

**MINUTES**  
**CITY COUNCIL MEETING**  
**APRIL 19, 2016**

**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 6:00 p.m. Council members Levine, Pettle, Standridge, Stone 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, Fire Chief Mike Sheff, Assistant Fire Chief Mark Barnaby, and Police Captain Kenneth Price

**EXECUTIVE SESSION 6:00 P.M. TO 7:00 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. Government Code Sections 551.071 Legal Advice and 551.074 Personnel—To deliberate the appointment, employment, evaluation, compensation, and/or duties, of the supervisory officials of the Fire Department, and confidential legal advice on the items.
  - b. Government Code Sections 551.071 Legal Advice and 551.074 Personnel—Confidential legal advice on personnel and procedure of boards and commissions of the city.
  - c. Government Code Section 551.074—Personnel—status of selection of legal service providers.

Mayor Marshall recessed the regular meeting at 6:02 p.m.

2. RECONVENE REGULAR MEETING.

Mayor Marshall reconvened the regular meeting at 7:03 p.m.

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

No action was taken. Mayor Marshall stated City Council was unable to conclude all the topics in executive session, so they will resume after the regular meeting.

## PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Councilmember Tom Stone led the pledge.

TEXAS PLEDGE: Councilmember Ed Standridge 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

**CONSENT AGENDA** Routine Council 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. APPROVAL OF MEETING MINUTES FOR MARCH 15, 2016. [SCOTT GREY]  
[Tabled – 04052016]
5. DEPARTMENT REPORTS-ANIMAL CONTROL, BUILDING, COURT, POLICE, AND WEBSITE

Mayor Marshall had a concern about the March 2016 Monthly Web Report, page 3 of 6. The copier cut off the left side of his copy only. He asked staff to review packets carefully. Councilmember Pettle commented that some of the monthly report graphs needed work and she would like to see outstanding warrants on the monthly court reports. Ms. Pettle also asked about the quarterly Republic Waste Report. City Secretary Scott Grey said Rick Bernas, with Republic, was contacted. He was unavailable for this meeting and the report was not completed, but it should be ready for the next regularly scheduled City Council meeting.

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

## INDIVIDUAL CONSIDERATION ITEMS

6. CONSIDERATION AND ANY APPROPRIATE ACTION REGARDING PROPOSED ATMOS FRANCHISE AGREEMENT. [SHEPHERD]

Mayor Marshall asked City Attorney Shepherd to address City Council and noted Atmos Energy Corporation, Mid-Tex Division, Manager of Public Affairs John J. Manganilla was in the audience. The Mayor asked Mr. Manganilla to come forward to the lectern and state his name and address for the record. Mr. Manganilla said John Manganilla, Atmos Energy, 1681 Corporate Drive, McKinney, TX.

City Attorney Shepherd said City Council had questions about the franchise agreement and he felt the fastest way to answer those questions would be to work with Mr. Manganilla to review changes and then they would allow time for any

additional questions. First, the contract had certain provisions, it stated Atmos could lease its facilities and if that occurred there would be no franchise for those leases, the lease facilities would be providing gas more than likely to an end user, such as a manufacturing plant, and under those circumstances the City would collect franchise fees, but there would not be a double fee from the end user. Second, there were provisions in the twenty (20) year contract, in which the City would agree not to take certain actions, dealing with rate changes, amendments, increases and/or decreases. There would be an opportunity to make rate change cases through the coalition. In those situations where it was not just a rate change, but a construction project and an occasional reimbursement from a third party, such as TxDOT or federal dollars, the City would not stand in the way of those entities requesting or receiving those reimbursement dollars due for relocating gas facilities as a result of road widening. Mr. Manganilla agreed and thanked City Council for consideration of item tonight.

Mayor Marshall recapped briefly, stating the contract covered the time period from March 1, 2017 through March 1, 2036, and Atmos agreed to pay the City five percent (5%) of the Gross Revenues. The Mayor verified with Mr. Manganilla that the five percent (5%) was the maximum amount any city received at this time. City Attorney Shepherd stated the contract also provided that if the maximum increased, the City of Parker's maximum could increase, if the City agreed to all the provisions for that increase. Mr. Shepherd also stated a concern he had with the process in which the developer negotiated the terms of which company was used, primarily on the basis of location; the city played no part in the decision.

Councilmember Stone asked if Atmos Energy planned to extend services to the older subdivisions. Mr. Manganilla said he was not aware of any plans. Generally, it was cost prohibitive for home owners.

City Attorney Shepherd cautioned City Council, stating there were provisions in the agreement for relocating lines in which Atmos or other entities pay for that relocation. In general, they pay when it is part of our legitimate road widening process; however, in those situations not covered, the City would need to carefully observe the conditions of the agreement, such as required notices and making absolutely sure of the reasons for the relocation. Mr. Manganilla clarified by stating, in the past it was road widening. Now, it would be for roadway, water line, and/or sewer line projects.

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

**7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON IMPLEMENTATING A COMBINATION FIRE DEPARTMENT CONSISTING OF PART PAID/PART VOLUNTEER STAFF. [SHEFF]**

Mayor Marshall asked Mayor Pro Tem Levine to start the item. Mr. Levine said he would give the short version and then provide an opportunity for questions, if needed. He said between the past April 4<sup>th</sup> City Council meeting and tonight's April 19<sup>th</sup> meeting Fire Chief Sheff and Assistant Fire Chief Mark Barnaby brought it to City Council's attention the Fire Department had an immediate need for two (2) day shift

positions, Monday – Friday, 8 a.m. – 6 p.m., utilizing 12-14 individuals so that each employee was considered part-time, as provided in the City Council packet. This would align our Fire Department with other area paid fire departments, costing approximately \$50,000 for the time period June 1 through September 30, 2016. Mayor Pro Tem Levine said with the City's growth and Fire Chief Sheff and Assistant Fire Chief Barnaby's assessment, City Council probably recognized, as he did, the need to this move toward a full time paid fire department. He also requested City Council consider allocating money, already budgeted, for a consultant to study and/or analyze not only future staffing needs, but also to advise City Council on mid- and long-range strategic planning.

Fire Chief Sheff reiterated what Mayor Pro Tem said, stating during 2015, seventeen percent (17%) of daytime calls Monday through Friday occurred when we did not have at least two firefighters at the fire station. Up from seven percent (7%) in 2014, those calls were either covered by our volunteers or by our mutual aid departments. The City was increasingly experiencing difficulty with adequately staffing a day crew by firefighters whose credentials meet the officer or driver qualification. During 2015, ten (10) of our volunteers provided approximately sixty percent (60%) of day crew coverage, many with the necessary qualifications for officer/driver. Certain of these firefighters have now left the department or have taken full time jobs with other area fire departments, cutting back on their availability. This has placed a strain on staffing the officer/driver positions. Implementation of formal part time positions would establish, among other things, predictability of coverage, which would enhance public safety. Recommendations were discussed at the City's Budget Workshop. Also, the department solicited proposals for an independent consultant's staffing assessment, both immediate and longer term. Subsequently, two (2) proposals were forwarded to City Council. Chief Sheff asked City Council to read the proposals to make sure the proposals met all the City's needs, because the scope of the request defined the cost of the assessment. He also spoke briefly about the City's Insurance Service Organization (ISO) review, stating we were upgraded to an ISO Class 2. The report stated various categories where the City scored high and low. The City scored low due to staffing and it would need to increase staff to improve future ISO ratings. Chief Sheff then voiced his concern to City Council that once implementation of the combination part paid/part volunteer Fire Department moved forward it would be difficult to return to an all volunteer department.

Assistant Fire Chief Mark Barnaby said the City was not re-inventing the wheel. Similar sized cities were facing similar problems. He thought the plan was reasonable and was needed today. He was responsible for recruiting and this would help that process.

Mayor Marshall said he agreed with Mayor Pro Tem Levine.

**MOTION:** Councilmember Stone moved to approve the request from the Parker Fire Department to implement a combination part paid/part volunteer staffed Fire Department, commencing no earlier than June 1, 2016 and continuing through September 30, 2016 fiscal year, subject to Human Resources, Finance, and Legal review and procedures, and to engage a consultant, immediately or as soon as possible, to analyze not only staffing needs, but also make recommendations for mid- to long-range strategic planning. Councilmember Taylor seconded with

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

**8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION REGARDING PARKER RANCH PHASE 3 WATERLINE UPGRADE. [FLANIGAN]**

**MOTION:** Councilmember Taylor moved to table action regarding Parker Ranch Phase 3 waterline upgrade until additional necessary information was provided. Councilmember Standridge seconded with Councilmembers Levine, Pettle, Standridge, Stone and Taylor voting for. Motion carried 5-0.

**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.

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

- a. Government Code Sections 551.071 Legal Advice and 551.074 Personnel—To deliberate the appointment, employment, evaluation, compensation, and/or duties, of the supervisory officials of the Fire Department, and confidential legal advice on the items.
- b. Government Code Sections 551.071 Legal Advice and 551.074 Personnel—Confidential legal advice on personnel and procedure of boards and commissions of the city.
- c. Government Code Section 551.074—Personnel—status of selection of legal service providers

Mayor Marshall recessed the regular meeting to Executive Session at 8:09 p.m.

**2. RECONVENE REGULAR MEETING.**

Mayor Marshall reconvened the meeting at 8:45 p.m.

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

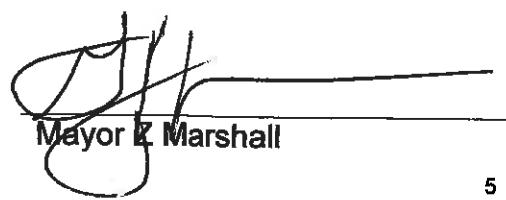
No action was taken.

**4. ADJOURN**

Mayor Marshall adjourned the meeting at 8:45 p.m.



APPROVED:



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Mayor E. Marshall

ATTESTED:



Patti Scott Grey, City Secretary

Approved on the 17th day  
of May, 2016.