
City Secretary Carrie L. Smith

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney James E. Shepherd

## **ATTACHMENT A**

### **I. Applicability**

Applicable to Residential, Commercial, Industrial, and Transportation tariff customers in the Mid-Tex Division of Atmos Energy Corporation ("Company") except such customers within the City of Dallas. This Rate Review Mechanism ("RRM") provides for an annual adjustment to the Company's Rate Schedules R, C, I and T ("Applicable Rate Schedules"). Rate calculations and adjustments required by this tariff shall be determined on a System-Wide cost basis.

### **II. Definitions**

"Test Period" is defined as the twelve months ending December 31 of each preceding calendar year.

The "Effective Date" is the date that adjustments required by this tariff are applied to customer bills. The annual Effective Date is June 1. The 2013 filing Effective Date is October 15, 2013.

Unless otherwise noted in this tariff, the term "Final Order" refers the final order issued by the Railroad Commission of Texas in GUD 10170.

The term "System-Wide" means all incorporated and unincorporated areas served by the Company.

"Review Period" is defined as the period from the Filing Date until the Effective Date.

The "Filing Date" is as early as practicable but no later than March 1 of each year with the exception of 2013, which shall have a Filing Date of July 15, 2013. The last annual Effective Date is June 1, 2017.

### **III. Calculation**

The RRM shall calculate an annual, System-Wide cost of service ("COS") that will be used to adjust applicable rate schedules prospectively as of the Effective Date. The annual cost of service will be calculated according to the following formula:

$$\text{COS} = \text{OM} + \text{DEP} + \text{RI} + \text{TAX} + \text{CD} - \text{ADJ}$$

Where:

OM = all reasonable and necessary operation and maintenance expenses from the Test Period adjusted for known and measurable items and prepared consistent with the rate making treatments approved in the Final Order. Known and measurable adjustments shall be limited to those changes that have occurred prior to the Filing Date. OM may be adjusted for atypical and non-recurring items. Shared Services allocation factors shall be recalculated each year based on the latest component factors used during

the Test Period, but the methodology used will be that approved in the Final Order.

DEP = depreciation expense calculated at depreciation rates approved by the Final Order.

RI = return on investment calculated as the Company's pretax return multiplied by rate base at Test Period end. Rate base is prepared consistent with the rate making treatments approved in the Final Order, except that no post Test Period adjustments will be permitted. Pretax return is the Company's weighted average cost of capital before income taxes. The Company's weighted average cost of capital is calculated using the methodology from the Final Order including the Company's actual capital structure and long term cost of debt as of the Test Period end (adjusted for any known and measurable changes) and the return on equity from the Final Order. However, in no event will the percentage of equity exceed 55%. Regulatory adjustments due to prior regulatory rate base adjustment disallowances will be maintained. Cash working capital will be calculated using the lead/lag days approved in the Final Order. With respect to pension and other postemployment benefits, the Company will record a regulatory asset or liability for these costs until the amounts are included in the next annual rate adjustment implemented under this tariff. Each year, the Company's filing under this Rider RRM will clearly state the level of pension and other postemployment benefits recovered in rates.

TAX = income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date, and prepared consistent with the rate making treatments approved in the Final Order.

CD = interest on customer deposits.

ADJ = Downward adjustment to the overall, System-Wide test year cost of service in the amount of \$3,000,000.00, adjusted by a percentage equal to the total percentage increase in base-rate revenue sought pursuant to this tariff.

#### **IV. Annual Rate Adjustment**

The Company shall provide schedules and work papers supporting the Filing's revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the effective period. The Revenue Requirement will be apportioned to customer classes in the same manner that Company's Revenue Requirement was apportioned in the Final Order. For the Residential Class, 40% of the increase may be recovered in the customer charge. The increase to the Residential customer charge shall not exceed \$0.50 per month in any given year. The remainder of the Residential Class increase not collected in the customer charge will be recovered in the usage charge. The Company will forgo any change in the Residential customer charge with the first proposed rate adjustment pursuant to this tariff. For all other classes, the change in rates will be apportioned between the customer charge and the usage charge, consistent with the Final Order. Test Period billing determinants shall be adjusted and normalized according to the methodology utilized in the Final Order.

## **V. Filing**

The Company shall file schedules annually with the regulatory authority having original jurisdiction over the Company's rates on or before the Filing Date that support the proposed rate adjustments. The schedules shall be in the same general format as the cost of service model and relied-upon files upon which the Final Order was based. A proof of rates and a copy of current and proposed tariffs shall also be included with the filing. The filing shall be made in electronic form where practical. The Company's filing shall conform to Minimum Filing Requirements (to be agreed upon by the parties), which will contain a minimum amount of information that will assist the regulatory authority in its review and analysis of the filing. The Company and regulatory authority will endeavor to hold a technical conference regarding the filing within ten (10) calendar days after the Filing Date.

The 2013 Filing Date will be July 15, 2013.

A sworn statement shall be filed by an Officer of the Company affirming that the filed schedules are in compliance with the provisions of this Rate Review Mechanism and are true and correct to the best of his/her knowledge, information, and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies, allocation of common costs, or atypical or non-recurring items included in the filing.

## **VI. Evaluation Procedures**



The regulatory authority having original jurisdiction over the Company's rates shall review and render a decision on the Company's proposed rate adjustment prior to the Effective Date. The Company shall provide all supplemental information requested to ensure an opportunity for adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within seven (7) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the proposed rate adjustment into compliance with the provisions of this tariff.

The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall constitute a finding that such net plant investment was prudently incurred. Such finding of prudence shall not be subject to further review in a subsequent RRM or Statement of Intent filing.

During the Review Period, the Company and the regulatory authority will work collaboratively and seek agreement on the level of rate adjustments. If, at the end of the Review Period, the Company and the regulatory authority have not reached agreement, the regulatory authority shall take action to modify or deny the proposed rate adjustments. The Company shall have the right to appeal the regulatory authority's action to the Railroad Commission of Texas. Upon the filing of an appeal of the regulatory authority's order relating to an annual RRM filing with the Railroad Commission of Texas, the regulatory authority having original jurisdiction over the Company's rates shall not oppose the implementation of the Company's proposed rates subject to refund, nor will the regulatory authority advocate for the imposition of a third party surety bond by the Company. Any refund shall be limited to and determined based on the resolution of the disputed adjustment(s) in a final, non-appealable order issued in the appeal filed by the Company at the Railroad Commission of Texas.

In the event that the regulatory authority and Company agree to a rate adjustment(s) that is different from the adjustment(s) requested in the Company's filing, the Company shall file compliance tariffs consistent with the agreement. No action on the part of the regulatory authority shall be required to allow the rate adjustment(s) to become effective on June 1. To the extent that the regulatory authority does not take action on the Company's RRM filing by May 31, the rates proposed in the Company's filing shall be deemed approved effective June 1. (2013 filing RRM rate will be effective October 15, 2013 if no action is taken). Notwithstanding the preceding sentence, a regulatory authority may choose to take affirmative action to approve a rate adjustment under this tariff. In those instances where such approval cannot reasonably occur by May 31, the rates finally approved by the regulatory authority shall be deemed effective as of June 1.

To defray the cost, if any, of regulatory authorities conducting a review of the Company's annual RRM filing, the Company shall reimburse the regulatory authorities on a monthly basis for their reasonable expenses incurred upon submission of

invoices for such review. Any reimbursement contemplated hereunder shall be deemed a reasonable and necessary operating expense of the Company in the year in which the reimbursement is made. A regulatory authority seeking reimbursement under this provision shall submit its request for reimbursement to the Company no later than August 1 of the year in which the RRM filing is made and the Company shall reimburse regulatory authorities in accordance with this provision on or before August 30 of the year the RRM filing is made.

To the extent possible, the provisions of the Final Order shall be applied by the regulatory authority in determining whether to approve or disapprove of Company's proposed rate adjustment.

This Rider RRM does not limit the legal rights and duties of a regulatory authority. Nothing herein shall abrogate the jurisdiction of the regulatory authority to initiate a rate proceeding at any time to review whether rates charged are just and reasonable. Similarly, the Company retains its right to utilize the provisions of Texas Utilities Code, Chapter 104, Subchapter C to request a change in rates. The provisions of this Rider RRM are implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105).

The annual rate adjustment process set forth in this tariff shall remain in effect during the pendency of any Statement of Intent rate filing.

## **VII. Reconsideration, Appeal and Unresolved Items**

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

## **VIII. Notice**

Notice of each annual RRM filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;
- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;

- c) the service area or areas in which the proposed rates would apply;
- d) the date the annual RRM filing was made with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment be obtained.

ITEM DESCRIPTION	SCHEDULED AGENDA DATE	Project Contact/ Requestor	Notes
<b>Item cover letters and complete back up due to City Secretary May 28th. (Monday the 27th is a holiday)</b>			
Board Appointments - P&Z, Parks and ZBA	June 4, 2013	Smith	Board members with terms expiring May 31, 2013; we have two applicants and one vacancy for the P&Z Commission. Mr. Schroeder will be stepping down at the end of his term. We now have two vacancies with Tom being elected to City Council.
Review of animal ordinance	June 4, 2013	Pettle	Jim Shepherd is reviewing and revising Ordinance
approving and adopting RATE SCHEDULE "RRM – RATE REVIEW MECHANISM" for atmos energy corporation, mid-tex division to be in force in the city for a period of time as specified in the rate schedule	June 4, 2013	ACSC	adopting the tariff by July 15 -
Appointments to Personnel Committee	June 4, 2013		<a href="#">Res 2011-334 removing Allison</a>
Appointments to Newsletter Committee	June 4, 2013		<a href="#">Res 2011-337 removing Allison</a>
Appointments to Emergency Management Committee	June 4, 2013		<a href="#">Update committee members 2011-335: removing David and Joe</a>
<i>Estimated time for meeting</i>			
<b>Item cover letters and complete back up due to City Secretary June 10th.</b>			
City Annual Planning Session - Day 1	Tuesday, June 18, 2013		Beginning at 3:00 pm at City Hall
City Annual Planning Session - Day 2	Wednesday, June 19, 2013		Beginning at 4:00 pm at City Hall
Department reports	June 18, 2013		To include Police call log from County
RESOLUTION 2013---APPOINTING A CITY FIRE MARSHALL. [SHEFF]	June 18, 2013	Sheff	Reference - Ordinance 415
WITH THE SOUTHEAST COLLIN COUNTY EMS COALITION; REPEALING RESOLUTION 2013-404. [SHEFF]	June 18, 2013	Sheff	
DEVELOPMENT AGREEMENT WITH DEVELOPER STEVE SALLMAN. [FLANIGAN]	June 18, 2013	Flanigan	
Update on bicycles on Dublin Road	June 18, 2013	Levine	

ITEM DESCRIPTION	SCHEDULED AGENDA DATE	Project Contact/ Requestor	Notes
<b>July 2 - Holiday week</b>			
<b>Item cover letters and complete back up due to City Secretary July 8th.</b>			
July 15th possible special Council meeting			
City Budget Session - Day 1	Tuesday, July 16, 2013		Tentative
City Budget Session - Day 2	Wednesday, July 17, 2013		Tentative
Parks and Recs quarterly report	July 16, 2013		
Department reports	July 16, 2013		
Review of Audio Broadcasting on Website	July 16, 2013	Smith	5/21 Council authorized 60 day trial.
Zoning Change request from Wynne/Jackson	July 16, 2013	P&Z	Tentative - P&Z will hold public hearing on April 25. Public Notice will have to be posted and hearing held by Council.
<a href="#">2011-342 Tx DOP Purchasing Coop</a>	July 16, 2013	Police	Expires 8/31/2013
<a href="#">2012-388 Police Dispatch Collin County</a>	July 16, 2013	Police	Expires 9/30/2013
CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AMENDING ORDINANCE 481, OFFERING HEALTH BENEFITS COVERAGE TO CITY RETIREES. [SHEPHERD]	July 16, 2013	Shepherd	Committee Marshall, Leamy and Pettie