

**MINUTES**  
**CITY COUNCIL MEETING**  
**September 29, 2015**

**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 Marshall called the meeting to order at 7:32 p.m. Council members Stone, Standridge, Levine, Pettle and Taylor were present.

Staff Present: City Administrator Jeff Flanigan, Finance/H.R. Manager Johnna Boyd, City Secretary Patti Scott Grey, City Attorney Jim Shepherd and Police Chief Rushing

Mayor Marshall welcomed new City Secretary Patti Scott Grey.

**PLEDGE OF ALLEGIANCE**

AMERICAN PLEDGE: Brooke Asiatico led the pledge.

TEXAS PLEDGE: Sandy Waites led the pledge.

**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.

Billy Barron, 6707 Overbrook Drive, volunteered to serve on the Parker Water Rate Committee. He stated he would like the water committee to represent all levels of water users.

**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]**

**MOTION:** Councilmember Levine 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.

**INDIVIDUAL CONSIDERATION ITEMS**

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

Mayor Marshall read an email from Mark and Cindy Stachiw (Exhibit 1). The Stachiw's stated the water rates should be rolled back immediately, retroactive to the original increase date and they were disappointed with the City Council and City Staff.

Mayor Marshall then read an email from Jim Reed (Exhibit 2). Mr. Reed said he was unhappy with the ten percent (10%) late fee in addition to the high rates.

Mayor Marshall spoke briefly on the water issues, stating the City was required to take a certain amount of water from the North Texas Municipal Water District (NTMWD) each year. The Parker Water Department budget was not supported by tax dollars. The water department should be a self-sustaining, break-even with no profit, proposition. There had been no rate increase in five (5) years and the City's Water Department lost money over the last three (3) years. An analysis was completed and it was determined the best way to compensate for the increased NTMWD rates would be to raise City water rates. The increased water rates did not become an issue until the summer. At that time, City Council and City Staff started listening and reviewing residents' many concerns. City Council was committed to creating a water committee at the request of residents. The City Council proposed a six (6) person committee, consisting of Mayor Z. Marshall, Mayor Pro Tem Scott Levine, City Administrator Jeff Flanigan, Finance/H.R. Manager Johnna Boyd, and two citizens, Brooke Asiatico and Brian Deaver. The Parker Water Rate Committee meeting agendas would be published and the meetings would be open to the public.

Mayor Pro tem Levine stated the committee's purpose would be to review many factors, such as weather, take or pay, infrastructure needs, etc., before reporting back to the City Council with options for a possible solution. This committee would not be a decision making committee. The committee would not be cutting water bills. Under the current NTMWD contract, the City will not be getting water cheaper. The money to support the water department would need to come from somewhere.

Mayor Marshall stated Denise Hickey, a spokesperson for NTMWD and a Parker resident, would be willing to attend the committee meetings and to be of help, but would not be able to serve on the committee, due to conflict of interest. Many residents have offered to assist with finding a solution or to be a committee member. The Mayor encouraged all Parker residents to attend the committee meetings to voice their concerns and to have input. He thanked everyone for their support.

Councilmember Standridge stated NTMWD rates may change in the future, as water costs increase. He commented the City of Parker has infrastructure needs, such as significant water line repairs that would need attention and repair at a cost. The City's tax rate has been kept down, but there was only so much that could be done with the funds available. The money had to come from somewhere and the City's Water Department cannot continue to run at a loss.

Councilmember Stone reiterated the cost of sustaining city services came down to water conservation and water rate increases, which was a difficult decision for City Council, but something had to be done.

Sandy Waites, 5804 Overton Drive, asked if the water committee meetings would be publicized.

Mayor Marshall responded, yes.

**PUBLIC COMMENTS (CONTINUED)** 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.

Stephanie Casson, 1807 Dublin Road, requested more than two (2) Parker citizens be on the water committee. Ms. Casson said it did not make sense Parker residents were first asked to conserve water and then they were told they were not using enough water and still charged more. She asked if she understood the situation properly. She also asked why lot size and one (1) acre lots were being discussed.

Mayor Pro tem Levine stated four citizens would be on the water committee, as he and Mayor Marshall also lived in Parker, paid taxes and paid water bills. City Staff was needed to assist with budget concerns and make the City's operational needs known. City Administrator Jeff Flanigan oversaw the water department and understood the infrastructure issues and Finance/H.R. Manager Johnna Boyd oversaw the City's finances and would help keep the committee on track with budget concerns. Take or pay requires the City pay for the most water we used historically. The rate was set in 2011 when growth was at highest and does not come down even though we were asked to conserve water. The City had to implement some form of conservation, so when the NTMWD take or pay contract is reviewed the City and its citizens are not tied to past historically high usage. NTMWD measures by per capita and not lot size.

City Attorney Jim Shepherd explained NTMWD secured bonds to meet the communities' water supply needs. In taking out those bonds, the NTMWD take or pay contract gave their lenders comfort the bonds would be repaid. This contract was originally created when there were few cities and it was deemed necessary to sell debt and it has never been changed, as they continue to issue debt.

Brooke Asiatico, 3203 Bluffs Lane, spoke briefly regarding her concern which was if the committee was limited to water rate structure review, other issues would not be addressed. Ms. Asiatico recommended the committee be called something else to encompass a broader purpose with regard to water matters.

Linda Nelson, 5802 Corinth Chapel Road, stated she felt there were transparency and quality of life issues, which needed to be addressed. Questions about whether anything could be done to keep rates reasonable over the next ten years. Ms. Nelson asked if people needed to consider selling; should we just stop watering; or should we start discussing lot sizes.

Mayor Pro tem Levine said the resolution did state water rates and related issues.

Thurman Alexander, 4910 Dublin Creek Lane, stated he was disappointed in the fact that the committee was not a pure citizen committee and he was not very optimistic

about a change occurring. Mr. Alexander said he was unhappy with NTMWD take or pay contract and he thought the City should sell more water. He recommended going back to old rates, until committee meets and decides on a solution.

Joe Cordina, 4302 Boulder Drive, suggested a flat water rate. Mr. Cordina said the City needed to change its logic to use all the water rather than getting penalized. He also commented he thought the water committee should consist of only Parker citizens.

Councilmember Standridge reminded everyone that anyone may attend the committee meetings and give their input.

Andrea Dennis, 3307 Bluffs Lane, said she supported the previous comments. The water committee needed to keep in mind, as prices rise, consumption will go down and then the NTMWP's take or pay fixed cost would be spread among its consumers. Water consumption will continue to decrease, increasing prices. Residents with the financial resources have already began installing wells, so their participation in our water system would be lost and those left would be buying water from the City and absorbing the cost.

Jeff Hardage, 4905 Dublin Creek Lane, the City was dictating policy to make citizens conserve water. Mr. Hardage said he would like to know what the reserve levels were this year. He did not want to pay more for having a bigger lot to water.

Mayor Pro tem Levine spoke again regarding how complicated this issue was, especially with plats being approved and more homes being built. The City Council, City Staff and Parker residents have to plan for the future. We cannot assume we would not meet take or pay levels, due to conservation. He welcomed all ideas and said he hoped people would attend the water committee meetings. Mayor Pro Tem Levine stated he hoped the committee could develop a plan that the City and its citizens can live with financially, while accomplishing our goals, including infrastructure and plans for the future growth without compromising what the residents moved to Parker to enjoy.

Administrator Flanigan responded to Mr. Hardage's question by stating the fiscal year for the district ended July 31 and the FY 2014-2015 reserve was 361,000,000 gallons.

Frank Larue, 4408 Sycamore Lane, questioned the rate structure. Mr. Larue asked why the City did not have a flat rate and why funding was not available to repair Sycamore Lane water lines, which was 60 years old.

Jamie Turrentine, 5310 Estate Lane, said the adjustments affect people in different ways at different levels. The rates will have a dramatic effect on property values and an economic impact. Mr. Turrentine insisted more citizens were needed on the water committee.

Stephanie Casson, 1807 Dublin Road, asked that politics be separate. She asked that citizens not involved in politics represent the city on the water committee. If not, the citizens may form their own committee.

Councilmember Pettle asked for a mechanism, allowing more residents on the water commission. She stated she believed the commission should be larger, but not too large.

Mayor Pro tem Levine stated he would rather not be called a "politician". He said he did not get paid and everyone was on same team, supporting the City of Parker. City Administrator Jeff Flanigan and Finance/H.R. Manager Johnna Boyd needed to be at the meetings. The Committee would need to come back with alternatives, options, possible solutions. The City of Parker needed this committee to be setup and working on solutions quickly, which could not happen if new members have to be chosen, a larger number of people need to be assembled, along with dates, times, etc. Again, everyone is invited and is welcome at the meetings; no idea will be ignored.

Joe Cordina said he would like the committee to have an odd number of members such as five.

**MOTION:** Councilmember Levine moved to adopt resolution 2015-495 with the proposed changes, removing City Administrator Jeff Flanigan and Finance/H.R. Manager Johnna Boyd from the committee, but still requiring them to be in attendance and striking paragraph four (4) from the resolution. Councilmember Standridge seconded with Councilmembers Levine, Standridge, Stone and Taylor voting for. Councilmember Pettle voting against. Motion carried 4-1.

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

City Attorney Jim Shepherd was pleased the Wheeler family asked to annex the property into the City of Parker. The Wheelers were happy with the Single Family (SF) zoning classification and two acre minimum. The proposal the Wheelers made falls under the section that allows annexation of a sparsely populated area.

**MOTION:** Councilmember Pettle moved to approve Ordinance 732 as presented. Councilmember Taylor seconded with Councilmembers Levine, Pettle, Standridge, Stone and Taylor voting for. Motion carried 5-0.

### **ROUTINE ITEMS**

#### **4. FUTURE AGENDA ITEMS**

Councilmember Pettle said she was concerned agenda items such as Zoning Board of Adjustments (ZBA) appointments; Sycamore Lane issues; and the Special Use Permit (SUP) renewal process were no longer on the future agenda plan, since January. Mayor Marshall stated ZBA appointments were moved to November. City Administrator Flanigan said he would check on those issues, but he believed the items had been resolved.

**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.

Mayor Marshall recessed the special meeting to Executive Session at 8:44p.m.

6. RECONVENE REGULAR MEETING.

Mayor Marshall reconvened the meeting at 9:05 p.m.

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

No action was taken.

8. ADJOURN

Mayor Marshall adjourned the meeting at 9:05 p.m.



ATTESTED:

  
\_\_\_\_\_  
Patti Scott Grey, City Secretary

APPROVED:

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

APPROVED on the 20<sup>th</sup> day  
of October, 2015.

Subj: Re: City Council Meeting 9-29-15 at 7:30 pm - Citizens Comments for Public Record  
Date: 9/27/2015 5:08:59 P.M. Central Daylight Time  
From: [REDACTED]  
To: [REDACTED]  
CC: [REDACTED]  
[REDACTED]

We are sending this message again as we want it to be read into the public record at the Special Meeting on Tuesday, September 29th. Please confirm receipt.

Thank you,  
Cindy and Mark Stachiw  
4404 Pecan Orchard Drive  
[REDACTED]

On 9/27/2015 2:21 PM, Cindy Stachiw wrote:

Water Committee, really??? How long is this going to take appoint, make a determination and then come up with a revised water rate schedule. In the meantime, our rates remain outrageous for everyone. The rates should be rolled back immediately retroactive to the original increase date.

We are very disappointed with the actions of our City Council and City Staff.

Mark and Cindy Stachiw  
[REDACTED]

Sent from my T-Mobile 4G LTE Device

----- Original message -----  
From: [REDACTED]  
Date: 09/27/2015 1:47 PM (GMT-06:00)  
To: [REDACTED]  
Subject: City Council Meeting 9-29-15 at 7:30 pm

Hi Everyone,

Please note that a Special City Council meeting has been called by Mayor Z Marshall for Tuesday, 9-29-15 at 7:30 at City Hall. One of the agenda items is consideration and/or any action on appointing a water committee.

Just thought everyone might want to know!

Lee

Subj: RE: City Council Meeting 9-29-15 at 7:30 pm  
Date: 9/28/2015 12:18:03 P.M. Central Daylight Time  
From: [REDACTED]  
To: [REDACTED]  
CC: [REDACTED]

By the way, the very high late fee 10% was another item that made me angry. First an \$1800 bill when the previous month was in the 425 range. On top of the super high rate, I huge late fee !!

That is wrong ..

From: [REDACTED]  
Sent: Sunday, September 27, 2015 1:48 PM  
To: [REDACTED]  
Subject: City Council Meeting 9-29-15 at 7:30 pm

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