

MINUTES

CITY COUNCIL MEETING

June 18, 2013

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 3:00 p.m. Councilmembers Stone, Standridge, Levine, Pettle and Taylor were present.

Staff Present: City Attorney James Shepherd, City Administrator Jeff Flanigan, City Secretary Carrie Smith, Finance/H.R. Manager Johnna Boyd, Police Chief Tony Fragoso and Fire Chief Mike Sheff.

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.

Mayor Marshall recessed the regular meeting at 3:01 p.m.

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:
 - a. GOVT. CODE 551.087—ECONOMIC DEVELOPMENT PROSPECT AND PROPOSAL REGARDING A PENDING PROJECT IN THE AREA OF LEWIS AND BETHANY ROADS—KINGS CROSSING.
 - b. GOVT. CODE 551.074 - DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION AND OR DUTIES OF MEMBERS OF THE POLICE DEPARTMENT AND THE CITY ADMINISTRATOR.
 - c. GOVT. CODE 551.071 - CONFIDENTIAL LEGAL ADVICE REGARDING THE ITEMS ABOVE.
2. RECONVENE REGULAR MEETING.

Mayor Marshall reconvened the regular meeting at 5:30 p.m.

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

MOTION: Mayor Pro Tem Levine moved to approve the development agreement with Steve Sallman by adding the following conditions: a lack of reimbursement to the developer for Lewis Lane; reimbursement to the developer phase by phase as developed, timed to 90% of the lots and the City is in receipt of fees from the builders; assignment of the contract and reimbursement is for actual costs not to exceed total approved; subject to Mayor Marshall and Steve Sallman signing revised agreement. Councilmember Pettle seconded with Councilmember Stone, Standridge, Levine, Pettle and Taylor voting for. Motion carried 5-0.

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Steve Sallman led the pledge.

TEXAS PLEDGE: Stacy Patrick led the pledge.

PUBLIC COMMENTS The City Council invites any person with business before the Council to speak to the Council. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

Stacy Patrick, 5202 Ravensthorpe – She requested that the Parker Women’s Club be placed on a future agenda to discuss possible changes to a portion of the City’s web site assigned to them.

INDIVIDUAL CONSIDERATION ITEMS

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR JUNE 4, 2013. [SMITH]

City Secretary Smith requested the minutes be tabled to a future agenda to confirm some information from the meeting.

MOTION: Councilmember Pettle moved to table the minutes to a future meeting. Councilmember Stone seconded with Councilmembers Stone, Standridge, Levine, Pettle and Taylor voting for. Motion carried 5-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013- 414 AMENDING AN AGREEMENT WITH THE SOUTHEAST COLLIN COUNTY EMS COALITION; REPEALING RESOLUTION 2013-404. [SHEFF]

Parker is a member entity of the Southeast Collin County EMS Coalition and contracts with East Texas Medical Center for the provision of paramedic ambulance service to Parker. This contract expires September 30, 2013.

Resolution 2013-404 authorized a modification to the ambulance contract by i) extending its maturity through September 30, 2014 and ii) allowing the City of Lavon to exit the Coalition and the contract without penalty on November 1, 2013. During the extension period Parker was to pay its ratable share of the subsidy equal

to the FY 2013 subsidy plus the appropriate Consumer Price Index adjustment (no change); however, our ratable share was to increase with the exit of Lavon.

Two changes have occurred since Resolution 2013-404.

1. Whereas Lavon originally sought to exit the extension period after one month, they have now notified ETMC and the Coalition they will not leave the Coalition and will extend the ambulance contract for the full extension period through September 30, 2014.
2. Whereas the City of Lucas was to remain a Coalition member for the entire extension period through September 30, 2014, they have now notified ETMC and the Coalition they will commit to remain a Coalition member through March 31, 2014 and thereafter will remain on a month-to-month basis. They will terminate their participation in the ambulance contract upon their exit from the Coalition. Upon their termination of the contract, ETMC has agreed to waive any remaining subsidy due from Lucas during the extension period. As a result, the subsidy paid by Parker to ETMC during the extension period will not change.

It is the intent of Lucas to transition their fire department to a 24/7 part-paid, part volunteer department (a "combination department"), hire no less than seven paramedic or EMT firefighters and purchase two ambulances. The ambulance will be in service 24/7.

MOTION: Councilmember Standridge moved to approve Resolution 2013-414 amending the agreement with the Southeast Collin County EMS Coalition. Councilmember Stone seconded with Councilmember's Stone, Standridge, Levine, Pettie and Taylor voting for. Motion carried 5-0.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AMENDING A DEVELOPMENT AGREEMENT WITH DEVELOPER STEVE SALLMAN. [FLANIGAN]

Action was taken under Item 3.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 698 AMENDING ORDINANCE 481, OFFERING HEALTH BENEFITS COVERAGE TO CITY RETIREES. [SHEPHERD]

The Council determined a need to provide a program to its retirees that is consistent with changes in health insurance, Medicare, related health insurance programs and state and federal law. A committee of Councilmembers Pettie, Leamy and Mayor Marshall was formed to review the current employee retirement benefits offered under Ordinance 481. Councilmember Taylor was appointed to the subcommittee in June 2013 filling Mr. Leamy's vacancy.

City Attorney Shepherd prepared an outline of benefits for the Council. See Exhibit 7A.

Definitions included in the proposed Ordinance 698 (Exhibit 7B) are as follows:

Defined Benefit: The dollar amount the City establishes and provides to a retirees health insurance carrier approved by the City. The current approved health insurance carrier is the Texas Municipal League Group Benefits Risk Pool. The maximum amount for qualified employees is \$250.00 per month, which may be amended or terminated at any time by action of the City Council. The provisions for 75% of the defined benefit amount is equal to \$187.50 per month, subject to amendment of the percentage, the defined benefit amount, or both.

New Hires: Future employees not currently employed with the City as of July 1, 2013.

Medicare Eligibility Age "MEA": The current MEA is that age in years established by federal law for Medicare eligibility. The MEA age at the date of this Ordinance is 65 years of age, which is subject to change by federal law.

Retiree: A person who has had 25 years of service to the City, and who has also attained the age of 55 years. A retiree for purposes of this ordinance is no longer working for the City, and must not have been terminated for violation of state or federal law, and/or violation of the City personnel regulations as set forth by resolution, ordinance or the employee handbook.

Years of Service to the City: Full-time employment (more than 30 hours per week) employed by the City. Employment with other local governmental entities, or the armed forces, is not counted as years of service to the City.

The proposed benefits provided by the Committee for current and future employees are defined as follows, and are subject to change:

New Hires: (all those hired on or after July 1, 2013) and all those current employees with less than 9 years of full-time employment with the City on or before July 1, 2013.

who become retirees of the City may enroll, at their own expense, in the Medicare Supplement, if any, offered by the Texas Municipal League Group Benefits Risk Pool, or approved substitute carrier.

Employees of the City who have 9 or more years of service to the City on or before July 1, 2013 will receive the defined benefit amount available under the terms of this Ordinance (which may be subsequently modified), as follows:

1. For retirement with full-time employment with the City of more than or equal to 25 years, and less than 30 years of service to the City, the following benefits apply:

- a. From termination to retirement age none of the monthly defined benefit amount.
 - b. From retirement age to the MEA 75% of the defined benefit amount.
 - c. From the MEA and older-- the employee may, at their own expense, purchase a Medicare supplement, if available through the City's health insurance carrier at that time.
2. For retirement with full-time employment with the City of more than 30 years of service to the City, the following benefits apply:
- a. From termination to retirement age-- none of the monthly defined benefit amount.
 - b. From retirement age to the MEA-- 100% of the defined benefit amount.
 - c. From the MEA and older-- the employee may, at their own expense, purchase a Medicare supplement, if available through the City's health insurance carrier at that time.

This Ordinance may be changed by future Council, this is not a contract with the employee only an Ordinance of the City.

MOTION: Councilmember Pettle moved to adopt Ordinance 698 offering of health benefits coverage to qualified City retirees and repealing all Ordinances in conflict with this Ordinance, including Ordinance 481; subject to amending Page. 3 Section 6. B., 1. a. 75% to none and 2. a. 75% to none. Councilmember Taylor seconded with Councilmembers Stone, Standridge, Levine, Pettle and Taylor voting for. Motion carried 5-0.

Mayor Pro Tem Levine clarified that retiree is one who retires from the City of Parker.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2013-410 APPOINTING MEMBERS TO THE PERSONNEL COMMITTEE TO SERVE FOR A TWO YEAR TERM EXPIRING JUNE 1 OF 2015, AMENDING RESOLUTION 2011-334. [SHEPHERD]

Council reviewed Resolution 2013-41 at the June 4 meeting. The additional of a two year term limit has been added.

MOTION: Councilmember Pettle moved to amend Resolution 2013-410 to read as follows:

SECTION 1. Appointments. The following are hereby appointed to serve as members of the Personnel Committee for a two year term expiring June 1 of 2015, and replacing any previously appointed members:

Z Marshall
Lee Pettle
Tom Stone

TITLE
Mayor
City Council Member
City Council Member

SECTION 2. Functions. The Personnel Committee shall have the following primary function:

- A. *Compensation and salary planning within the City of Parker*
- 1) *Strategic direction regarding the City's compensation program*
 - 2) *Oversight to City staff during the salary budgeting process:*
 - a) *Market compensation levels*
 - b) *Merit/promotion and adjustment increase budgets*
 - 3) *Review staff recommendations for merit increases and promotions, based on annual performance appraisals and staff input.*

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

9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON CANCELING THE JULY 2 COUNCIL MEETING. [MARSHALL]

MOTION: Councilmember Stone moved to cancel the July 2 meeting as it falls during the week of the July 4th holiday. Councilmember Standridge seconded with Councilmembers Stone, Standridge, Levine, Pettle and Taylor voting for. Motion carried 5-0.

A special meeting may be called if necessary.

ROUTINE ITEMS

10. UPDATE ON THE ENFORCEMENT PLAN FOR BICYCLES ON DUBLIN ROAD

Complaints regarding cycling groups are to be emailed to City Secretary Smith and forwarded to the cycling groups. Chief Frago reported warnings had been issued to riders for riding more than two abreast; however, no citations were issued.

Councilmember Pettle noted the bike traffic on Dublin Road has improved and the cycling groups are making a good faith effort.

11. FUTURE AGENDA ITEMS

PWC Website Changes

Chief Sheff's recognition by the Military Order of the World Wars, Dallas Chapter. Council meeting will be held July 15th and Budget work session on July 16th.

12. DEPARTMENT REPORTS: ANIMAL CONTROL, POLICE, BUILDING, WEBSITE

Council recessed for dinner at 5:34 p.m.

WORK SESSION

13. ANNUAL PLANNING SESSION

A presentation was given by City Administrator Flanigan: update on City's water distribution, thoroughfare plan, zoning map, trails plans, and land use plan maps. It was noted that it is time to update all maps, which the last update was done in 2002. A handout beginning with Ordinance 300 of 1987 was discussed by City Attorney Shepherd. He noted that a comprehensive plan does not establish a zoning district(s).

Future water needs will require a new pump station on Dillehay, with ground storage tanks of 1.5 million gallons, line looping and a new elevated water tower all of which will need to be done at the same time at an estimated cost of \$10,300,000. This is expected to be needed at build out conditions.

A subcommittee consisting of Mayor Pro Tem Levine, Councilmember Stone and Planning and Zoning Chairperson Wright was formed to review and update the comprehensive plan and all City maps. Planning and Zoning Commission is currently reviewing the Thoroughfare plan and comparing such with neighboring cities as well as Collin County.

A subcommittee comprised of Councilmember Taylor and Councilmember Stone was formed to study drainage issues.

A subcommittee made up of Councilmember Standridge and Councilmember Pettle was established to review City procurement procedures and contracts.

Fire Chief Mike Sheff presented his concerns over providing quality services to the citizens of Parker in a timely fashion as many of our volunteers live further from the station than in the past. This negatively affects response times and challenges coverage in the overnight hours. Maintaining average response times of below 8 minutes will not be able to continue. Call volume is increasing with most calls being for medical services.

Chief Sheff recommends adding sleeping quarters to the fire station to address nighttime coverage. He further recommends adopting one of two options to improve daytime coverage and lower response times; either a volunteer stipend or part time paid staffing.

Chief Sheff will present further details, recommendations and the budget implications of each option at Council's budget session in July.

14. ADJOURN

Mayor Marshall adjourned the meeting at 9:30 p.m.



ATTESTED:

Carrie L. Smith
City Secretary Carrie L. Smith, TRMC, CMC

APPROVED:

Z Marshall
Mayor Z Marshall

APPROVED on the 15th day of

July, 2013.

EXHIBITS
7 A and B – Retiree Health Care Benefits

EMPLOYEES (at July 1, 2013)	Termination to Retirement Age	Retirement Age to MEA	MEA →
<u>Years of service to Parker</u>			
I. New Hires and < 9 Years	A	A	A
<u>II. ≥ 9 Years</u>			
a. ≥ 25 Years < 30 Years	C	C	A
b. ≥ 30 Years	B	B	A

LEGEND

- A - No benefit from city
- B - Defined benefit set by city - 100%
- C - Defined benefit - 75%

Effective Date: July 1, 2013
 Retirement: Minimum of 25 years of full time service to Parker and at least 55 years of age
 MEA: Medicare Eligibility Age - 65 or as amended

- Options II.a. and II.b. are only for current employees who, on July 1, 2013, have nine years or more of full time employment with the City of Parker.
- COBRA benefits are available to former employees as required by federal law.
- The Defined Benefit amount is set in the discretion of the city council, and may be amended at any time.

ORDINANCE NO. 698
(Health Benefits Coverage to City Retirees)

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AUTHORIZING THE OFFERING OF HEALTH BENEFITS COVERAGE TO QUALIFIED CITY RETIREES UNDER THE CONDITIONS SET FORTH HEREIN, REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE, INCLUDING ORDINANCE 481; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Parker, Collin County, Texas (“City”) desires to modify the health benefits coverage to its retirees as offered under Ordinance 481; and

WHEREAS, Texas Municipal League Group Benefits Risk Pool is a health risk pool established pursuant to Texas Local Government Code Chapter 172 Texas Government Code 791 and the Texas Trust Code to provide health benefits coverage for employees and retirees and dependents of employees and retirees of Texas political subdivisions under an Interlocal Agreement; and

WHEREAS, the City is currently offering health benefits coverage through the Texas Municipal League Group Benefits Risk Pool pursuant to Interlocal Agreement Chapter 172 of the Texas Local Government Code, both of which would allow the extension of benefits to retirees of the City; and

WHEREAS, the City is aware of significant changes in the health insurance industry, and changes to state and federal law regulating same; and

WHEREAS, the City has determined it needs to provide a program to its retirees that is consistent with changes in health insurance, Medicare, related health insurance programs, and state and federal law; and

WHEREAS, the City desires to select a plan of benefits for its retirees to be provided by the Texas Municipal League Group Benefits Risk Pool, or such other health insurance carrier as the employee might select; and

WHEREAS, providing retiree coverage under the Texas Municipal League Group Benefits Risk Pool interlocal agreement has been determined to be in the best interest of the City and its retirees, and the taxpayers and citizens of the City generally;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS THAT:

SECTION 1. The preceding recitals are incorporated into this Ordinance as findings of fact.

SECTION 2. The City hereby elects to provide health benefits coverage to its retirees through Texas Municipal League Group Benefits Risk Pool under the pool's Interlocal Agreement. The City also authorizes employees to select such other plan as are may be acceptable to the employee and the City, though no alternative selection by the retiree shall modify the benefits provided pursuant to this Ordinance. Alternative plans must be approved in advance by the City if the employee is qualified to receive defined benefits as described in this Ordinance.

SECTION 3. The City hereby adopts the following definition of retiree for purposes of this Ordinance: An employee must have not less than 25 years of full-time employment with the City of Parker, and must have attained the age of 55 years.

SECTION 4. The Interlocal Agreement in effect between the City and the Texas Municipal League Group Benefits Risk Pool provides that the Board of Trustees may adopt rules and regulations. The rules and regulations of the Texas Municipal League Group Benefits Risk Pool allow the participating member entity to provide retiree medical coverage at the same contribution as charged to active employees, to select a contribution level which is an elevated percentage (150%, 160%, etc. which may change from time to time) of the active employee contribution or to offer over age 65 retirees a Medicare Supplement.

SECTION 5. DEFINITIONS.

Defined Benefit: The dollar amount the City establishes and provides to a retirees health insurance carrier approved by the City. The current approved health insurance carrier is the Texas Municipal League Group Benefits Risk Pool. The maximum amount for qualified employees is \$250.00 per month, which may be amended or terminated at any time by action of the City Council. The provisions for 75% of the defined benefit amount is equal to \$187.50 per month, subject to amendment of the percentage, the defined benefit amount, or both.

New Hires: Future employees not currently employed with the City as of July 1, 2013.

Medicare Eligibility Age "MEA": The current MEA is that age in years established by federal law for Medicare eligibility. The MEA age at the date of this Ordinance is 65 years of age, which is subject to change by federal law.

Retiree: A person who has had 25 years of service to the City, and who has also attained the age of 55 years. A retiree for purposes of this ordinance is no longer working for the City, and must not have been terminated for violation of state or federal law, and/or violation of the City personnel regulations as set forth by resolution, ordinance or the employee handbook.

Years of Service to the City: Full-time employment (more than 30 hours per week) employed by the City. Employment with other local governmental entities, or the armed forces, is not counted as years of service to the City.

SECTION 6. The benefits provided by the City for current and future employees are defined as follows, and are subject to change:

A. New Hires: (all those hired on or after July 1, 2013) and all those current employees with less than 9 years of full-time employment with the City on or before July 1, 2013.

There is no defined benefit amount for employees in this category. Employees in this category who become retirees of the City may enroll, at their own expense, in the Medicare Supplement, if any, offered by the Texas Municipal League Group Benefits Risk Pool, or approved substitute carrier.

B. Nine +: This section applies only to those employees of the City who have 9 or more years of service to the City on or before July 1, 2013. For this group of employees, the defined benefit amount is available under the terms of this Ordinance (which may be subsequently modified), as follows:

1. For retirement with full-time employment with the City of more than or equal to 25 years, and less than 30 years of service to the City, the following benefits apply:

- a. From termination to retirement age-- 75% of the monthly defined benefit amount.
- b. From retirement age to the MEA-- 75% of the defined benefit amount.
- c. From the MEA and older-- the employee may, at their own expense, purchase a Medicare supplement, if available through the City's health insurance carrier at that time.

2. For retirement with full-time employment with the City of more than 30 years of service to the City, the following benefits apply:

- a. From termination to retirement age-- 100% of the monthly defined benefit amount.
- b. From retirement age to the MEA-- 100% of the defined benefit amount.
- c. From the MEA and older-- the employee may, at their own expense, purchase a Medicare supplement, if available through the City's health insurance carrier at that time.

C. Any one, or all, of the provisions of this Ordinance may be modified by the City Council at any time, in their sole discretion. Benefits in addition to those set forth in this Ordinance, such as C.O.B.R.A., are available under their prescribed terms, independently of this Ordinance. For those qualified employees who are entitled to either 75% or 100% of the monthly defined benefit amount, the insurance carrier will be requested to directly bill the employee any additional premium in excess of the City's defined benefit contribution to the employee.

- D.** Employees are solely responsible for meeting the terms, conditions, and requirements of the health insurance carrier at or before the time of retirement, and continuing thereafter. The contributions by the City under this Ordinance are limited to financial payments made directly to the health insurance carrier approved by the City, or other carrier selected and subsequently approved by the City. There is no direct payment of the defined benefit amount to the employee. An employee wishing to use a different insurance carrier than the one selected by the City, currently the Texas Municipal League Group Benefits Risk Pool must submit a request for approval by the City of the carrier chosen by the employee. The City will evaluate the terms and conditions of payment and billing with the alternative carrier, together with any other terms and conditions which might apply, and either approve, or deny, the employee's request for an alternative carrier.
- E.** The proposed defined benefit amount at the date of this Ordinance is \$250 per month. This amount, like all other terms and provisions of this Ordinance, is subject to revision at any time by the City Council. There is no partial vesting by any employee for any benefit pursuant to the terms of this Ordinance.

SECTION 7. The City shall adopt on an annual basis any additional or alternative retiree benefit plans to be provided through Texas Municipal League Group Benefits Risk Pool. The cost of these plans shall be paid for entirely by the retiree.

SECTION 8. ELIGIBILITY

This Ordinance will only apply to individuals retiring after its effective date or to employees who retired and are currently receiving benefits under a previous Ordinance. For individuals retiring after the effective date of this Ordinance to qualify they must enroll for this coverage within thirty (30) days of their retirement.

SECTION 9. AMENDMENTS

This Ordinance may be repealed or modified at any time, but will remain in effect for any employee retiring while it is in effect.

SECTION 10. CITY RECORD

The City Secretary is hereby ordered to enter a copy of this Ordinance in the City minutes.

SECTION 11. REPEALER CLAUSE

All existing City ordinances in conflict with the provisions of this Ordinance are repealed to the extent of the conflict. Ordinance 481 is repealed in its entirety.

SECTION 12. OPEN MEETINGS CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 13. SEVERABILITY CLAUSE

It is the intent of the City Council that if any paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be deemed severable and, should any such paragraph, sentence, subdivision, clause, phrase, or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of this Ordinance left standing, nor the validity of any ordinances of the City of Alvord.

SECTION 14. EFFECTIVE DATE

This Ordinance shall be effective on the date of its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS ON THIS _____ DAY OF JUNE, 2013.

Z Marshall, Mayor

Attest:

Carrie L. Smith, City Secretary

Approved as to form:

James E. Shepherd, City Attorney