



AGENDA
CITY COUNCIL MEETING
September 29, 2015 @ 7:30 P.M.

Notice is hereby given the City Council for the City of Parker will meet in a Special Meeting on Tuesday, September 29, 2015 at 7:30 P.M. at the Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002.

CALL TO ORDER – Roll Call and Determination of a Quorum

PLEDGE OF ALLEGIANCE

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

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

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

CONSENT AGENDA Routine 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.

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON APPROVAL OF MEETING MINUTES FOR SEPTEMBER 15, 2015 [GRANGER]

INDIVIDUAL CONSIDERATION ITEMS

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON APPOINTING A WATER COMMITTEE. [MARSHALL]
3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ANNEXATION OF DUANE WHEELER PROPERTY, LOCATED AT 7002 E. PARKER ROAD, 2.929 ACRES +/-.[FLANIGAN]

ROUTINE ITEMS

4. FUTURE AGENDA ITEMS

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.

- 5. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:**
 - a. Government Code Section 551.071-Deliberation and confidential legal advice regarding potential eminent domain proceedings for right of way needed for Allen Heights Road, and related easements.
- 6. RECONVENE REGULAR MEETING.**
- 7. ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.**
- 8. 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 or before September 25, 2015 by 5:00 p.m. at the Parker City Hall.

Date Notice Removed


Vicky Granger
Interim 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: September 29, 2015
Budgeted Amount:	Department/ Requestor: Administration/ Interim City Secretary Granger
Fund Balance-before expenditure:	Prepared by: Interim City Secretary Granger
Estimated Cost:	Date Prepared: September 24, 2015
Exhibits:	1. Proposed Minutes

AGENDA LANGUAGE

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON APPROVAL OF
MEETING MINUTES FOR SEPTEMBER 15, 2015 [GRANGER]

SUMMARY

Please review the attached minutes. If you have any changes or corrections to the minutes feel free to contact Vicky prior to the Council meeting.

POSSIBLE ACTION

Approve or Table

Inter – Office Use			
Approved by:			
Department Head/ Requestor:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Terry Han</i>	Date:	9/25/15

MINUTES
CITY COUNCIL MEETING
September 15, 2015

CALL TO ORDER – Roll Call and Determination of a Quorum

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

Mayor Marshall called the meeting to order at 6 p.m. City Administrator Jeff Flanigan, City Attorney Jim Shepherd and Councilmembers Levine, Pettie, Standridge, Stone, and Taylor were present.

EXECUTIVE SESSION – 6:00 TO 7:00

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
2. RECONVENE REGULAR MEETING

Mayor Marshall called the meeting to order at 7:03 p.m.

Staff Present: City Attorney Jim Shepherd, City Administrator Jeff Flanigan, and Finance/H.R. Manager Johnna Boyd

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

No action was taken.

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Eagle Scout Jacob Pellegrino led the pledge.

TEXAS PLEDGE: Eagle Scout Jacob Pellegrino led the pledge.

CERTIFICATE OF ACHIEVEMENT

Mayor Marshall recognized Jacob Pellegrino for installing fitness stations in the Preserve as his Eagle Scout Project and for becoming an Eagle Scout.

Tom MacDuff, 4313 Sycamore Lane- Requested attention to a field that has been provided a Wildlife exemption. Need to address a standard for the future when there are no seeds dropping.

Raymond Mayer, 5008 Willow Point Circle-Complaints about Parker's Fire Department. Concerned about fire department calls not being answered. Provided a written statement that will be part of this record. (Exhibit 1)

Brooke Asiatico, 3203 Bluffs Lane-Dublin Creek HOA President- Several residents conceded their time to her; Joan Schulman, Thurman Alexander, Mark Martin, Martha Bellens-Martin, Laurie Hardage, Jeff Hardage, Frank Guynn. Provided a handout regarding concerns from her HOA that will be part of this record. She received over 100 emails and calls regarding the water rates. Requested this issue be placed on a future agenda. (Exhibit 2)

Steve Rhodes, 6808 Audubon Dr- Stated water rate structure should be like other large lot towns. Throw out old rate structure. Top rates should be at around \$5 like other cities with large lots.

Linda Nelson, 5802 Corinth Chapel Road-Concerned about transparency and process of water rates. Supports the idea of a committee being formed. Requested water rates be placed on a future agenda.

Elvis Nelson, 5802 Corinth Chapel Road- Met with Jeff Flanigan regarding the rates and discussed NTMWD and future pump station. He suggested that we create more brackets and provide incentive to use less water.

Billy Barron, 6707 Overbrook-Stated we need to reduce water use. Flat rate is wrong. We should have an aggressive rate. The less we use affects water restrictions.

Jim Reed, 4703 Boulder Drive-Stated communication was poor. Why can't we have something on the bill about automatic monitoring of water?

Mary Cavanaugh, 3508 Hogge Drive- Allan Abramowitz, 8225 Southwestern Blvd, Dallas-Presented Ms. Cavanaugh's position on the rates. Stated she was told her only option was to go before Council to get resolution to her bill. Mayor stated Council would look into it.

Email received from Mark & Cindy Stachiw. Will be made part of the Public Record. (Exhibit 3)

CONSENT AGENDA Routine 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. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON APPROVAL OF MEETING MINUTES FOR SEPTEMBER 1, 2015 [GRANGER]
5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON APPROVAL OF DEPARTMENT REPORTS-ANIMAL CONTROL, POLICE, COURT BUILDING AND WEBSITE
6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON CANCELLING THE OCTOBER 20, 2015 REGULAR MEETING DUE TO EARLY VOTING.[FLANIGAN]
7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON CANCELLING THE NOVEMBER 3, 2015 REGULAR MEETING DUE TO VOTING.[FLANIGAN]

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

ROUTINE ITEMS

8. UPDATE OF PLANNING SESSION DATES

Planning Session is scheduled for November 10th at 3:00 p.m.

9. FUTURE AGENDA ITEMS

Add water rates to next agenda. Will probably call a special meeting.

10. ADJOURN

Mayor Marshall adjourned the meeting at 8:00 p.m.

APPROVED:

Mayor Z Marshall

ATTESTED:

Vicky Granger, Interim City Secretary

APPROVED on the ____ day
of _____, 2015.

Good Evening.

My name is Raymond Mayer. I live at 5008 Willow Point Circle in Parker. I'm not here tonight to vent my frustration with the water rates approved by this council but rather another matter - one that also affects each and every resident of this city.

Most of you know me and the service I've provided to this city over the years. I built my house in Parker in 2000, served a two year term on this city council and in 1999 became a member of the volunteer fire department even before moving here from Plano. During past 16 years I served in almost every capacity and held almost every rank with the department and earned more certifications than I can remember.

Last June marked my 30th year anniversary since first joining the fire service. Many of you were shocked to learn that I had resigned. My wife is, of course, happy to have me home and no longer needs to worry about me racing out the door at 3am for a fire or medical call. She's even happier that I no longer come home complaining about the laziness and incompetence of the Fire Chief, the incompetence, immaturity and lack of leadership skills of those he promoted to Asst. Chief, Division Chief and some of the other officer ranks. She was tired of me complaining about the numerous safety violations that went unaddressed by the Chiefs, the constantly changing unwritten rules, and the outright abusive behavior suffered by me and the other volunteer at the hands of two of his Chief Officers.

After 30 years of trying to lead by example; take care of the my guy's; recruit, motivate and mentor new members; and worst of all, shield the guys from the constant stream of abuse lumped upon them by those two Chief officers, I gave up. I gave up because Mike Sheff won't listen. He refuses to discipline, demote or terminate any member regardless of the offence. He admitted to me that he "manages through them", meaning Asst. Chief Allen and his brother, Division Chief James Allen. Managers don't do this unless they're cowards or incompetent.

This is why the guys jokingly refer to this department as the "Allen Fire Department". They have no respect for them and are worried that the department's about to implode. But what do you expect when the guys make a minor mistake and then receive mass emails from officers who accuse them being "stupid and lazy"? But these same officers circle the wagons to protect their own when they almost kill one of us. Meanwhile the Fire Chief does nothing.

But the tipping point for me was when this City Council, despite receiving numerous verbal and written complaints and overwhelming evidence to support them refused to take any action other than to tell both me and Councilwoman Pettie to, in so many words, "shut up and sit down". Why would anyone want to risk their life volunteering when people like you don't give a damn about them?

Over the year, everything I've described has resulted in the loss of almost all of the Parker residents who once volunteered as well as those members who lived close by who regularly responded to calls. Today, out of a 38 member roster, only 8 members live in town! Four of those are Chiefs! Of the remaining 4, there is one officer, only 2 people qualified to drive and pump at fires, and only one firefighter. All of these people are unavailable ½ of the time because they are either career firefighters or career professionals.

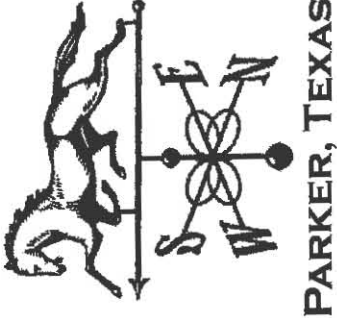
This results in the dangerous situation we had this past week. Several emergency calls went completely unanswered. Yesterday morning at 5am the City of Wylie requested a mutual aid response from Parker for a structure fire in their city. Only 4 qualified firefighters responded to the station, but that's enough to staff a fire engine. They were told that they were not allowed to respond with a fire truck without an officer. Please explain to me how are we ever going to get an engine to respond to an emergency when only one officer lives in town and the other 4 live over 10 miles away!

The Day Crew Program was supposed to solve this type of problem during daytime hours of the week but it hasn't. These shifts regularly go unstaffed or are cancelled because of lack of participation or, I'm told, out of spite for some members who were willing to work them. The Chief refuses to actively manage it.

So we have no reliable daytime fire department. We have no reliable nighttime fire department. And all of you sit up there and pass the buck. So I ask you, when are you going to wake up and do something? Will it take the loss of your own home that could've been saved or perhaps the loss of a member of your family because nobody responded?

Thank you for your time.

DUBLIN CREEK HOA



Dublin Creek Home Owners Association (DCHOA) Presentation to City of Parker Re: Recent Water Rate Increase and Structure

Exhibit 2

Considerations

- Recent Increase in Water Rates/Structure Change (2009-2014 vs. 2015)
- Nearby Cities' Water Rate Structures Compared to Parker's Recently Adopted Structure
- Water Rate Components Comparison FY 2014/2015 vs. 2015/2016
- Concerns
- Proposed Alternatives and Additional Recommendations for City of Parker Water Rate Structure

City of Parker Water Rate Structure

A Comparison of 2009-2014 Rates vs. 2015 Rates

	<u>2009 – 2014</u>	<u>2015</u>	<u>% Increase</u>
0-4000 gallons	Base \$34.00	Base \$40.00	+17.65%
4,001 – 15,000	\$2.25	\$3.25	+44.44%
15,001 – 30,000	\$2.85	\$4.00	+40.35%
30,001 – 50,000	\$3.60	\$5.00	+38.89%
50,001 – 70,000	\$4.00	\$8.00	+100.0%
70,001 +	\$7.15	\$11.00	+53.85%
<i>Average increase</i>		\$6.21	+49.20%
<i>NTMWD Rate to Parker</i>	\$2.11 (2014)	\$2.37 (+0.26¢/ per 1000 gals)	+12.32%

Nearby Cities' Water Rate Structures Compared to Parker's Recently Adopted Structure

<u>Fairview*</u> (887,811)/(707,248)	<u>Lucas*</u> (628,590)/(513,590)	<u>Murphy*</u> (1,384,066)/(1,055,182)
0-2000	\$16.19 Base	0-15000 \$3.80
2001-10000	\$3.53	15001-30000 \$4.06
10001-20000	\$4.13	30001-45000 \$4.35
20001-30000	\$4.49	45001-60000 4.68
30001+	\$5.61	60001+ 5.07
<u>McKINNEY♦</u> (10,150,735)	<u>ALLEN♦</u> (6,011,208)	<u>Parker*</u> (533,654)/(421,560)
Base	\$12.38	Base to 4000 \$40.00
1-20000	\$3.41	4001-15000 \$3.25
20001-40000	\$4.26	15001-30000 \$4.00
40000+	\$5.11	30001-50000 \$5.00
		50001-70000 \$8.00
		70001+ \$11.00

Our lot sizes, population, water consumption, and relationship with NTMWD are most similar to Lucas and Fairview, but our rates are double theirs. Parker's new rate structure results in 12% of its citizens paying 42% of the City's water bill.

*Customers ♦ Member Cities Gallons are Take-or-Pay Minimums in THOUSANDS/Compared to Actuals Used

Parker Water Dept. Rate Components and Changes from FY 2014/2015 to 2015/2016

• NTMWD Rate**	+0.26¢ /per 1000 gals (\$2.11 v. \$2.37)
• Parker Budgeted Water Revenue ALL Sources	+2.87% (\$2.70m v. \$2.77m)
• Parker Budgeted Water Dept. Expenses (ALL)	+2.87 (\$2.70m v. \$2.77m):
– Parker Water Dept. Expenses (ALL)	+1.13% (1.80m v. \$1.82m)
– Parker Sewer Dept. Expenses (ALL)	+15.44% (\$199k v. \$230k)
– Parker Sanitation Dept. Expenses (ALL)	+8.97% (\$287k v. \$313k)
– Parker Debt Service	+0.11% (\$400k v. \$401k)

**This does not include possible drought stage surcharges

Concerns

- Very little information about dramatic rate increase:
 - The City Council has worked hard to ensure NO rate hikes since 2009. The Mayor noted in a recent newsletter that the NTMWD 0.26¢/per 1000 gallons increase would be passed on to the citizens.
 - What is this significant increase comprised of (more than NTMWD increase and Parker Water/Sewer/Sanitation Depts. Budgets)?
 - Why the rate STRUCTURE change? The new rate structure results in 12% of the population paying 42% of the city's water bill. This is an inequitable approach that is inconsistent with the values held by the majority of our residents.
- The Budget Comparison shows an increase of 2.87% over last year in Revenues and Expenses, with an average 49.20% increase in rates.
 - What are the increased costs passed on to Parker residents being used to pay for?
 - A committee would be able to consider all the ramifications of the significant structure/rate change.
- Rate increase unevenly applied, resulting in exponentially increased bills
 - Increases are uneven across the board and not consistent with Parker's historical increases or conservation goals. It has resulted in water bills 3 and 4 times typical Summer water bills.

Concerns (Cont'd.)

- 2015 EPA recommendations:
 - Regular rate increases so as to avoid ANY surprising one-year jumps
 - City-wide promotion for changes to prepare folks
- The effect on Parker's philosophy of country living near the city
- Should the City Council have an audit of the Water Department completed to determine where additional funds from increases are going?
 - No other expense in budget show rationale for such a spike.
 - Potentially 300 additional customers in 2015. Where is this reflected in the budget? This means more customers in Parker to cover the high take-or-pay amount contracted.
- Likely future ramifications
 - Rainwater Harvesting
 - Wells drilled will reduce # of Customers (in Take-Or-Pay)
 - Chilling effect on home sales/new residents
 - Long-time Parker residents moving
 - Dissension amongst Neighbors

Proposed Alternatives for City of Parker

Water Rate Structure

- OPTION 1: “Uniform Rate Structure” (a uniform rate per 1000 gallons, regardless of the amount of water used) - \$4.82 per 1000 gallons.
 - Importantly, this is a different approach than our neighbors, but equates very closely to their results at each rate block. Examples:
 - 4,000 = \$19.28
 - 50,000 = \$241.00
 - 200,000 = \$964.00
 - 533,654,000 = \$2.77mm (Take-or-Pay & Budget)
- OPTION 2: “Increasing Block Rate Structure” evenly applied across all blocks
 - Budget requires additional 2.87% over the previous year - increase all block rates by 2.87%; or by
 - NTMWD increase of rates 0.26¢ /per 1000 gallons, then add to any necessary resulting Parker Water Dept. change, and change all block rates by that percentage.
- OPTION 3: Base Rate for a low minimum (e.g., 0 – 4000 gal), with two - three cumulative Increased Block Rates like our neighboring NTMWD Customer Cities:
 - 4k – 10k; 10k – 30k; 30k+ on a graduated scale not to increase to more than is necessary for the budget)

Additional Recommendations related to Water Matters – City of Parker

- Appoint a Water Dept. Committee to thoroughly review this issue and other water matters, making proposals to the City Council as an asset to the City Council while water issues become increasingly important in the coming years.
- Collaborate with neighboring Member Cities and Customers to NTMWD re Take-or-Pay Contracts for lower minimum required (all have been conserving and face the same issues as Parker), as has been reported in various media. Then, pass savings on to Parker residents.
- Perform an internal Water Department Review / Audit to ensure Water Rates are covering Water Dept. Expenditures only or notify residents of additional budget items covered by Water Rates.

Hon. Mayor and Councilpersons,

We unfortunately cannot be at the City Council this evening to give our comments to the water rate proposals put forth by the residents of Dublin Creek. We are in support of their efforts to rationalize the water rates and we urge the City Council to take immediate action to reverse the current rate structure and to make any reductions in the new rate structure retroactive to the date the current rate structure was approved. This is the only fair thing to do and we urge the City Council to do so immediately.

As an initial matter, we are extremely disappointed with the recent water rate hikes. We were quite surprised to find a water bill that was dramatically higher than the prior year – indeed, assuming the same amount of water usage, our water bill increased by 34% for the same amount of usage – and we only water about 1 acre of our yard – a rate increase 3x the water rate hike made by NTMWD. Based on the information that is being presented at tonight's meeting, it is apparent that something went terribly wrong in the consideration of how to deal with the recent rate hikes from NTMWD and the City failed to take everyone's interest into account. The rate hikes are unfair and will destroy the Parker that we all love and that you have pledged to uphold – a beautiful Parker with larger lots. We are even further perplexed that the citizens – not the City Council – are the architects of a more fair proposal.

What we cannot understand is why the rates for all volumes of water over the minimum have increased substantially more (in some cases 800%) than the rate hike from NTMWD. While a rate hike to take into account the increased costs from NTMWD might make sense, increasing it as much as 800% the rate hike experienced by the city is excessive. Further, the rate hike seems designed to punish those home owners with larger lots who decide to actually beautify their entire lot – rather than the narrow strip that is adjacent to the road. As you each have pledged to Parker's residents to continue at least 1 acre minimum lot sizes and the need for a beautiful city, it is hard to image how this rate hike comports with those pledges. Further, it is hard to image why the rates for water in Parker would be so out of line with other "customer" cities – such as Fairview, Lucas and Murphy. While the rates are closer to Allen, our city in no way is similar to Allen – our lots are bigger and we have a rural lifestyle that Allen does not enjoy. Our City is much more akin to the other customer cities listed in the presentation, and the water rates should be more comparable to them. Finally, as you know, the City has approved a number of additional subdivisions which are in the process of development. Since these developments continue in many instances the current lots sizes of the City, these lots will be difficult to sell when the potential buyers realize that they will have to pay exorbitant amounts to water their landscape. Has the City Council informed the developers of this extreme rate structure and have they weighed in on its effect on their ability to market their lots? Finally, since the new development has no landscape and new landscape requires the maximum amount of water, new owners will be loath to landscape their yards, contributing to a general decline in the curb appeal of our city and a decline in property values – just at the very moment when property values are increasing. Moreover, as you know, the real estate market in North Texas is very hot right now and we should not be undertaking action to deter our residents from participating in such appreciation in property values by making their properties harder to sell

While we agree that water conservation should be a goal of every citizen, this is not the way to achieve it. If the larger users decide to reduce their water usage, several things will happen. First, everyone's rates for water will rise as we will fall further below the take or pay contract. As water usage declines, the amount of the take or pay that is unmet will increase, causing the rates to have to increase.

As the rate increase, water usage will fall even further. This will create a downward spiral in usage and an upward spiral in rates. Second, our beautiful landscape will die which – in many cases – will be irreversible. Trees which are many years old still need water in the hottest days and if they die for lack of water, to replace them would take the same decades that it took to reach the current size. Further, the only real effective water resistant landscape is concrete and rocks – so does the city want its citizens to move towards no yards – just rock and concrete? Not only will the city look awful, but it will also raise the temperature of the City as vegetation is much cooler than rock and concrete. As you know, our city has reduced its water usage – which is why the take or pay keeps being a problem for the City. Forcing residents to conserve even more will exacerbate this take or pay problem even further.

We support a proposal where the rates increase across the board by the same margin that the water costs to the City have increased with any shortfall of the take or pay spread evenly across all rates – not skewed towards the higher usage tiers. This is the fairest approach as it will have all citizens bear the cost of the rate hike – not just some of the citizens. Any other approach is unfair. Further, the City should undertake an investigation into why the original rate hike was proposed in the first instance by City Staff. The City Staff should not be proposing rate hikes that cause the City Council to be embarrassed – as it is with this current rate hike.

I trust that you will reconsider the current rate structure immediately and make any rate reductions retroactive back to the date of the current rate structure.

Thank you.

Mark and Cindy Stachiw
4404 Pecan Orchard Drive
[REDACTED]



Council Agenda Item

Budget Account Code:	Meeting Date: September 29, 2015
Budgeted Amount:	Department/ Requestor: Administration/ Mayor Marshall
Fund Balance-before expenditure:	Prepared by: Administrator Flanigan
Estimated Cost:	Date Prepared: September 24, 2015
Exhibits:	

AGENDA LANGUAGE

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON APPOINTING A
WATER COMMITTEE. [MARSHALL]

SUMMARY

POSSIBLE ACTION

Inter – Office Use			
Approved by:			
Department Head/ Requestor:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Iffy Flanigan</i>	Date:	9/25/15



Council Agenda Item

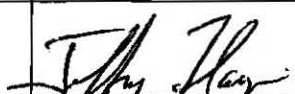
Budget Account Code:	Meeting Date: September 29, 2015
Budgeted Amount:	Department/ Requestor: Administration/ Administrator Flanigan
Fund Balance-before expenditure:	Prepared by: Administrator Flanigan
Estimated Cost:	Date Prepared: September 24, 2015
Exhibits:	<ol style="list-style-type: none"> 1) Proposed Ordinance 2) Exhibit C (Service Plan) 3) Exhibits A & B (Legal Description) 4) Annex Application & Petition

AGENDA LANGUAGE

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ANNEXATION OF
DUANE WHEELER PROPERTY, LOCATED AT 7002 E. PARKER ROAD, 2.929
ACRES +/-.[FLANIGAN]

SUMMARY

POSSIBLE ACTION

Inter – Office Use			
Approved by:			
Department Head/ Requestor:		Date:	
City Attorney:		Date:	
City Administrator:		Date:	9/25/15

ORDINANCE 732
(Annexation – apx 2.826 acres)

AN, ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, ANNEXING APPROXIMATELY 2.826 ACRES OF LAND IN THE RICHARD SPARK SURVEY, ABSTRACT # 850, COLLIN COUNTY, TEXAS, INTO THE CITY LIMITS OF PARKER, TEXAS, ADOPTING A SERVICE PLAN, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE PROPERTY WITHIN THE CITY LIMITS, GRANTING TO SAID TERRITORY AND TO ALL INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDS SAID INHABITANTS BY ALL THE ACTS AND ORDINANCES OF THE SAID CITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, IN ACCORDANCE WITH Chapter 43 of the Texas Local Government Code, §43.028, a petition for annexation of land described herein was submitted to the City, and duly considered and accepted by the City Council of Parker; and

WHEREAS, the City of Parker believes that annexation of the property hereinafter described is in the best interests of the citizens of Parker, and the owners and residents of the area seeking annexation.

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

SECTION 1. ANNEXATION:

That the following described territory, to wit:

Approximately 2.826 acres of land in the RICHARD SPARK SURVEY, ABSTRACT # 850 COLLIN COUNTY, TEXAS and more particularly described as follows:

All of the land described in the attached EXHIBIT "A", being 2.292 acres of land, or 127,606.9 square feet; less that portion of the land described as Parcel 21 in the attached EXHIBIT "B", on the Lassiter tract conveyed to TxDOT for the purpose of public right of way. EXHIBIT "B" describes land of 0.1028 acres, or 4,477 square feet.

The area annexed is therefore 2.929 acres less 0.1028 acres equals 2.826 acres; or 127,607.9 square feet less 4477 square feet equals 123,129.9 square feet.

The Lassiter tract is now owned by the petitioners, Duane and Nancy Wheeler.

be and the same is hereby annexed into the City of Parker, Collin County, Texas, and that the boundary limits of the City of Parker, Texas, be and the same are hereby extended to include the above - described territory within the city limits of the City of Parker, Texas, and that the same

shall hereafter be included with the territorial limits of said City and said land and the inhabitants thereof shall be hereafter entitled to all rights and privileges of other citizens of the City of Parker, Texas and shall be bound by the acts and ordinances of said City.

SECTION 2. SERVICE PLAN:

The Service Plan attached hereto as EXHIBIT "C" is hereby adopted and the same shall govern the delivery of Parker's municipal services to the annexed territory.

SECTION 3. SEVERABILITY:

It is the intent of the City Council that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

SECTION 4. FULL FORCE AND EFFECT:

That all provisions of the ordinances of the City of Parker in conflict with the provisions of this Ordinance are, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Parker not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE:

This Ordinance shall be effective on the date of its adoption.

SECTION 6. FILING INSTRUCTIONS:

The City Secretary is directed to file a certified copy of this Ordinance with the County Clerk of Collin County, Texas, and with the Collin County Central Appraisal District.

ADOPTED by the City Council of the City of Parker, Texas, on this _____ day of _____, 2015.

APPROVED:

Mayor Z Marshall

ATTEST:

Interim City Secretary Vicky Granger

APPROVED AS TO FORM:

City Attorney James E. Shepherd

Exhibits:

Exhibits A and B – Legal description
Exhibit C – Service Plan

PROPOSED

ORDINANCE 732
EXHIBIT "C"
SERVICE PLAN

Section 1. Subject to and conditioned upon the agreements set forth in the Development Agreement for the Property described in the annexation ordinance to which this service plan is attached, the City of Parker ("the City") will provide the following services to the territory or property so annexed if and only as required in the Development Agreement:

- A. Police protection in accordance with the City of Parker Ordinance 498 and state and federal law;
- B. Volunteer fire department service and emergency medical service in accordance with City of Parker Ordinance No. 258 and state and federal law;
- C. Solid waste collection in accordance with the City of Parker's contract with the city solid waste collection contractor;
- D. Maintenance of water service in connection with the City of Parker Ordinance No. 345A;
- E. Enforcement of all zoning ordinances, building codes, and miscellaneous penal ordinances including but not limited to regulation of animals, roads and streets, fireworks, alcoholic beverages, firearms, littering and dumping, except as provided in this Service Plan, and/or in any zoning ordinance imposed on the land subject to this Service Plan;
- F. Maintenance of public roads and streets, and
- G. Maintenance of public parks, playgrounds and swimming pools and any other publicly owned facilities, buildings or services, if any are expressly accepted by the City as publicly owned.

Section 2. All services identified in Section 1 shall be provided at the same level at which services are currently provided to the territory that is currently within the corporate limits of the City.

Section 3. The Parker City Council finds that all of the municipal services adequate to serve the areas proposed for annexation are currently provided to such areas to be annexed by the City pursuant to §43.024 of the Texas Local Government Code or can be provided without acquisition or construction of capital improvements.

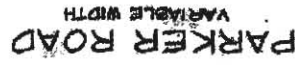
Section 4. In the event that any of the tracts of land annexed are subdivided and /or further developed, then the Developer will be required to comply with Parker's Land Development and Subdivision Regulations, and the construction standards (Ordinance No. 345A, Article 11), for additions to the Parker water system. The water service extension policy of the

City of Parker requires that the Developer construct, at his sole expense, all water main extensions with the required valves, fire hydrants, etc. necessary to provide adequate water service to the new subdivision with a minimum pipe size of eight (8 ") inches, with such amendments as may be hereafter adopted.

Section 5. Any improvements which may be placed, constructed, or installed on any portion of the development shall conform to the minimum specifications as called for in the Building Code, the Fire Code, and applicable engineering standards as to size, quality of materials, height, and strength of improvements. For the purpose of the foregoing, the following shall be considered improvements: water lines, fire hydrants, and sanitary sewer systems, or any similar improvement designed to ensure the health and safety of the public, residents, employees, or customers. In the event private drives or streets are constructed for the development of the property, they shall conform to the Fire Code, and applicable engineering standards for their construction, to assure that Fire Department vehicles may safely use them. The Developer or land owner shall not permit occupancy and the City shall not issue occupancy permits for any buildings or portions thereof until such private improvements are fully completed to serve the developed area.

Section 6. It is agreed and understood that extension and provision of City services to the property, and the construction, inspection and maintenance of all improvements necessary to provide such services will be in accordance with standards contained in the City's subdivision regulations or engineering manuals, or other standard specifications, as may be amended, except as expressly provided herein to the contrary.

Section 7. It is understood and agreed that, in accordance with Chapter 212, Texas Local Government Code, and the City's Land Development and Subdivision Regulations, any division as defined in the statute of the annexed property into two or more parcels for the purpose of sale will require the filing of a subdivision plat. The Developer agrees to complete those portions of the public improvements which the City may require in order to insure contiguity and proper service for the public improvements to the portion of the annexed property for which plat approval may be sought.



THE INC. South 88 degrees 31 minutes 49 seconds East, along the South line of West Parker Road, a distance of 275.28 feet to the Point of Beginning and continuing 2,929 meters or 167,606 3/4 square feet of land.

[illegible][illegible]

1-800-4-A-RENT
1-800-427-2626

6040 CONRAD ST. # 4850C, INC.
P.O. BOX 2000
DALLAS TEXAS 75220
TELEPHONE 214-348-9000

...and

INFORMATION PROVIDED BY THE SOLICITING
 OFFICER AND NAME OF OFFICER FOR
 ABOVE LISTED PROPERTY
 POLICE OFF. PAGE 54

B
~~EXHIBIT "A"~~

County: Collin
Highway: FM 2514
R.O.W. CSJ: 2679-02-009

Page 1 of 4
July, 2013

Description of Parcel 21

BEING 0.1028 acre (4,477 square feet) of land situated in the Martin Hearn Survey, Abstract No. 426, Collin County, Texas and being a portion of a called 2.00 acre tract of land (Tract 1) and a called 0.932 acre tract of land (Tract 2) conveyed to Carlisle H. Lassiter by deed dated June 23, 1998 as recorded in Volume 4192, Page 2280 of the Official Public Records of Real Property of Collin County, Texas (O.P.R.R.P.C.C.T.), said 0.1028 acre of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found on the north line of the residue of a called 10.011 acre tract of land conveyed to Todd Spriggs and wife, Lisa Cain-Spriggs by deed dated May 20, 2011 as recorded in Document No. 20110520000519470 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.) for the southwest corner of Kemp Subdivision as recorded in Volume B, Page 346 of the Plat Records of Collin County, Texas (P.R.C.C.T.), and the southeast corner of said Lassiter tract;

THENCE, North 01°33'51" West, along the west line of said Kemp Subdivision and the east line of said Lassiter tract, a distance of 448.78 feet to a 5/8-inch iron rod with TxDOT aluminum cap set on the proposed south right of way line of FM 2514 for the southeast corner and the POINT OF BEGINNING (N=7,073,186.78, B=2,551,620.79) of the herein described parcel;

- 1) THENCE, South 88°31'37" West, along the proposed south right of way line of FM 2514, a distance of 146.15 feet to a 5/8-inch iron rod with TxDOT aluminum cap set for an angle point; **
- 2) THENCE, South 85°39'52" West, continuing along the proposed south right of way line of FM 2514, a distance of 100.12 feet to a 5/8-inch iron rod with TxDOT aluminum cap set for an angle point; **
- 3) THENCE, North 88°36'39" West, continuing along the proposed south right of way line of FM 2514, a distance of 29.43 feet to a 5/8-inch iron rod with TxDOT aluminum cap set on the east line of a called 2.00 acre tract of land conveyed to Duane E. Wheeler and wife, Nancy M. Wheeler by deed dated August 19, 1970 as recorded in Volume 763, Page 704 of the Deed Records of Collin County, Texas (D.R.C.C.T.) and the west line of said Lassiter tract for the southwest corner of the herein described parcel;
- 4) THENCE, North 01°28'34" West, along the east line of said Wheeler tract and the west line of said Lassiter tract, a distance of 18.39 feet to a point on the existing south right of way line of FM 2514 (width varies) as recorded in Volume 706, Page 100, D.R.C.C.T. for the northeast corner of said Wheeler tract, the northwest corner of said Lassiter tract, and the northwest corner of the herein described parcel;

Exhibit B 1 of 4

B
EXHIBIT "A"

County: Collin
Highway: FM 2514
R.O.W. CSI: 2679-02-009

Page 2 of 4
July, 2013

Description of Parcel 21

- 5) THENCE, North $88^{\circ}30'55''$ East, along the existing south right of way line of said FM 2514 and the north line of said Lassiter tract, at a distance of 25.18 feet passing a found 6-inch wood post, continuing for a total distance of 275.52 feet a point for the northwest corner of said Kemp Subdivision, the northeast corner of said Lassiter tract and the northeast corner of the herein described parcel, from which a found 1/2-inch iron rod bears North $01^{\circ}33'51''$ West, a distance of 0.23 feet;
- 6) THENCE, South $01^{\circ}33'51''$ East, along the west line of said Kemp Subdivision and the east line of said Lassiter tract, a distance of 14.91 feet to the POINT OF BEGINNING and containing 0.1028 acre (4,477 square feet) of land.

** The monument described and set may be replaced with a TxDOT Type II Right of way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

All bearings and coordinates are based on the Texas Coordinate System of 1983 (NAD83 epoch 2002), North Central Zone. All distances and coordinates shown are surface values and may be converted to State Plane by dividing by the project Surface Adjustment Factor of 1.000152710.



Date: 3 day of July, 2013


Scott M. Fertak
Registered Professional Land Surveyor
No. 5257

Exhibit B 2 of 4

MARTIN HEARNE SURVEY ABSTRACT NO. 426

PROPOSED BASELINE FM 2514

FM-2514

(VARIABLE WIDTH ROW)

EXIST. R.O.W. 25.18'

N 88° 30' 55" E 275.52'

PROPOSED R.O.W.

DUANE E. WHEELER
AND WIFE,
NANCY M. WHEELER
CALLED 2.00 ACRES
VOL. 763, PG. 704
D.R.C.C.T.
AUGUST 19, 1970

STA. 405+00.00
OFF. 70.00' RT.

STA. 406+00.00
OFF. 65.00' RT.

P.O.B.
PARCEL 21
N=7,073,186.78
E=2,551,620.79
STA. 407+46.15
OFF. 65.00' RT.

CARLISLE H. LASSITER
CALLED 2.00 ACRES
(TRACT 1)
VOL. 4192, PG. 2280
O.P.R.R.P.C.C.T.
JUNE 23, 1998

CARLISLE H. LASSITER
CALLED 0.932 ACRES
(TRACT 2)
VOL. 4192, PG. 2280
O.P.R.R.P.C.C.T.
JUNE 23, 1998

LINE DATA		
LINE	BEARING	LENGTH
L1	S 88° 31' 37" W	146.15'
L2	S 85° 39' 52" W	100.12'
L3	N 88° 36' 39" W	29.43'
L4	N 01° 28' 34" W	18.39'
L5	S 01° 33' 51" E	14.91'

TODD SPRIGGS AND WIFE,
LISA CAIN-SPRIGGS
RESIDUE OF A CALLED 10.011 ACRES
DOC. NO. 20110520000519470
O.P.R.C.C.T.
MAY 20, 2011

SUBJECT TO CITY OF
PARKER WATERLINE ESMT.
VOL. 658, PG. 440 &
VOL. 2868, PG. 662, D.R.C.C.T.

P.O.C.
PARCEL 21
FND. 1/2" IR

KEMP SUBDIVISION
VOL. B, PG. 346
P.R.C.C.T.

LANDTECH CONSULTANTS, INC.
2825 NORTH LOOP WEST SUITE 300
HOUSTON, TX 77008
713-861-7068
TBLPL FIRM NO. 10019100

PARCEL PLAT
SHOWING
PARCEL 21

FM 2514
COLLIN COUNTY
RDR C.S.J. NO. 2678-02-008
JULY, 2013

PAGE 4 OF 4 SCALE: 1"=50'

RICHARD SPARKS SURVEY ABSTRACT NO. 850

Exhibit B 344

LEGEND

---	EXISTING R.O.W. LINE
---	PROPOSED R.O.W. LINE
---	PROPOSED TEMPORARY CONSTRUCTION EASEMENT
---	PROPERTY LINE
---	SURVEY LINE
-X-X-	FENCE LINE
D.R.C.C.T. -	DEED RECORDS OF COLLIN COUNTY, TEXAS
M.R.C.C.T. -	MAP RECORDS OF COLLIN COUNTY, TEXAS
P.R.C.C.T. -	PLAT RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T. -	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.R.P.C.C.T. -	OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF COLLIN COUNTY, TEXAS
C.M.C.C.T. -	COURT MINUTES OF COLLIN COUNTY, TEXAS

CONC. - CONCRETE
ESMT. - EASEMENT
FND. - FOUND
IR - IRON ROD
IP - IRON PIPE
MON. - MONUMENT
R.O.W. - RIGHT OF WAY

SET 5/8" I.R. W/XXDOT ALUM CAP
(UNLESS OTHERWISE NOTED)

⊙ FOUND PROPERTY CORNER (AS DESCRIBED)

□ FOUND XXDOT TYPE II MONUMENT

NOTES:

1. ABSTRACT DATE: DECEMBER, 2012, THROUGH FEBRUARY, 2013.
2. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83 EPOCH 2002), NORTH CENTRAL ZONE. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO STATE PLANE BY DIVIDING BY THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.000152710.
3. XXDOT RTK NETWORK, NORTH-VRS-RTCM WAS HELD FOR HORIZONTAL CONTROL.
4. FIELD SURVEYS WERE PERFORMED BETWEEN JANUARY, 2013 THROUGH MARCH, 2013.
5. IF THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A XXDOT TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY XXDOT.

AREA TABLE (ACRES)			
EXISTING	TAKING AC./S.F.	REMAINDER	
		LEFT	RIGHT
2.932	0.1028 4,477		2.8292

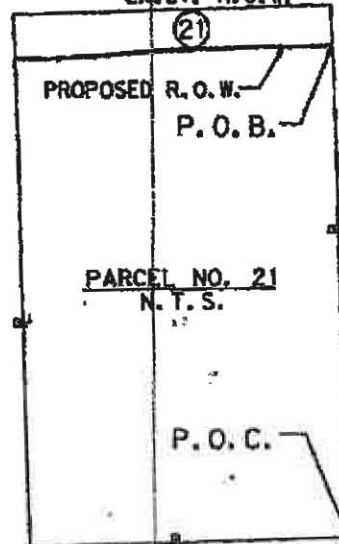
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.
SURVEY DATE: JUNE, 2013

Scott M. Fertak
3 JULY 2013
SCOTT M. FERTAK
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5257



FM 2514

EXIST: R.O.W.



DATE	REVISION
LANDTECH CONSULTANTS, INC. 2525 NORTH LOOP WEST SUITE 300 HOUSTON, TX 77008 713-861-7888 TBPLS FIRM NO. 10019100	
PARCEL PLAT SHOWING PARCEL 21 FM 2514 COLLIN COUNTY ROW C.S.J. NO. 2879-02-009 JULY, 2013	
PAGE 3 OF 4	SCALE: N.T.S.

Exhibit B 4 of 4



ZONING BOUNDARY CHANGE APPLICATION FORM
ANNEXATION REQUEST FORM

1. Requesting:

Permanent Zoning _____
Re-Zoning _____ (See Note*)
Annexation ✓

*Note: If requesting re-zoning, please attach a letter stating nature of re-zoning request; i.e. state present zoning and type of zoning change requested.

Applicant/Company Name: Duane E Wheeler

Company Address: 7002 E Parker Rd.
Parker TX 75002

Company Phone Number: 772-442-2354

Company Email: duanehw@verizon.net

Contact Name: Duane E Wheeler

Contact Phone Number: 772-442-2354

Contact Email: duanehw@verizon.net

2. Description and Location of Property:

- a. Survey and abstract: _____
- b. Lot and block: _____
- c. Total number of acres: _____
- d. Location further described: _____

3. Attach 8 copies of the preliminary plat or survey that contains:

- a. North point, scale, and date
- b. Name and address of:
 - i. Applicant
 - ii. Engineer or surveyor responsible for survey of plat
- c. Survey and abstract with tract designation
- d. Location of major and/or secondary thoroughfares located with or adjacent to the property
- e. Location of existing or platted streets within and adjacent to the existing property
- f. Location of all existing rights of way, utility, and/or drainage easements

4. Fees (Non-Refundable): See Attached Fee Schedule

All fees are due and payable at the time of application. No hearing will be scheduled nor will any reviews be made until payment of required filing fees has been accomplished. Fees are non-refundable regardless of outcome of request.

All the requirements and fees of this application are submitted to the City of Parker requesting a hearing date for a Public Hearing before the Planning and Zoning Commission and/or the City Council as may be required. Hearing dates will be scheduled in accordance with provisions of the City of Parker's Comprehensive Zoning Ordinance.

Applicant: Quane E. Wheel Date: 9-11-15

Accepted: _____ Date: _____

PETITION FOR ANNEXATION

DUANE WHEELER PROPERTY, LOCATED AT 7002 E. PARKER ROAD, apx. 2.929 ACRES

The undersigned respectfully petition the City of Parker to annex the property noted above, and more particularly described by metes and bounds in the attached Exhibit A, and represent as follows:

- a. All current owners of the property have signed this petition, and have their signatures notarized.
- b. There are not more than three qualified voters who reside on the property.
- c. The metes and bounds description attached to this petition is true and correct.
- d. The property is less than ½ mile in width, and is contiguous to the city.
- e. The petition is filed not less than five days prior to the council meeting at which it will be considered by the City Council.
- f. This petition is filed pursuant to the provisions of Sec. 43.028 of the Local Government Code. Those signing below request the City to interpret the recitations of this petition to conform to the law, and grant this petition.

Date: September 23, 2015

1.

Signed: Duane E. Wheeler

Printed Name: Duane E. Wheeler

Owner: Resident:

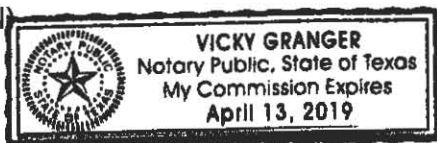
State of Texas
County of Collin

This instrument was acknowledged before me this 23 day of September, 2015, by Duane E. Wheeler.

 Personally known; or ✓ Produced Drivers License as identification.

Given under my hand and seal of office this 23 day of September, 2015.

(Seal)



Vicky Granger
Notary Public, State of Texas

2.

Signed: Nancy M. Wheeler

Printed Name: NANCY M. WHEELER

Owner: _____ Resident: ☒

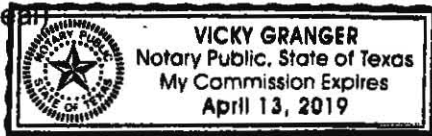
State of Texas
County of Collin

This instrument was acknowledged before me this 23 day of September, 2015, by
Nancy M. Wheeler

_____ Personally known; or ☒ Produced Drivers license as
identification.

Given under my hand and seal of office this 23 day of September, 2015.

(Seal)



Vicky Granger
Notary Public, State of Texas

**CITY COUNCIL
FUTURE AGENDA ITEMS**

MEETING DATE	ITEM DESCRIPTION	CONTACT	Notes
2015			
TBD	Create a comprehensive zoning ordinance review committee	Council	discussion requested 3/17
TBD	Discuss what materials may be transported through the City	Pettle	discussion
TBD	2015-2016 City Fee Schedule	Flanigan	
TBD	City Weather Station & Outdoor Alert System	Stone	requested at the May 19 meeting
TBD	Annual Codification Supplement	C'Sec	Early Fall
October 6, 2015	NATIONAL NIGHT OUT		
October-November	Investment Policy	Boyd	Annual appointment
October-November	Subdivision Revisions	Shepherd	
October-November	2010-308 Fire and Emergency Dispatch with Plano	Sheff	Law requires review every five years.
October-November	2010-307 Fire Radio Use Agreement with Plano and Allen	Sheff	
October 20, 2015	EARLY VOTING - City Hall 7 to 7		October 19 - 30 / Election November 3
Jan., Apr., July., Oct,	Republic Waste Report		REQUIRED PER ORDINANCE AND AGREEMENT.
November 3, 2015	ELECTION DAY - City Hall 7-7		
November 10, 2015	Annual Planning Session	Mayor	

CC AgendaFutureItems.xlsx

Updated 9/22/2015 @ 3:55 PM

**CITY COUNCIL
FUTURE AGENDA ITEMS**

MEETING DATE	ITEM DESCRIPTION	CONTACT	Notes
November 17, 2015	Board Appointments-ZBA & P & Z	Flanigan	
December 30, 2015	Collin County Emergency Services Coalition	Fire	Annual Renewal of Service Contract Res.2014-464