

MINUTES
CITY COUNCIL MEETING
AUGUST 10, 2016

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 Z Marshall called the meeting to order at 7:01 p.m. Council members Scott Levine, Lee Pettie, Cleburne Raney, Ed Standridge, and Patrick Taylor were present.

Staff Present: City Administrator Jeff Flanigan, Finance/H.R. Manager Johnna Boyd, City Secretary Patti Scott Grey, City Attorney Jim Shepherd, City Engineer John Birkhoff, P.E., and Police Chief Richard Brooks

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Zachery Miller led the pledge.

TEXAS PLEDGE: Councilmember Lee Pettie 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, spoke briefly in regard to noise and Southfork Ranch. Mr. Barron asked City Council to review noise related ordinances, such as Ordinance No. 553 and Ordinance No. 413, commenting events at Southfork Ranch were disturbing the peace at night and on weekends. He said he had taken decibel readings and believed the levels far exceeded City of Parker Noise Ordinance guidelines. Mr. Barron also asked if he and surrounding neighbors could have information in advance of upcoming events, especially fireworks, either by email or through the city's website. Finally, Mr. Barron asked City Council to place this item on a future agenda for review and possible solutions. (See Exhibit 1 – Billy Barron's comments)

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 739 FOR REVISED 2016 WATER RATES. [LEVINE]

Mayor Marshall asked Mayor Pro Tem Levine to lead the discussion, due to the fact that he was absent at the last July 20, 2016, City Council meeting. Mr. Levine reviewed Ordinance No. 739 and Attachment A, the 2016 Water Rate approved at

the last City Council meeting. He noted there were a couple areas of the ordinance, which needed to be open for discussion. **SECTION 6. SURCHARGE RATE AMOUNTS** should possibly be modified to a flat percentage, changing it to have a five percent (5%) surcharge in Stage 3 and an eight percent (8%) surcharge in Stage 4 for all brackets. The surcharge would apply the same across the brackets, which was in line with what the district was proposing; it did not need to be progressive. In **SECTION 3. CONSTRUCTION WATER RATES**, "Any person or entity purchasing water by written permission from the City of Parker for construction or other purpose from the fire hydrant with a water meter attached, or any other similar method, shall pay a rate of \$8.00 per 1,000 gallons." He said that was higher than our lower rates, but not as high as our higher rates; therefore, at a minimum our construction rate should be no less than the rates proposed for residential usage. After discussion, **SECTION 3. CONSTRUCTION WATER RATES**, was changed to the following:

SECTION 3. CONSTRUCTION WATER RATES

Any person or entity may purchase water upon receiving written permission from the City of Parker for construction and development within the City of Parker from a fire hydrant with a water meter attached. The person or entity shall pay a rate of \$8.00 for the first 50,000 gallons used per month and shall pay residential rates in accordance with Attachment A for all amounts in excess of 50,000 gallons. Surcharge rates apply to all rates in the event Surcharge rates are imposed in accordance with Section 6 of this Ordinance. Permission for such sales is dependent on water availability, conservation efforts, and is subject to other contractual conditions. Limitations may be placed on such water purchases, and permission may be terminated without notice.

MOTION: Councilmember Levine moved to approve Ordinance No. 739 for Revised 2016 Water Rates, as amended, which included Section 3, Construction Water Rates, to have \$8.00 for the first 50,000 gallons used per month and then the same as the residential rates in accordance with Attachment A, for all amounts in excess of 50,000 gallons with surcharge rates, if applicable, and Section 6, Surcharge Rate Amounts, to have a 5% surcharge in Stage 3 and an 8% surcharge in Stage 4 for all brackets. Councilmember Taylor seconded with Councilmembers Levine, Pettie, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

2. **CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2016-516 SETTING A PROPOSED TAX RATE; AND APPROVING DATES, TIMES AND A LOCATION FOR TWO PUBLIC HEARINGS ON THE PROPOSED FY 2016-2017 BUDGET AND TAX RATE, AND A DATE FOR THE VOTE ON THE ADOPTION OF THE 2016-2017 BUDGET AND APPROVAL OF A TAX RATE. [BOYD]**

Mayor Marshall reviewed the 2016 Planning Calendar. He stated the Proposed FY 2016-2017 Budget and 2016 Property Tax Rate Public Hearing dates were August 23 and August 30. He asked that the adoption of the 2016 Tax Rate be moved back to our regularly scheduled City Council Meeting day/date, Tuesday, September 6, 2016. The Mayor commented Finance/HR Manager Boyd had a brief Proposed Budget – FY 2016/2017 attached with a recommended ad valorem tax rate of \$0.365984 per hundred dollars tax increase, to provide funding for that proposed

budget. That was the proposed tax rate, although a few remaining budget items were still under review.

MOTION: Councilmember Taylor moved to approve Resolution No. 2016-516, with the final 2016 Tax Rate adoption changed to Tuesday, September 6, 2016. Councilmember Standridge seconded.

Mayor Pro Tem Levine reiterated the amount going into the blank, in **"SECTION 2.** The proposed ad valorem tax rate is \$0.365984 per hundred dollars valuation, to provide funding for the proposed budget for 2016-2017."

Councilmembers Levine, Pettie, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MOSS RIDGE ROAD DRAINAGE IMPROVEMENTS. [FLANIGAN]

Mayor Marshall recused himself from this item. He asked Mayor Pro Tem to preside over the meeting, as he stepped out of the room.

City Administrator Flanigan said the Moss Ridge Road Drainage Project was reviewed by the Drainage Committee, consisting of Councilmembers Stone and Taylor, City Engineer Birkhoff, and himself. The Moss Ridge Road Drainage Improvements for 7279, 7281, and 7285 (partial) Moss Ridge were advertised in the Dallas Morning News on June 30, 2016 and July 7, 2016. The original bid opening, 1:30 p.m., Monday, July 18, 2016, was delayed until 1:30 p.m., Tuesday, July 26, 2016. The project bids were higher than expected and/or budgeted; therefore, Staff recommendation was to reject all bids and re-advertise for bids with alternative options, as recommended by City Engineer Birkhoff and City Staff.

MOTION: Councilmember Taylor moved to reject all bids and authorize re-bidding the project with alternative options, reducing the scope down to a single 2 X 4 and other possible alternatives, as recommended by City Engineer Birkhoff and City Administrator Flanigan. Councilmember Pettie seconded with Councilmembers Levine, Pettie, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

City Council thanked City Engineer Birkhoff and asked Mayor Marshall to return to the Council Chambers.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2016-517 FOR NEWSLETTER COMMITTEE APPOINTMENTS. [MARSHALL]

On March 11, 2014, City Council approved Resolution No. 2014-437 (Newsletter Committee/Guideline), repealing Resolution 2012-377. Exhibit A, Section 2.0 Committee, of Resolution No. 2014-437 states the Councilmember appointments shall be reviewed every two years in June.

MOTION: Councilmember Levine moved to adopt Resolution No. 2016-517, appointing the Newsletter Committee for the 2016-2018 term, as follows: Mayor Z

Marshall, City Administrator Jeff Flanigan, City Secretary Patti Scott Grey, and Councilmember Lee Pettie. Councilmember Raney seconded.

Mayor Marshall asked Councilmember Pettie if she was willing to continue to serve. Ms. Pettie said she was happy to continue serving in this capacity and she complimented City Staff on an easier process and better product than in the past. Mayor Marshall also thanked City Staff for help in preparing his and other articles. Councilmembers Levine, Pettie, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2016-518 APPOINTING THE 2016 CONTRACT REVIEW COMMITTEE. [MARSHALL]

Mayor Marshall briefly reviewed the item, stating this was a new committee formed two (2) years ago to run concurrent with the Mayor's term, May 2016-2018. The members consist of the Mayor, City Administrator or his designee, and two (2) Councilmembers. Councilmember Standridge asked if the committee was effective. The Mayor said he felt the Committee had been effective in some areas that there were deficiencies. The Committee had served the purpose and function City Council originally intended it to do. Councilmembers Pettie and Levine said they also felt the Committee had been effective. Mr. Levine said candidly, he was not sure if the Committee needed to continue. It was a good exercise to review City contracts and agreements. In the future as a contract, such as trash contract, needed to be reviewed, City Council could form an ad hoc committee to review any particular contract. Resolution No. 2014-440 (2014 Contracts Policy) setup structured procedures. If the Committee was needed and continued, Mr. Levine felt Resolution No. 2014-440 (2014 Contracts Policy) should be revisited, because it might be overkill at this point, more bureaucratic than necessary, to operate effectively. Mr. Levine said if City Council wanted to eliminate the Committee as this time that would be fine. City Council agreed, retrospectively, the Committee was a good exercise and effective, but looking forward forming an ad hoc committee to review a particular contract or agreement, if needed, would be a good alternative.

Mayor Pro Tem Levine stated City Council could abandon the Contracts Committee through Resolution No. 2016-518 (Appointment of Members of Contracts Committee). His question to City Attorney Shepherd was whether City Council could take action tonight to abandon Resolution No. 2014-440 (2014 Contracts Policy), or would it need to be another agenda item. City Attorney Shepherd said the item subject matter related to the appointment, not the policy. Mr. Levine said his concern was that even though City Council abandoned the appointment to members of the Contracts Committee the Contracts Policy would still be in effect.

MOTION: Councilmember Levine moved to table the item until such time a resolution or resolutions to abandon the Contracts Committee and/or revise or eliminate Resolution No. 2014-440 (2014 Contracts Policy) could be placed on the agenda. Councilmember Taylor seconded.

Mayor Marshall restated the Councilmember Levine's motion to table this agenda item for a future meeting, to review possibilities of abandoning or disbanding the

Contracts Committee and changing the provisions of Resolution No. 2014-440 (2014 Contracts Policy). Councilmembers Levine, Pettie, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ACCEPTING A DONATION IN THE AMOUNT OF \$100 FROM CULLEN AND BARBARA TUBB FOR THE PARKER POLICE DEPARTMENT. [BROOKS]

Mayor Marshall stated any donations to the City needed to be accepted by City Council.

MOTION: Councilmember Standridge moved to accept the donation in the amount of \$100 from Cullen and Barbara Tubb for the Parker Police Department. Councilmember Pettie seconded with Councilmembers Levine, Pettie, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

City Council and City Staff thanked Cullen and Barbara Tubb for their generous donation.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2016-519 APPROVING PROVIDING FOR THE EXECUTION OF CONTRACT AMENDMENT NO. 11 JAIL SERVICES AGREEMENT BETWEEN THE CITY OF PARKER AND COLLIN COUNTY. [BROOKS]

Mayor Marshall recognized Parker Police Chief Richard D. Brooks. Chief Brooks stated the resolution and attached agreement would renew an ongoing contract between Collin County and the City of Parker for jail services. The City did not have jail facilities, so the City contracted for this service. City Attorney Shepherd noted modifications that the City had agreed to in the past, which needed to be reflected in this contract regarding liability allocation. Mr. Shepherd said City Council could retire into Executive Session to discuss those modifications and problems or City Council could allow him, as City Attorney, to resolve those issues with Collin County.

EXECUTIVE SESSION

Mayor Marshall said City Council would recess into closed Executive Session to discuss the matter. The meeting was recessed at 7:45 p.m.

Mayor Marshall reconvened the meeting at 8:06 p.m.

MOTION: Councilmember Taylor moved to approve Resolution No. 2016-519, subject to Collin County adjusting the liabilities set forth in the contract. Councilmember Standridge seconded with Councilmembers Levine, Pettie, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

ROUTINE ITEMS

8. FUTURE AGENDA ITEMS

Mayor Marshall asked if there were any items to be added to the future agenda. City Administrator Flanigan added a review of the Noise Ordinance, as requested during tonight's public comments. Councilmember Pettie added a review of Zoning Board of Adjustment (ZBA) and Planning and Zoning (P&Z) ordinances. Mr. Flanigan also added the tabled Contract Committee / Contract Policy.

Mayor Marshall stated the next regularly scheduled meeting should be Tuesday, August 16, 2016. There was a possibility he may cancel that meeting. He asked City Council to continue to hold that date open for at least another day. There would be City Council meetings on August 23, 30, and September 6, per the 2016 Tax Rate Calendar Schedule approved earlier tonight.

9. ADJOURN

Mayor Marshall adjourned the meeting at 8:06 p.m.



ATTESTED:

Patti Scott Grey, City Secretary

APPROVED:

Approved on the 20th day
of September, 2016.

Southfork Noise

Background: 10 Db increase is a doubling of volume

Ordinance 553: "a violation of this Ordinance if the continuous or extended periods of time, produce sound or other noise at the property line of such property in excess of (a) 75 decibels, between the hours of 6 a.m. to 11 p.m., and/or (b) 65 decibels, between the hours of 11 p.m. and 6 a.m."

Ordinance 413: "Outdoor events on the property shall not continue or extend past midnight on Sunday, Monday, Tuesday, Wednesday, and Thursday nights and past 1:00 a.m. on Friday and Saturday nights"

Please note that the wording in 413 is a restriction on Southfork and not on the city. Southfork holds many outdoor events that do not disturb neighbors.

Big Events

KLTY, Bangladesh Festival

2 events in 2015 and 2 so far in 2016

Time frame: noon to past midnight. Events are 10+ hours straight.

Noise: on my property, 80-100dB. Estimated at Southfork property line, 86-106dB. Up to 8.5x the allowed volume before 11PM and 17x afterwards. It is so loud that you can here it inside on the far side the house with noise cancelling headphones on.

Note: Chivefest in 2014 was even louder. Walls of my house were shaking.

Smaller Events

Proms, Weddings, Hillbillies Ville, Other

11 events in 2015 and 10 event so far in 2016 (only counting events when noise was loud inside house late at night and I was at home - there may be more violations)

Time frame: usually early evening to as late as 2AM

Noise: on my property, usually 75-85dB. Estimated at Southfork property line, 84-94dB. Up to 3.7x the allowed volume before 11PM and 7.5x after.

Fireworks

Allowed by Ordinance 413 unless drought or safety is an issue via permit by Fire Marshal. Can city announce these in advance by email list or Facebook?