

MINUTES
CITY COUNCIL MEETING

May 13, 2014

CALL TO ORDER – Roll Call and Determination of a Quorum

The Parker City Council met in a special meeting on the above date at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002.

Mayor Pro Tem Levine called the meeting to order at 5:30 p.m. Councilmembers Stone, Standridge, Pettie and Taylor were present. Mayor Marshall was absent.

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

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:
 - a. Govt. Code 551.071— Confidential legal advice regarding law governing development exactions; and compliance with rough proportionality law—Parker Ranch.
 - b. Govt. Code 551.087—Consideration of an economic development proposal received from Haynes Development Company for property located in the ETJ of Parker near Curtis and Lewis roads.

Mayor Pro Tem Levine recessed the regular meeting into executive session at 5:30 p.m.

2. RECONVENE REGULAR MEETING.

Mayor Pro Tem Levine reconvened the regular meeting at 7:03 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: Councilmember Standridge led the pledge.

TEXAS PLEDGE: Councilmember Pettie led the pledge.

PRESENTATION

- RECOGNITION OF EAGLE SCOUT MARSH PATTEN.

Mayor Pro Tem Levine presented Marsh Patten with a Certificate of Achievement for achieving the prestigious rank of Eagle Scout. Mr. Patten's projects included construction of two wooden benches for sitting or stretching in the Preserve; installation of Mile Markers along the trail so people have a sense of how far they have walked; and additional time was spent clearing brush and small growth between the trees along the creek.

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.

Kay Booth, 4010 Ann's Lane - spoke with regards to the Comprehensive Plan review. See exhibit.

CONSENT AGENDA Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.

4. APPROVAL OF MEETING MINUTES FOR APRIL 15, 2014. [SMITH]
5. AUTHORIZE STAFF TO ADVERTISE FOR BIDS FOR THE 2014 ANNUAL ROAD MAINTENANCE CONTRACT. [FLANIGAN]
6. ACCEPT DONATION OF PICNIC TABLES FROM THE PARKER WOMEN'S CLUB TO THE CITY FOR THE PRESERVE. [FLANIGAN]

MOTION: Councilmember Taylor moved to approve the consent agenda. Councilmember Pettie seconded with Councilmembers Stone, Standridge, Levine, Pettie and Taylor voting for. Motion carried 5-0.

INDIVIDUAL CONSIDERATION ITEMS

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A PROPOSED DEVELOPMENT AGREEMENT DEVELOPER WYNNE/JACKSON FOR THE TRACT OF LAND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF CURTIS LANE AND EXISTING FM 2551, APPROXIMATELY 53 ACRES IN PARKER'S EXTRA TERRITORIAL JURISDICTION. [FLANIGAN]

Christopher Jackson of Wynne/Jackson Development, 600 North Pearl St., Suite 650, Dallas, requested the Council consider a development agreement for the tract of land located on the southeast corner of Curtis Rd. and existing FM 2551 (Dillehay), approximately 53 acres located outside the City limits, in the City's Extra Territorial Jurisdiction (ETJ).

The request is for the following variances from the City's Single Family Transitional (SFT) zoning:

- 1 acre minimum lot size
- 1.12 acre average lot size
- All lot set-backs to meet 1 acre standards
- 50 foot of right-of-way (ROW) for all roads, excluding the proposed 4 lane, collector road
- Solid fences up to 8 feet in height along existing FM 2551 and future FM 2551 (Dillehay). Such fences to be wood shall have steel poles, common stain and the "good side" facing away from the home.
- Lot layout shall roughly conform to the attached lot layout Concept Plan (Exhibit 7A)

The proposed community will:

- Dedicate the future FM 2551 to the City of Parker
- Have an entrance monument off of existing FM 2551 (Dillehay)
- Have a mandatory home owners association (HOA)

Councilmember Stone stated he wants the right-of-way to remain the required 60 feet.

Councilmember Standridge asked if there was another option other than a solid wood fence for screening. Mr. Jackson stated his builder's request the screening be a wooden fence as they feel it is what the market desires and due to costs. He said the HOA would be required to maintain the fencing.

Mayor Pro Tem Levine questioned if any of the property is located in flood plain. Mr. Jackson noted there were approximately 4 lots on the western side. The grade would have to be improved prior to permitting a structure to be built.

MOTION: Councilmember Pettie moved to table this item to a future agenda when Mayor Marshall will be present. Councilmember Standridge seconded with Councilmembers Stone, Standridge, Levine, Pettie and Taylor voting for. Motion carried 5-0.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A PROPOSED DEVELOPMENT AGREEMENT WITH DEVELOPER RON HAYNES FOR A TRACT OF LAND GENERALLY LOCATED SOUTHWEST OF CURTIS LANE AND LEWIS LANE. [FLANIGAN]

Developer Ron Haynes and City Staff have been working on a proposed development agreement for property located outside the City limits in the Extra Territorial Jurisdiction (ETJ). Mr. Haynes' company would like to annex the property into the City of Parker, rebuild the existing Curtis Rd from Southridge Estates east to FM 2551 (Dillehay).

Developer Ron Haynes, 8214 Westchester, Suite 650, Dallas Texas. Mr. Haynes updated Council on his requested development agreement. His firm has been working with the adjacent property owners to the south and to the north regarding the re-alignment of Curtis Rd and the ROW. As requested by Council, Mr. Haynes and the adjacent property owners reached a proposed agreement that will need to be reviewed by City Attorney and Staff. The exhibit provided in the Council packet is not the most recent design. Mr. Haynes is to provide the City with all new documents.

Mr. Haynes partner, Matt Payaham, 6712 Gemstar Ln, Dallas, answered question from the City Attorney regarding changes to the previous agreement.

MOTION: Councilmember Standridge moved to table this item to a future date to allow time for the City Attorney and Staff to review the amended development agreement and Concept Plan rendering. Councilmember Taylor seconded.

Councilmember Standridge amended his motion requesting the City Attorney to provide the proposed development agreement and revised exhibit at the next Council meeting. Councilmember Taylor amended his second.

Vote: 5-0 Motion carried.

9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2014-441 MODIFYING RESOLUTION 2008-226 AN AGREEMENT FOR EMS MEDICAL CONTROL. [SHEFF]

Fire Chief Sheff reviewed the agreement and amendment with Council.

"On October 1, 2008 Parker FD entered into an annually renewing contract with Questcare Medical Services, P.A. for medical supervision of the department's EMTs and paramedics including, but not limited to, provision of on-line medical control via base station communications located at Medical Center of Plano, provision of medical protocols, and providing for the continuing education for our medical personnel. The contract made note that Mark Gamber, D.O., or such other physician appointed by Questcare, would be assigned as our department's medical director. Parker would be charged at a rate of \$65 per hour subject to a minimum of \$100 per month (\$1,200 per annum) plus \$250 to defray the cost of medical malpractice insurance carried by Questcare.

We note that Questcare provides medical directorship to, among others, Plano FD, Murphy FD and Lucas FD.

Since the contract was first established the total annual cost of medical directorship has never exceeded \$2,000. Dr. Gamber has continued as, and currently is, our medical director.

Questcare has requested two modifications to the contract as follows:

1. Questcare may appoint another physician OR a physician assistant employees OR contractors of Questcare in substitution for Dr. Gamber to conduct all or part of the activities required of the Medical Director; and
2. The requirement that payment be made 30 days after invoice (Terms of invoice were omitted from the original contract). The change also removes the minimum monthly charge of \$100.

The department views these modifications as acceptable and recommends approval by Council.”

Council discussed the requirements for the noted contractors to be insured. Paragraph 1 is being amended to allow the medical director to include a physician assistant. The date of the amendment agreement needs to be corrected.

MOTION: Councilmember Taylor moved to approve Resolution 2014-441 modifying Resolution 2008-226 an agreement for ems medical control subject to verifying all physician assistants, employees and independent contractors are covered by mal-practice insurance. Councilmember Pettie seconded with Councilmember’s Stone, Standridge, Levine, Pettie and Taylor voting for. Motion carried 5-0.

City Attorney Shepherd reviewed the requested change:

“The medical director and all appointees/designees will carry mal-practice insurance to the same extend as the medical director.”

10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON FIRE DEPARTMENT STIPEND. [SHEFF]

On March 11, Council voted to extend the stipend for 45 days, ending May 15, 2014.

Fire Chief Sheff’s March 11, 2014 Report:

“The fire department stipend program represents an inducement paid to up to three firefighters under the FSLA Volunteer Exemption to staff the fire station during weekday hours. The program was presented to Council during the 2014 fiscal year planning/budget process in response to deteriorating daytime response metrics.

The current budget year includes \$23,400 for a six month period, half of our original request of \$46,800. At that time Council indicated the program would be re-evaluated after six months. The stipend program became effective October 1, 2013.

The department assessed the impact of stipend staffing between October 1, 2013 and February 28, 2014. The results are presented in a separate PPT deck attached hereto. We determined a stipend crew responded to a meaningful 41% of all fire department calls for service that occurred during this five month period. We further determined that a stipend crew responded on average in 4 minutes. This compared to an average 9.5 minute response when the station was unstaffed during this same period representing a 58% improvement in response times under the stipend program.

Based upon the demonstrable relevance of the stipend program to the general welfare and safety of the citizens of Parker, the department recommends Council provide the necessary funding to continue the stipend program, as modified below, through the remainder of the fiscal year based upon the following formula: \$23,400 less the dollar amount of funds remaining in the stipend program's budget line as of March 31, 2014.

Modification: the current stipend program pays an inducement of \$40 plus \$20 against receipts for meals for each of up to three firefighters. Firefighters are not fully utilizing the meal allowance by an average of \$5 per person. Based upon firefighter feedback, to simplify the compensation process and to further act as inducement for members to forego the opportunity cost of part-time paid, daily employment with other area fire departments who employ part-time firefighters as a normal staffing strategy with hourly compensation up to two measures greater than our stipend, we recommend increasing the inducement to \$60 and eliminating payment of \$20 against receipts. Firefighters will be responsible for their own meals."

Council Discussion ensued.

MOTION: Councilmember Standridge moved to continue with the stipend program for the remaining 2013-2014 Fiscal Year; funds to be transferred from the Council Contingency line item for a total of \$23,400; and food receipts are no longer required. Councilmember Pettie seconded with Councilmembers Stone, Standridge, Levine, Pettie and Taylor voting for. Motion carried 5-0.

Mayor Pro Tem Levine commented a better solution is needed to resolve issue of retaining volunteer fire fighters.

11. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2014- 442 DENYING THE RATE INCREASE REQUESTED BY ATMOS ENERGY CORP., MID-TEX DIVISION. [SHEPHERD]

The City, along with approximately 164 other cities served by Atmos Energy Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC").

Consultants working on behalf of ACSC Cities have investigated the Company's requested rate increase. While the evidence does not support the \$45.7 million

increase requested by the Company, ACSC's consultants agree that the Company can justify an increase in revenues of a much lesser amount—namely, an increase of only \$19 million. The Executive Committee authorized a settlement value considerably above the consultants' recommendation but it was insufficient to meet the Company's expectation. The Company and ACSC Cities were too far apart in their positions to reach a compromise, and rather than granting a partial increase that the Company will not accept, the option remaining is to deny the rate increase request in its entirety, and participate in the Company's appeal of this decision at the Railroad Commission.

The purpose of the Resolution is to deny the rate increase requested by Atmos.

MOTION: Councilmember Pettie moved to approve Resolution 2014-422 denying Atmos Energy Rate Increase request. Councilmember Taylor seconded with Councilmembers Stone, Standridge, Levine, Pettie and Taylor voting for. Motion carried 5-0.

12. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2014-443 APPOINTING A CONTRACT REVIEW COMMITTEE. [MARSHALL]

MOTION: Councilmember Pettie moved to table this item to the next regular meeting. Councilmember Taylor seconded with Councilmembers Stone, Standridge, Levine, Pettie and Taylor voting for. Motion carried 5-0.

ROUTINE ITEMS

13. FUTURE AGENDA ITEMS

- a. PROPOSED DEVELOPMENT AGREEMENT DEVELOPER WYNNE/JACKSON FOR THE TRACT OF LAND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF CURTIS LANE AND EXISTING FM 2551, APPROXIMATELY 53 ACRES IN PARKER'S EXTRA TERRITORIAL JURISDICTION.
- b. PROPOSED DEVELOPMENT AGREEMENT WITH DEVELOPER RON HAYNES FOR A TRACT OF LAND GENERALLY LOCATED SOUTHWEST OF CURTIS LANE AND LEWIS LANE.
- c. RESOLUTION 2014-443 APPOINTING A CONTRACT REVIEW COMMITTEE.

14. UPDATES:

- a. Summer Planning and Budget Calendar

15. ADJOURN

Mayor Pro Tem Levine adjourned the meeting at 8:17 pm.

APPROVED:

\s\ Scott Levine

Mayor Pro Tem Scott Levine

ATTESTED:

\s\ Carrie L. Smith

City Secretary Carrie L. Smith

APPROVED on the 3rd day
of June, 2014.

TO: CITY OF PARKER MAYOR MARSHALL, MAYOR PROTEM LEVINE, COUNCIL MEMBERS STONE, STANDRIDGE, PETTLE, AND TAYLOR, CITY ADMINISTRATOR FLANNIGAN

FROM: KAY BOOTH, 4010 ANNS LANE, PARKER, TX 75002

DATE: 5/13/45

RE: UPCOMING LONG-RANGE PLANNING DISCUSSION WITH PARKER CITIZENS

WITH THE INCREASING LOSS OF PARKER'S TREASURED RURAL OPENSOURCE TO DEVELOPMENT, THERE IS NO BETTER TIME TO DETERMINE WHAT PARKER WANTS TO BE WHEN IT GROWS UP. SO I LOOK FORWARD TO THE UPCOMING LONG-RANGE PLANNING DISCUSSIONS WITH PARKER CITIZENS.

UP-TO-DATE PLANNING DOCUMENTS CAN HELP KEEP CITIZENS AND ALL CITY DECISION-MAKERS ON THE SAME PAGE ON DAILY ISSUES AS WELL AS FUTURE CITY GOALS SO THAT THE CITY HOLDS ONTO THE ESSENCE OF "PARKER" AND EVOLVES INTO WHAT CITIZENS WISH PARKER TO BECOME.

AS PART OF THE DISCUSSION PROCESS, I WOULD LIKE TO REQUEST THAT THE CITY'S CURRENT FOUNDATIONAL PLANNING DOCUMENTS, REFERENCED IN THE CITY OF PARKER CODE OF ORDINANCES, BE MADE AVAILABLE FOR REVIEW ONLINE AND AT CITY HALL. THESE WOULD INCLUDE:

THE "COMPREHENSIVE PLAN, 1987-2002"*

THE "LAND USE MAP, 1987-2002"*

THE ORIGINAL "OFFICIAL ZONING MAP"**

*§ 150.01 COMPREHENSIVE PLAN AND LAND USE MAP ADOPTED.

The Comprehensive Plan and Land Use Map, filed herewith, entitled "Comprehensive Plan, 1987-2002," and "Land Use Map, 1987-2002," respectively, as they may be amended from time to time, are hereby adopted by the city, except that all references to the office/neighborhood district, including part III, § 9.5, are hereby deleted and the Plan and Map shall be reproduced without any reference to an office/neighborhood service district and the renumbering of sections and pages should be made where appropriate. The Plan and Map are intended to be an important guide to the city when it considers future zoning and annexation requests, when subdivision plats and site plans are considered, and when decisions are made concerning the location and size of future roads and utilities. The Plan and Map should be reviewed periodically, but at least every 5 years, to ensure that the Plan is compatible with changing conditions, if any, in the city.

(Ord. 300, passed 1-13-1987; Am. Ord. 410, passed 11-19-1996)

**** § 156.16 OFFICIAL ZONING MAP.**

(A) *Official Zoning Map.*

(1) The city is hereby divided into use districts, as shown on the Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The Zoning Map shall be identified by the signature of the Mayor attested by the City Secretary and bearing the seal of the city under the following words: "This is to certify that this is the Zoning Map referred to in Section 1B of Ordinance Number 403 of the city as amended." If, in accordance with the provisions of this chapter, the city's Comprehensive Plan, and Tex. Loc. Gov't Code, Chapter 211, as amended, changes are made in district boundaries or other matter portrayed on the Zoning Map, then the amendment as approved by the City Council shall be reflected on the Zoning Map, which may also be known as the "Zoning Map."

(2) No changes of any nature shall be made in the Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this chapter and punishable as provided for hereafter. Regardless of the existence of purported copies of the Zoning Map which may from time to time be made or published, the Zoning Map, which shall be located in the office of the City Secretary or City Administrator, shall be the final authority as to the current status of land and water areas, buildings, and other structures in the city.

(B) *Replacement of official Zoning Map.*

(1) In the event that the Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may, by ordinance, adopt a new Zoning Map, which shall supersede the prior Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning Map or any subsequent amendment thereof. The new Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the seal of the city and date under the following words: "This is to certify that this Zoning Map supersedes and replaces the Zoning Map originally adopted by the city on the day of December 2, 1980."

(2) Unless the prior Zoning Map has been lost or has been totally destroyed, the prior Map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

(Ord. 483, passed 6-6-2000)

April 30, 2014

Jeff Flanigan
City of Parker
5700 E. Parker Road
Parker, Texas 75002

Dear Jeff,

We request a development agreement for the tract of land located on the southeast corner of Curtis and existing FM 2551, a tract of land totally approximately 53 acres located in ETJ of the City of Parker.

We request the following variances from the City's SFT zoning:

1 acre minimum lot size

1.12 acre average lot size

All lot set-backs be the 1 acre standards

50 of right of way for all roads, excluding the proposed 4 lane, collector road

Solid fences up to 8 feet in height allowed along existing FM 2551 and future FM 2551, such fences to be either stone, brick or wood. If wood, then such fences shall have steel poles, common stain and the "good side" facing away from the home.

Lot layout shall roughly conform to the attached lot layout

The proposed community will:


Dedicated the future FM 2551 to the City of Parker

Have an entrance monument off of existing FM 2551

Have a mandatory HOA

If you have any questions, please feel free to contact me at anytime.

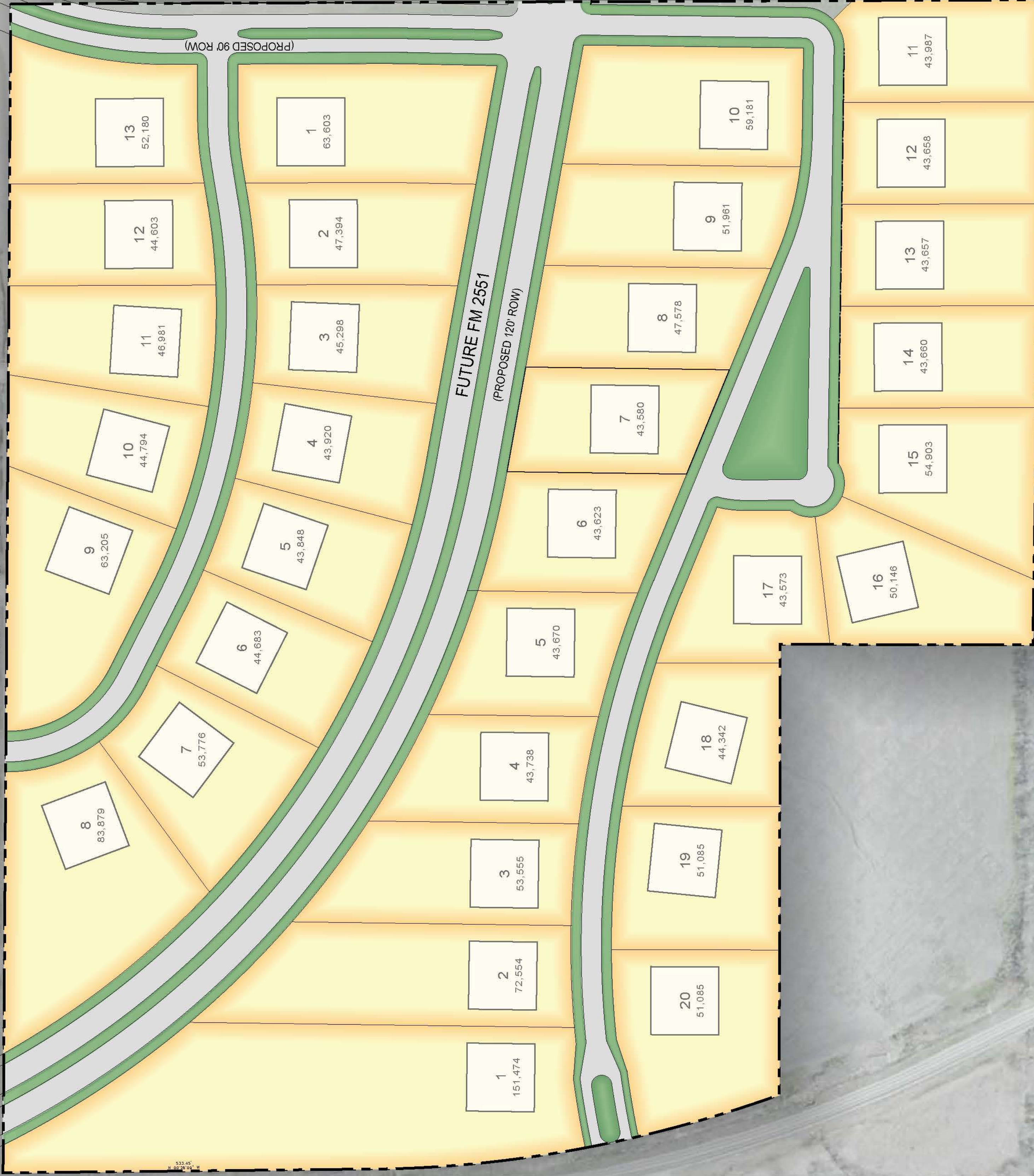
Sincerely,



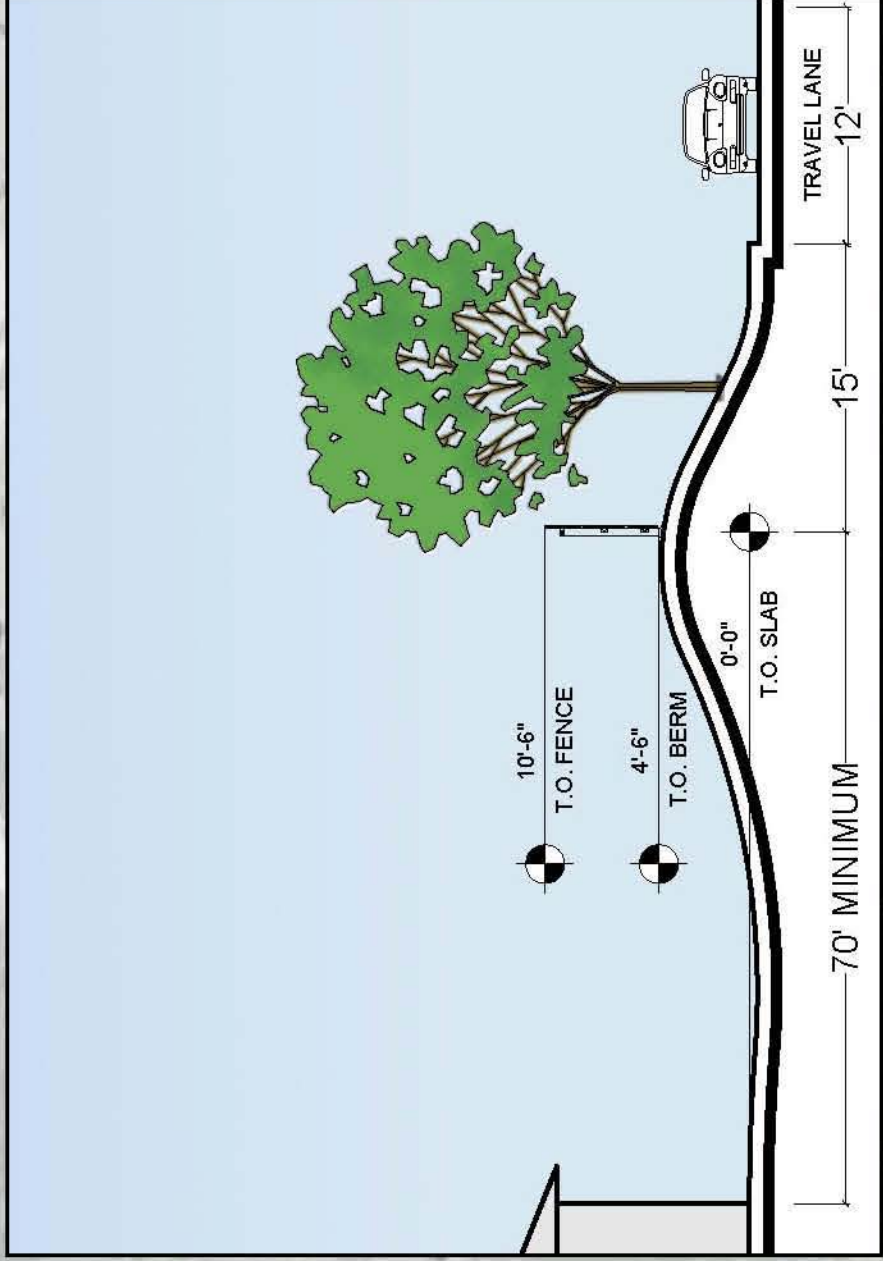
Christopher Jackson

CURTIS RD

FM 2551



SOUTHRIDGE PKWY



PARKER PLACE SECTION

CONCEPTUAL LAND PLAN - ±53 AC

PARKER PLACE - 33 LOTS

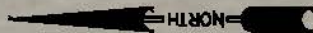
City of Parker, Collin County, Texas

April 23, 2014

Drawing name: I:\SLD\532000_PROPOSAL\PI\3020 WYNNE-JACKSON\Parker 53 Acre Tract\000 CADD\0709 Planning_Landscape\Parker63_1ay013_1B.dwg
Plotted on: Apr 23, 2014 - 3:26pm



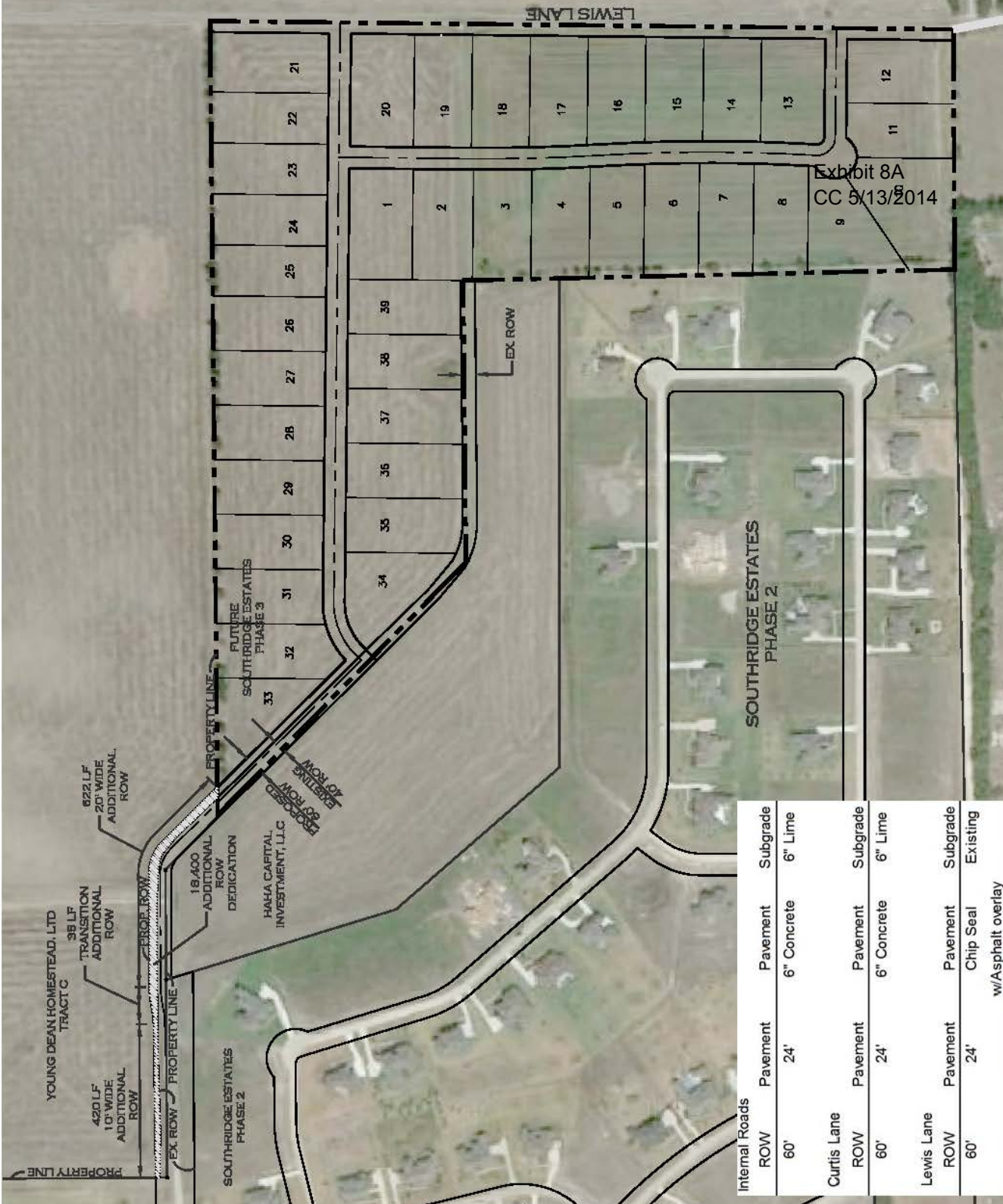
NOTE: This plan is diagrammatic only and is intended to show potential configuration. This plan is only conceptual and is not based upon a detailed survey of existing site conditions such as property limits, subsurface conditions, limits of trees, topography, utilities, easements, etc. April 23, 2014.



Development Lot Criteria

Min. Lot Width:	140'
Min. Lot Depth:	285'
Min. Lot Area:	1 Acre
Front B.L.:	50'/55'
Rear B.L.:	30'
Side B.L. (Street Corner):	50'
Side BL (interior):	25'
Min. PAD Width:	90'
Min. PAD Depth:	90'

39 - 1 ACRE LOTS



Internal Roads	ROW	Pavement	Pavement	Subgrade
	60'	24'	6" Concrete	6" Lime
Curtis Lane	ROW	Pavement	Pavement	Subgrade
	60'	24'	6" Concrete	6" Lime
Lewis Lane	ROW	Pavement	Pavement	Subgrade
	60'	24'	Chip Seal	Existing
w/Asphalt overlay				

SOUTHRIDGE ESTATES

PARKER, TEXAS

SCALE: 1"=400'