

MINUTES
CITY COUNCIL MEETING
December 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 5:30 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, Police Chief Bill Rushing, and Police Captain Kenneth Price

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Councilmember Standridge led the pledge.

TEXAS PLEDGE: Councilmember Pettle 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.

No comments

EXECUTIVE SESSION 5:30 P.M. TO 6:00 P.M. – Pursuant to the provisions of Chapter 551, Texas Government Code the City Council may hold a closed meeting

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

a. TX. Govt. Code 551.071—Confidential legal advice regarding municipal legal position regarding noncompliance with subdivision regulation requirements affecting Allen Heights Road construction.

Mayor Marshall recessed the regular meeting to Executive Session at 5:33 p.m.

2. RECONVENE REGULAR MEETING.

Mayor Marshall reconvened the meeting at 6:10 p.m.

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

No action was taken.

INDIVIDUAL CONSIDERATION ITEMS

Mayor Marshall asked City Council to consider changing the order of tonight's agenda, switching items four (4) and five (5). City Council agreed.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PRELIMINARY PLAT FOR DONIHOO FARMS PHASE 1. [FLANIGAN] (See Exhibit 1.)

City Administrator Flanigan said the Preliminary Plat for Donihoo Farms Phase 1 item was on the Planning and Zoning (P&Z) Commission agenda last Thursday, December 10, 2015. It was recommended for approval; with the provision City Engineer Birkhoff approved all the corrections. The developer was told the City would try to have the item on tonight's, Tuesday December 15, 2015, City Council agenda. The Preliminary Plat for Donihoo Farms Phase 1; the engineering letter from our city engineers, Birkhoff, Hendricks & Carter, LLP, stating some things that needed to be completed; and a letter from Westwood Professional Services, responding to those items; were in the City Council packet. Our Engineer Craig Kerkhoff, P.E. was present to respond to questions, as well as the Developer Steve Sallman.

Mayor Marshall asked Mr. Sallman if he would like to address City Council. Mr. Sallman stated his name and firm's address, 4925 Greenville Avenue, Dallas, Texas, for the record. Mr. Sallman passed around information regarding Donihoo Farms and reviewed updates on the property. Mayor Pro Tem Levine asked Mr. Sallman how the configuration of Donihoo Farms Phase 1 came about. Mr. Sallman said they wanted to develop on the hill in the center of the project in the beginning and stay away from the high voltage lines on the south side, plus they wanted to come off Parker Road across from the Plano Independent School District (PISD) tract. He said they would have stopped there, but the City's Ordinances require two means of access into a subdivision. The second means of access connected to Donna Lane.

Mayor Marshall confirmed with Mr. Sallman all the engineer's comments were addressed and the development would meet TxDot requirements. The Mayor asked Engineer Craig Kerkhoff to come forward. Mr. Kerkhoff stated his name, firm, and address, Birkhoff, Hendricks & Carter, LLP, 11910 Greenville Avenue, Dallas, Texas, for the record. He stated the plat comments were corrected; a majority of the comments were fairly minor. They have resubmitted a set of plans and everything, including drainage should be addressed prior to the preconstruction conference.

MOTION: Councilmember Standridge moved to approve the preliminary plat for Donihoo Farms, Phase 1. Councilmember Taylor seconded with Councilmembers Levine, Pettle, Standridge, Stone and Taylor voting for. Motion carried 5-0.

Mayor Marshall said Council was waiting on City Attorney Shepherd, so they would move forward with item 6 and return to item 4.

6. WATER RATE REVIEW COMMITTEE RECOMMENDATIONS [ASIATICO]

Brooke Asiatico said the Parker Water Rate Review Committee formally met several times over the previous two months following its creation, in order to gather and review data and information; receive input from citizens; discuss water rates and related issues with neighboring cities; and deliberate upon recommendations to be made to the Parker City Council relative to the 2015 City of Parker water rates, previously adopted in Ordinance No. 720, on January 22, 2015.

At the November 18, 2015 Water Rate Review Committee meeting, the committee unanimously approved the recommendations. Ms. Asiatico presented a PowerPoint, reviewing the various comments and recommendations in full for City Council, as follows:

General Comments

- We have not been meeting our water budget.
 - For the previous two years, the Water Department budget has been in the red by a combined \$500,000+.
 - We also do not presently have water improvements in this budget, which sorely needs to be addressed.
 - Additionally, we will continue to have debt service payments (bonds).
 - NTMWD estimates continued increases of 5 – 10% per year for the foreseeable future.
- A flat rate of \$7.66 per 1,000 gallons used would be required, if Parker only sells as little as it did last year versus \$4.82 per 1,000 gallons, if we sell our NTMWD take-or-pay minimum, so some incentive needs to be built into reaching our maximum without going over.
- So, revenues had to rise earlier this year, when the rates were changed to meet the water department budget deficit.

General Recommendations

- Consider the following:
 1. Consider alternative billing options that water users can opt into, including, but not limited to, electronic billing or full-page billing with envelopes
 2. Communication educating the citizens on their billing (e.g., WaterMyYard.org (or comparable site) for conservation tips; Texas A&M landscape water calculator)
 3. Additional bond programs for additionally necessary water infrastructure improvements
 4. Adopt a watering schedule for the spring and summer months to contribute to conservation.

5. Ordinances requiring developers to install drought-resistant, Texas-friendly landscaping and simple-to-use irrigation panels; OR a surcharge on their plantings, paid by the homeowner or homebuilder
6. Work in cooperation with other NTMWD customer and member cities, which are subject to take-or-pay minimum contracts with the NTMWD, where beneficial to Parker.

Water Rate Recommendations

1. Commission a Water Rate Study from Dan Jackson (or similar) to provide 2 or 3 water rate proposals from which to choose which address the following critical concerns:
 - a. Anticipated additional developer revenues from impact fees recommended;
 - b. NTMWD Take-Or-Pay Contract “minimum” and how member cities and other customer cities are addressing;
 - c. The City of Parker paying its water usage costs;
 - d. Anticipated increases over the next 5 – 10 years (per NTMWD rate increases);
 - e. The minimum amount of water to operate a household, and to keep landscaping alive and green during hottest months;
 - f. Keeping in mind that current budget divided by lowest Parker consumption (361mm) = \$7.66 per 1,000 gallons, create a 4-tiered rate structure allowing the historical data of consumption to be the guide for precision of these recommended tiers:
 - Consumers of the least amount of water per month (base rate) (0 – 4,000);
 - Consumer-conservers (4,001 – 50,000);
 - Mid-range consumers (50,001 – 80,000);
 - Smallest number of consumers of the MOST amount of water per month (over 80,000 gallons) historically; and/or
 - Consider surcharge options that apply seasonally.
 - g. The City of Parker’s citizen philosophy of country living near the city;
 - h. If Take-or-Pay system remains our only option, the rate structure should encourage conservation to not raise our take-or-pay future minimum, while also building in an incentive for achieving the sale of most of our take-or-pay water.
 - i. Neighboring cities water rates (within the NTMWD);
 - j. Alternatively, consider an option that is based on a flat rate structure (cost per 1,000 gallons used) per meter in Parker of allowed usage per year, based on take-or-pay minimum as the denominator, with any overage from the user charged a significant surcharge.

2. Begin to bill on a specific and definitive date each month consistently for as close to a 30-day billing period as possible (e.g., the last Friday of each month, etc.) to prevent pushing consumers into higher tiers in longer billed months. With only 75 meters left to "go digital" out of 1,450 (only 5% of total), we should begin monthly digital readings now for billing;
3. Review and consider economical and efficient options for averaged Water Department billing and implement it – the consumers of the least and most amounts of water (and everyone in between) will appreciate the option;
4. Regular rate increases are necessary to avoid sudden rate hike shock.
5. Upon receipt of Water Rate Study commissioned, have Water Rate Committee review the proposed alternatives to ensure objectives noted above were met (and structure the commissioned contract this way) for any final changes prior to City Council consideration of new Rate Tier Structure.
6. Consider top tier rates or surcharge to any water user within the Extra Territorial Jurisdiction (ETJ), following any safe harbor Water Rate Study completed.

Ms. Asiatico thanked everyone. Mayor Pro Tem Levine thanked Brooke Asiatico and Brian Deaver for their efforts. Mr. Levine said the bottom line was the committee would like to get the City Council's approval to meet with Dan Jackson and find out what it would cost to do a study and discuss with him the scope of the study and then bring that information back to the City Council.

MOTION: Councilmember Levine moved to accept the Parker Water Rate Review Committee's recommendations/report to City Council and the City Council authorize the committee to meet with Dan Jackson to obtain a cost proposal for the scope of work for the described study with the information the committee provided and report back to City Council. Councilmember Pettle seconded.

Mayor Marshall asked if there was any more discussion. Councilmember Standridge said he had a comment or question, because he attended some of the committee meetings. He wanted to be positive he understood what the committee did. Item #1, "a.-i.", identified the things the committee expected the consultant to bring back and tell the committee whether they were right or wrong, and "j." answered the question. He wanted to make sure the money we were trying to identify, which was not budgeted, was going to be used effectively. He asked if we already had an answer, before spending the \$30,000 for a consultant.

Mayor Pro Tem Levine said the committee could not come to a definitive answer. The Committee needed guidance on what the City should charge various segments for their rates. The alternative included in the report was an afterthought Ms. Asiatico was kind enough to include in her presentation. Mr. Levine said while he liked the idea, he did not know if it made sense from an economic standpoint. The idea was included in the report so a consultant, an expert in the field, could say that was original or that was the most ridiculous idea ever heard. To be clear, the committee did not arrive at that alternative and say this was a great idea. Mr. Levine said it was an idea we included for the consultant's review. Most of the surrounding cities, who have implemented a tiered rate structure, have already completed water studies to advise

them on what rates needed to be at the different user points and how that would affect their city economically. City Engineer John Birkhoff recommended having a study to answer our questions and the Committee decided that was best. The reason the committee suggested Dan Jackson was Mr. Jackson could let us know what services he could provide, at what cost, and the Committee could report back. Councilman Standridge said the consultant would either provide us with a cost/price structure or a flat rate. Mayor Pro Tem said no, the City has a cost/price structure. Councilmember Standridge said yes, and it identified future price increases, according to the chart provided by our City Administrator. City Administrator said yes, the original chart did have forecasted rates for North Texas and what it would do to our budget. When the City implemented the rate increase, that was supposed to help us through the next three years; so, in two (2) years the City would need to do another increase.

Mayor Pro Tem said the rate structure the City had could be characterized in two (2) ways, in one way you could certainly say it promoted conservation and in the other way you could certainly say it created a shortfall in the budget, because people stopped using water. What we have done thus far has resulted in less water usage, dramatically. The weather could have played a factor as well. On the other hand, we have excess water under North Texas Municipal Water District's (NTMWD's) take-or-pay. The City needed the structure examined by someone whose expertise was to analyze water rate structures; that is what the committee determined. Ms. Asiatico agreed and she said she wanted to mirror what Mr. Levine noted, which was cities who have undergone these studies were surprised how our city operated without having had a study. To complete our due diligence, in light of the critical factors the committee uncovered through deliberations, meetings, and discussions, the committee thought a professional study was necessary, because all these concerns have not undergone a measured, studied, formulaic tiered rate structure assessment. In the Committee's view, it would be money well spent to have that baseline completed, so you, as city council members, and the citizens you represent, would know we have done everything we could to get to the right answer and the way to do that would be thorough study by a professional.

Councilmember Pettle said all this was saying was the committee wanted to meet with a consultant, find out what a consultant could offer the City, at what cost, and bring that information back to City Council. It was not authorizing the Committee to do anything further.

Councilmember Stone asked if the consultant could find out if there was some way to sell the excess water we cannot use. Mayor Marshall said our contract does not allow that currently. He said he was not sure if that could be changed. Ms. Asiatico commented two of the most critical points were to maximize our take-or-pay for the lowest cost, while not going over it, creating a new take-or-pay minimum and to encourage conservation, so when we grow and have more users in the city, we would be where we need to be. We would maximize the amount of water we have, while having the take-or-pay minimum at the lowest rate for each user. Those two things were what the committee thought a consultant would be able to tell us. The Committee did not have that expertise.

Councilmembers Levine, Pettle, Standridge, Stone and Taylor voted for the motion. Motion carried 5-0.

Mayor Marshall thanked everyone again.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON FINAL PLAT FOR PARKER RANCH ESTATES PHASE 1. [FLANIGAN] (See Exhibit 2.)

City Attorney Shepherd stated the City had construction difficulties on the connection of two subdivision roads from Parker Ranch towards Allen Heights. Part of the consideration tonight was to resolve or help the City make sure those difficulties would be resolved. After long conversations with Developer Shaddock, Mr. Shaddock has agreed to provide some cash security for the City to ensure the final corrections and completions to Salisbury and Chaparral, as they meet Allen Heights. He agreed to provide various plans for the approval of Mr. Kerkhoff's engineering firm and Mr. Kerkhoff's firm will take careful evaluation of every step necessary in the construction. The letter of credit was reviewed. It required two or three very small changes. He said he had discussed those changes with Mr. Shaddock. Mr. Shaddock would get those changes back to the bank and change the letter of credit accordingly, he and the bank would sign off on it, and he would deliver it to the City tomorrow. He said he did not have an update on the plat itself.

City Administrator Flanigan said City Engineer Kerkhoff reviewed the plat and it complied with our city regulations. The only concern was the two connecting roads and that was being addressed.

Mayor Marshall asked the developer to come forward. Developer Peter Shaddock came forward and stated his address, 17330 Preston Park Boulevard, for the record. City Attorney Shepherd asked Mr. Shaddock if he could agree the problem with the roads as best as we could tell was not something the City created. Mr. Shaddock agreed. After several lengthy discussions on the letter of credit, we came to a final agreement and Mr. Shaddock agreed to go to the bank tomorrow, get the letter of credit corrected and signed, return it to the city for review and signing. Mr. Shaddock said yes, he agreed.

The Mayor asked Engineer Craig Kerkhoff to come forward. Mr. Kerkhoff stated his name, firm, and address, Birkhoff, Hendricks & Carter, Consulting Engineers, 11910 Greenville Avenue, Dallas, Texas, for the record. Mr. Kerkhoff said it appeared the letter of credit was agreed upon, the developer's engineers will revise the engineering plans accordingly to fix and correct the drives, they will send them to the City for review and approval, they will send it to the City of Allen, Texas, for the permit. Once they stake in the field, our firm will go out with a survey crew and verify locations and elevations to ensure the correctness.

City Attorney Shepherd said as part of this item, the city received a letter from Richard Hovas, a professional engineer, dated December 14, 2015, in which Mr. Hovas basically assumes responsibilities for some of the difficulties the city had experienced with these two (2) roads. He asked that the City Secretary place the December 14, 2015, letter from Mr. Hovas with the file as part of our discussion this evening.

Mayor Marshall asked if there were any questions of either Mr. Shaddock or Mr. Kerkhoff. Mayor Pro Tem Levine said his understanding, based on construction requirements within the letter of credit, was our engineers would review the site before the next pour takes place on those street connections. Mr. Kerkoff said he had not seen the letter of credit. It was his understanding their engineer would go through the field survey with the existing conditions and then cement plans. Basically, they would use those conditions and get back with the City on how they plan to correct those concerns. City Attorney Shepherd said that was correct and if and when necessary our engineers would send out their own independent team to verify the findings.

Mayor Marshall asked if there were any questions.

City Attorney Shepherd reviewed the City Council's options, one to deny the plat, based on improperly laid concreted streets, however, we have worked through that problem tonight and that was the purpose of the letter of credit; and another option was to approve the plat, subject to the condition of successfully receiving tomorrow the amended, Irrevocable Standby Letter of Credit No. 418, from Mr. Shaddock's Company, Master Developers-TCB, LLC, in the form provided tonight. If the motion was to approve the plat with that condition, the conditions should be achieved tomorrow and the plat could be filed, allowing Mr. Shaddock to sell homes. If there was a different position, the critical issue would be when Mr. Shaddock would be able to sell homes.

MOTION: Councilmember Levine moved to approve the Final Plat for Parker Ranch Estates Phase 1, with the condition of acceptance of the Irrevocable Standby Letter of Credit No. 418, in the form the City Attorney provided the applicant, signed by the applicant and the bank. Councilmember Taylor seconded with Councilmembers Levine, Pettle, Standridge, Stone and Taylor voting for. Motion carried 5-0.

7. HOLIDAY RECEPTION

Mayor Marshall said we would finish the agenda, adjourn the meeting, and then have a holiday reception. Item 7 was a holiday reception to recognize and thank all those Parker citizens serving on our various boards and commissions. The Mayor asked everyone to remain briefly after tonight's meeting for the reception.

ROUTINE ITEMS

8. FUTURE AGENDA ITEMS

Mayor Marshall asked if there were any items to be added to the future agenda. He stated the next regularly scheduled meeting would be Tuesday, January 5, 2016.

Councilmember Standridge asked if the Water Rate Review Committee should be added. Mayor Marshall said yes.

Mayor Marshall asked for clarification on the Board Appointment Res. 2013-433 Update. As he understood it, that was to review the entire resolution. City

Administrator said yes. The Mayor asked that the item be placed on the January 5, 2016, agenda.

9. ADJOURN

Mayor Marshall adjourned the meeting at 7:02 p.m.

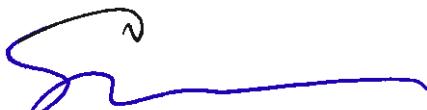
ATTESTED:



Patti Scott Grey, City Secretary



APPROVED:



Mayor Pro Tem Scott Levine

Approved on the 2nd day
of February, 2016.

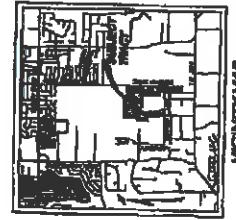
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74 RESIDENTIAL LOTS/1 OPEN SPACE LOT
104.85 ACRES
OUT OF THE
THOMAS ESTES ESTATE, ABSTRACT NO. 2888
CITY OF PARKER, COLLIN COUNTY, TEXAS

DONHOO BEDDING FARMS, LTD.
4626 GREENVILLE AVENUE, SUITE 1020
DALAS, TEXAS 75208
(214) 365-0255
ENRON ENERGY SERVICES INC.



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EXHIBIT 2

PARKER RANCH, PHASE I

