

MINUTES

CITY COUNCIL MEETING

September 29, 2009

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 Cordina called the meeting to order at 6:00 p.m. with Councilmember's Marshall, Sumrow, Threadgill, Evans and Levine present. A quorum was present.

Staff present: City Attorney Jim Shepherd, City Administrator Dena Daniel, and Assistant City Administrator Jeff Flanigan. City Secretary Carrie Smith was absent.

EXECUTIVE SESSION

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

Mayor Cordina recessed into executive session at 6:00 p.m.

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

A. 551.074—Personnel—deliberation of duties, responsibilities and performance of Mayor and Councilmember's in their service to the City.

B. 551.071- Legal advice regarding ONCOR transmission line case pending before the Public Utility Commission in PUCT Docket No. 37232.

2. RECONVENE REGULAR MEETING.

Mayor Cordina reconvened the regular meeting at 7:08 p.m.

3. ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE, INCLUDING SUCH RESOLUTIONS, POLICY, AND/OR ORDINANCES AS MAY BE REQUIRED.

Mayor Cordina apologized to the public and Council for sending the letter dated August 27, 2009 (see Exhibit A) to the PUC without allowing the Council an opportunity to efficiently review and deliberate. He noted the PUC rejected his letter because he did not follow City or PUC protocol and that the letter was from him and not the Council.

Councilmember Levine stated, he appreciated the apology and of course accepted it. He wanted to reiterate the Council was not responsible for this – no misstep by the

Council. No one on Council was calling for the Mayor's removal. "We learn from our errors and move on".

City Attorney Shepherd noted the PUC changed the deadline for intervention, comments, etc. to November 2, 2009. Mayor Cordina encouraged all residents to visit the PUC website and make themselves known to the PUC.

a. DELIBERATION AND ANY APPROPRIATE ACTION REGARDING PUBLIC UTILITY COMMISSION DOCKET NO. 37232, REGARDING ONCOR TRANSMISSION LINES IN OR NEAR PARKER TEXAS.

Action was to have Mayor Cordina, Councilmember Levine, City Administrator Daniel and City Attorney Shepherd meet and draft a new letter to the PUC and all recipients of the original letter.

PLEDGE OF ALLEGIANCE

Harry Donaghy led the Pledge.

PUBLIC COMMENTS The City Council invites any person with business before the Council not scheduled on the agenda to speak to the Council. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

Ed Standridge, 4807 Shady Knolls – He thanked the Mayor, Council and resident Elizabeth Morris for showing support to the residents of Spring Hill Estates and their intent to do what is best for the community.

Harry Donaghy, 4613 Hackberry Drive - represented the 169 homes in Spring Hill Estates – He thanked the Mayor and Council for their efforts to make Parker a better place to live.

Jerry Tartaglino, 4103 Pecan Orchard Drive – He asked if the letter to the PUC was delivered to all the residents in Springhill Estates. The Council responded that the letter was not sent to the residents.

INDIVIDUAL CONSIDERATION ITEMS

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FROM SEPTEMBER 15, 2009.

Amendment to item 7, motion was made by Councilmember Evans, not Councilmember Levine.

MOTION: Mayor Pro-tem Threadgill motioned to approve the minutes as amended. Councilmember Sumrow seconded with Councilmembers Marshall, Sumrow, Threadgill, Evans, and Levine voting for. Motion carried 5-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2009-281 ADOPTING THE OFFICIAL NEWSPAPER OF THE CITY.

City Staff contacted the Plano Star Courier to see how many subscribers they estimated to have from Parker and they said "very few, they don't serve Parker." Given this statement Staff does not feel the Plano Star Courier meets the intent of "general circulation". Staff recommended changing the official newspaper to the Dallas Morning News.

MOTION: Councilmember Sumrow motioned to approve Resolution 2009-281 subject to changing Plano Star Courier to Dallas Morning News, changing approval date to 9/29/2009, and changing the signature line to Joe Cordina. Councilmember Levine seconded with Councilmember's Marshall, Sumrow, Threadgill, Evans, and Levine voting for. Motion carried 5-0.

6. **CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 2009-646 FINDING THAT THE CURRENT RATES OF COSERV GAS LTD. ARE UNREASONABLE; APPROVING COSERV GAS LTD.'S REVISED AND UNCONTESTED TARIFFS; SETTING THE EFFECTIVE DATE OF NEW TARIFFS AS OCTOBER 1, 2009; FINDING RATE CASE EXPENSES REASONABLE; FINDING THAT ANY RELIEF REQUESTED BY COSERV GAS LTD. NOT SPECIFICALLY GRANTED HEREIN IS DENIED; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR NOTICE OF THIS ORDINANCE TO COSERV GAS LTD.; AND PROVIDING AN EFFECTIVE DATE.**

MOTION: Mayor Pro-tem Threadgill motioned to approve Ordinance 2009-646 as written. Councilmember Evans seconded with Councilmember's Marshall, Sumrow, Threadgill, Evans, and Levine voting for. Motion carried 5-0.

ROUTINE ITEMS

7. FUTURE AGENDA ITEM REQUESTS.

- a. Website Contract
- b. Water Rate Study
- c. Solid Water Contract Negotiations
- d. Presentation of check to the Fire Department
- e. Park Grants

It was noted some items were no longer on the list and Staff will check into it.

8. UPDATES

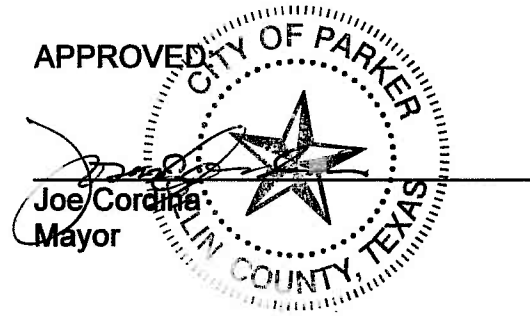
Assistant City Administrator Flanigan noted that in approximately 2-weeks the Council would be able to tour the Public Safety Building and water tower.

McCreary Road construction is still underway.

9. ADJOURN

Mayor Cordina adjourned the meeting at 8:06 p.m.

APPROVED



ATTESTED:

Carrie L. Smith

Carrie L. Smith, TRMC
City Secretary

APPROVED on the 13th day of
October, 2009.



Joe Cordina, Mayor

August 27, 2009

Mr. Barry T. Smitherman, Chairman
Ms. Donna L. Nelson, Commissioner
Mr. Kenneth W. Anderson, Jr., Commissioner
Public Utility Commission of Texas
1701 N. Congress Avenue
Austin, Texas 78711-3326

**Subject: PUC TX Docket # 37232
Proposed ONCOR High Voltage Line Structures, Parker, Texas**

Dear Chairman Smitherman, and Commissioners Nelson and Anderson:

The Public Utility Commission of Texas and the City of Parker have a common purpose – to serve the citizens of Texas – not only with the provision of critical infrastructure, but with the protection of the tax base which provides the fiscal resources needed for the provision of public services safeguarding the quality of life of Texas' citizens.

The City of Parker and its citizens have extensively studied and understand the excessive expense of underground placement for this added electrical service, and the practicality and effectiveness of the use of the existing easement. We do not wish to protest the placement of the proposed transmission line. **Rather, we strongly request consideration of the fiscal impact on the residential community of Parker's current and future land values as affected by the choice of the transmission structures. This impact on assessed values of the tax base also affects the Plano ISD, Collin County and the Collin County Community College District as well.**

We respectfully request that new 138Kv transmission structures and existing 345Kv transmission towers be replaced with the least intrusive, tall, slender, new generation poles through the City of Parker, a distance of less than 3 miles.

We further respectfully request the opportunity to appear before the PUC to provide further documentation, photos and economic impact data to add your deliberation on this issue. **Please advise us of a date, time, location and amount of time which may be allotted for this conversation by contacting Dena Daniel, City Administrator, City of Parker, Parker City Hall, 5700 East Parker Road, Parker Texas 75002 or at phone 972-442-6811. Thank you very much.**

Sincerely,

Joe Cordina, Mayor
City of Parker, Texas

CC:

**The Honorable Jim Threadgill, Mayor Pro Tem, City of Parker
The Honorable Eleanor Evans, Parker City Council
The Honorable Scott Levine, Parker City Council
The Honorable Z. Marshall, Parker City Council
The Honorable Allison Sumrow, Parker City Council
Mrs. Dena Daniel, City Administrator, City of Parker**

**The Honorable Jody Laubenberg, Texas State Representative
The Honorable Keith Self, Collin County Judge
Mr. Cary Israel, Collin County Community College District**

**Mr. Harry Donaghy, President, Springhill Homeowners Association
Mr. Jim Strong, Board Member, Springhill Homeowners Association
Ms. Elizabeth Morris, Board Member, Springhill Homeowners Association
166 Property Owner members of the Springhill Homeowners Association**

**Mr. Greg Ward, ONCOR Electric Delivery, 214-486-7223
Mr. Gerald C. Perrin, ONCOR Electric Delivery
Mr. Barry J. Young, ONCOR Electric Delivery**

**The Honorable Phil Dyer, Mayor, City of Plano, Texas
Mr. Tom Muehlenbeck, City Manager, City of Plano**

Mr. Doug Otto, Superintendent, Plano Independent School District

The Honorable Brett Baldwin, Mayor, City of Murphy, Texas



Joe Cordina, Mayor

September 30, 2009

SUBJECT: Previous letter of August 27, 2009 regarding ONCOR High Voltage Line Structures

Dear Parker Residents:

As you may be aware, ONCOR plans construction of additional 138kv transmission lines through Parker and its neighboring territory in Collin County. Over three miles of the route preferred by ONCOR are in the City of Parker, in the same existing easement and parallel to the larger 345kv towers placed there over 30 years ago. There has been significant concern about this plan from citizens who live next to the easement, as well as others in the neighborhood who fear a decline in property values with the addition of these 138kv transmission lines.

As the Mayor of Parker, I am concerned about any issue that impacts a group of citizens, as are all members of the City Council.

As a resident of the Springhill/Knolls neighborhood where the easement for the proposed route resides, I have my own personal concerns about the proposed route. I have worked with this neighborhood group as they search for alternate solutions. The request in the attached letter to the PUC for tower/pole replacement is based on my discussions with the neighborhood group, rather than an official request from the City of Parker.

My letter of August 27, 2009 (attached) was as a citizen of Parker, and did not reflect the official position of the City of Parker. I apologize for any misleading comments. The opinions in the letter reflect my personal opinions. The "we" referred to in the letter is the citizen's group, not the governing body of the City of Parker. I must apologize for dispatching this letter on city letterhead signed in my capacity as mayor, requesting the PUC to consider certain proposals not approved by our City Council. As Mayor of a General Law city like Parker, the law prohibits me from voting on any matter before council unless there is a tie vote. With a council of 5 members, a tie is very rare. It is clear to me the law requiring this is intended to be sure that all matters before the council, including legal issues, policy, funding, and ordinances are to be approved by the council, in advance of any action on my part as Mayor. The city council sets the public policy of Parker. The Mayor's role is to carry out that policy when approved.

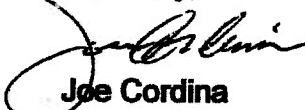
In hindsight, it was also an error for me to suggest to the PUC that the City agreed with the routing of the lines, as the Council had made clear prior to the date of my

letter that the city would not favor one neighborhood over another. Additionally, because the letter was sent without the benefit of legal review, it failed to comply with the regulatory requirements of the PUC, and was subsequently rejected.

My colleagues on the Parker City Council are sensitive to aesthetics within a neighborhood, as well as potential property value impacts. However, based on extensive research into the economics of modifying the delivery system, and input during the April 21, 2009 Town Hall meeting, the Council questioned the extent of the actual financial impact to property values. The costs to modify the lines are prohibitive and not economically feasible. For example, the cost to all the taxpayers in the City to bury the lines would be many times greater than the worst case estimate of loss of tax revenue. The council would not have authorized such a letter as the one attached to have been sent on behalf of the city without a credible analysis of the costs and possible benefits of the change in the existing towers.

I must apologize for misstating the position of the City of Parker, and incorrectly implying that my personal opinions were city policy as approved by the governing body.

Sincerely,



Joe Cordina
Mayor of Parker

cc:

Jodie Laubenberg
Keith Self
Cary Israel
Greg Ward
Gerald Perrin
Barry Young
Phil Dyer

Tom Muelenbeck
Doug Otto
Brett Baldwin