

**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, Pettle, 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.

**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.

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, Pettle, Standridge, Stone and Taylor voting for. Motion carried 5-0.

**ROUTINE ITEMS**

8. UPDATE OF PLANNING SESSION DATES

Planning Session is scheduled for November 10<sup>th</sup> at 3:00 p.m.

9. FUTURE AGENDA ITEMS

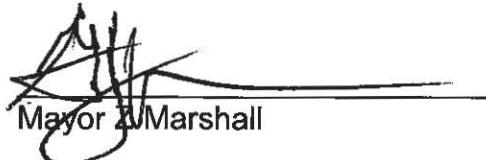
Add water rates to next agenda. Will probably call a special meeting.

**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 29<sup>th</sup> day  
of September, 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 30<sup>th</sup> 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 Pettle 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.

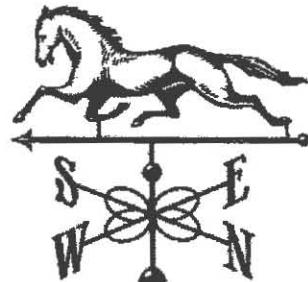
This results in the dangerous situation we had this past week. Several emergency calls went completely unanswered. Yesterday morning at 5am the City of Wylie requested a mutual aid response from Parker for a structure fire in their city. Only 4 qualified firefighters responded to the station, but that's 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



PARKER, TEXAS

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

# 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>		<b>\$6.21</b>	<b>+49.20%</b>
<b>NTMWD Rate to Parker</b>	<b>\$2.11 (2014)</b>	<b>\$2.37 (+0.26¢/ per 1000 gals)</b>	
			<b>+12.32%</b>

# 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	0-2000	\$18.00 Base	0-15000	\$3.80
2001-10000	\$3.53	2001-5000	\$4.90	15001-30000	\$4.06
10001-20000	\$4.13	5001-10000	\$5.21	30001-45000	\$4.35
20001-30000	\$4.49	10001-30000	\$5.46	45001-60000	4.68
<b>30001+</b>	<b>\$5.61</b>	30001-50000	\$5.70	<b>60001+</b>	<b>5.07</b>
		<b>50001+</b>	<b>\$6.13</b>		

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:
    - $4,000 = \$19.28$
    - $200,000 = \$964.00$
    - $50,000 = \$241.00$
    - $533,654,000 = \$2.77\text{mm}$  (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]