

MINUTES
CITY COUNCIL MEETING
OCTOBER 30, 2012

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. Councilmembers Leamy, Sumrow, Levine, Pettle and Taylor were present.

Staff Present: 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 * :\$0 PM – 7:00 PM

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. Govt. Code 551.074 – Personnel Matters - To deliberate the employment, evaluation, reassignment or duties of one or more members of the police department.

Mayor Marshall recessed to executive session at 6:00 p.m.

2. RECONVENE REGULAR MEETING.

Mayor Marshall reconvened the open meeting at 7:07 p.m.

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

No action was taken.

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Tom Stone led the pledge.

TEXAS PLEDGE: Joe Sterk 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.

Joe Sterk, Parks and Recreation Chairperson reported Parkerfest 2012 was a great success and thanked Phyllis Houx and the committee for their hard work.

Michael and Kay Booth sent a letter to Mayor Marshall and requested it be read into the record. City Secretary Smith read the letter, see Exhibit A.

INDIVIDUAL CONSIDERATION ITEMS

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR OCTOBER 16, 2012. [SMITH]

Amendments:

Page 2, Item 6, last paragraph - change "illuminate" to "eliminate".

Page 4, move "The place system could result in a run-off election, which would be an additional cost." to page 3 as the last bullet item.

Page 4, Item 9, first paragraph – delete "to be mailed in a city's county".

MOTION: Councilmember Sumrow moved to approve the minutes as amended.

Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Levine, Pettie and Taylor voting for. Motion carried 5-0.

5. PUBLIC MEETING HEARING ON SB100 –CHANGES PROPOSED FOR THE CITY OF PARKER COUNCIL TERMS AND ELECTIONS AS A RESULT OF CHANGES TO THE TEXAS ELECTION CODE. [MARSHALL/LEVINE]

Mayor Marshall opened the public hearing at 7:20 p.m.

City Council was notified in June 2011 that the State of Texas had passed Senate Bill 100 (SB100) to comply with the Federal Military and Overseas Voters Empowerment (MOVE) Act. At nine previous public meetings, Council discussed the City's options for future City elections as allowed per SB100. This meeting was called to hold a public hearing and take input from the citizens on the issue.

City Attorney Shepherd gave a brief background on SB100. SB100 amended the election code to provide for primary election dates in Texas and to comply with the Federal MOVE Act. MOVE is to assist soldiers, sailors, marines and others overseas to have their ballots received and properly cast for two-year congressional primary elections. The changes changed some deadline dates; which, created some difficult issues for the states because the states had already set dates for city elections, primary elections, runoff's for primary elections and the like. For 254 Texas counties there was a concern about having enough election equipment for the Federal, State and local governments holding elections roughly at the same time. To accommodate for the problem SB 100 allows local governments a process in which they may change their elections to only odd years or move their elections to November or a number of other options. Collin County is no longer required to assist the cities with obtaining election

equipment; however, currently they feel they have enough equipment for May elections in even number years, but could become an issue later. The deadline to make changes to the election schedule with greatest ease is December 31, 2012. The purpose of this hearing is to decide what, if anything, needs to be changed for Parker's future elections.

Mayor Pro Tem Levine reviewed the City's options:

1. Continue to conduct annual May elections and rent equipment for even year elections.
2. Hold over three Councilmember terms for one year so the entirety of the Council would come up for election in odd years. This change requires Council action by December 31, 2012. Concerns were raised about all Councilmembers terms expiring at the same time, so Council has looked at an overlay to that decision of a place system.
3. Change Council terms of office to four-years and keep them staggered. Voter approval would be required in a May 2013 election.
4. Another option is changing the election date to November. Council felt this option created a multitude of problems and decided no further consideration was needed. An example problem is the City budget year begins October 1 and newly elected Councilmembers would not have input on the budget adopted by the previous Councilmembers.

Pros and Cons

1. Annual May Elections

In May of even number years, the City must obtain election equipment and have staff run the elections as was done in the May 2012 election. Election equipment is required for every election in compliance with the Federal Help America Vote Act (HAVA). Currently, Collin County does not foresee an issue with not having enough election equipment for local governments, in even numbered years, but there is no guarantee there will not be one in the future. Action for this option is required by December 31, 2012.

2. Unstaggered Terms and Adopting a Place System

Three Councilmembers terms would be heldover so all terms align and beginning in 2015 an election would be held for electing the Mayor and all five Councilmembers. Council action would be to pass a resolution holding over the Mayor and all Councilmember terms to 2015.

Issues were raised that a new Mayor and five Councilmembers could be elected at one time, so there was some consideration to adopt a place system. The place system is not a ward system by geographic region. Each Councilmember would be assigned a place number (1, 2, 3, etc.). If a candidate wanted to run because they

felt a Councilmember was not doing a good job they could run for that place. It would take a situation where each individual Councilmember was doing a poor job and a candidate ran against them and unseated them to get a turnover of the whole Council. An issue with a place system is that if there is not a majority win in votes a runoff election will be held at an additional cost.

3. Four-Year Terms

Four-year terms would allow the City to skip elections in even numbered years. There would be no need for a place system and terms would remain staggered. The City would save money by not holding even year elections. The only issue would be longer terms and if someone were to resign mid term an election must be held to fill the vacancy. Council cannot approve four-year terms; it would require an election in May 2013.

Mayor Pro Tem Levine noted that if the Council does not take action to change future elections, they run the risk of not having enough election equipment in even numbered years.

Mayor Marshall noted the May 2012 election was very successful with a record turnout and staff did a great job. Some issues brought up by voters were not having Saturday early voting, only one early voting location and having to vote for other elections like Allen ISD School Board, at a separate location. We can accommodate most of these issues, it just increases the cost.

Ed Standridge, 3607 Hogge Drive, Parker – Mr. Standridge opposed a place system and four-year council terms.

Hal Camp, 3505 Woodcreek Circle, Parker – Mr. Camp favored a geographical place system to prohibit all councilmembers representing one area of the City and the use of paper ballots. The place system Council has been discussing is not a geographical system. The cities in Collin County may not use only paper ballots, they are required by Federal Law to have a minimum of one election machine for Early Voting and Election Day Voting.

Jim Goldblatt, 3705 Saddle Trail, Parker – The Goldblatt's favored continuing to hold annual City elections with two-year council terms. Mayor Marshall read Jim and Renee Goldblatt's written comments. (Exhibit 5A)

Lynn Kaneps, 4803 Ridgeview Drive, Parker – Ms. Kaneps favored continuing to hold annual City elections with two-year council terms and paying for election equipment as necessary.

Joe Sterk, 4200 Pecan Orchard, Parker – Mr. Sterk opposed four-year terms and a place system. He did speak in favor of changing the election date to November.

Tom Stone, 7266 Moss Ridge, Parker – Mr. Stone opposed a place system.

Phil Steiman, Southridge, Parker – Mr. Steiman favored term limits should voters approve four-year terms.

Chuck Molyneaux, 6618 Poco Estados, Parker – Mr. Molyneaux opposed four-year council terms.

Mike and Kay Booth, 4010 Ann's Lane, Parker – The Booth's favored continuing to hold annual City elections with two-year terms. Mayor Marshall read Mike and Kay Booth's written comments. (Exhibit 5B)

James and Jan Clay, 2700 Deublin Road, Parker – The Clay's favored no changes to the current City Elections process. (Exhibit 5C)

Leonard Stanislav, 4403 Sycamore Drive, Parker – Mr. Stanislav favored four-year, staggered council terms. (He gave his comments in person to City Secretary Smith.)

Mayor Marshall closed the public hearing at 8:05 p.m.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON CHANGES TO THE CITY OF PARKER COUNCIL TERMS AND ELECTIONS AS A RESULT OF CHANGES TO THE TEXAS ELECTION CODE. [LEVINE]

MOTION: Mayor Pro Tem Levine moved to not make any changes to Parker City Elections at this time, as allowed by SB100. Councilmember Pettie seconded with Councilmembers Leamy, Sumrow, Levine, Pettie and Taylor voting for. Motion carried 5-0.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-397 APPROVING THE CITY 2012-2013 INVESTMENT POLICY. [BOYD]

Changes were made to the City Investment Policy regarding training requirements. See Exhibit 7A.

MOTION: Councilmember Leamy moved to approve Resolution 2012-397 as written. Councilmember Pettie seconded with Councilmembers Leamy, Sumrow, Levine, Pettie and Taylor voting for. Motion carried 5-0.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012 - 398 APPOINTING THE 2012 -2013 CHIEF INVESTMENT OFFICER AND COMMITTEE. [BOYD]

Investment Committee to consist of:

Scott Levine
Jeff Flannigan
Z Marshall

Mayor Pro Tem
City Administrator
Chief Investment Officer and Mayor

MOTION: Councilmember Leamy moved to approve Resolution 2012-398 as written. Councilmember Taylor seconded with Councilmembers Leamy, Sumrow, Levine, Pettie and Taylor voting for. Motion carried 5-0.

9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-399 APPOINTING THE AUTHORIZED CITY REPRESENTATIVES FOR TEXPOOL ACCOUNTS. [BOYD]

Resolution 2012 – 399 amends the authorized signatories by deleting individuals no longer associated with the City and adding new signatories to include the Mayor Pro-Tem, current City Administrator and Finance Manager.

MOTION: Councilmember Leamy moved to approve Resolution 2012-399 as written. Councilmember Taylor seconded with Councilmembers Leamy, Sumrow, Levine, Pettie and Taylor voting for. Motion carried 5-0.

10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-400 AMENDING THE SEWER SERVICE CONTRACT WITH NORTH TEXAS MUNICIPAL WATER DISTRICT. [FLANIGAN]

Resolution 2012-400 is an amendment to the existing sewer contract to allow the additional sewer volume for the Lovejoy School, as well as continue service for Parker Lake Estates Phases I,II,III, and the Bedell Tract.

MOTION: Councilmember Leamy moved to approve Resolution 2012-400 as written. Councilmember Pettie seconded with Councilmembers Leamy, Sumrow, Levine, Pettie and Taylor voting for. Motion carried 5-0.

11. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 688 AMENDING MUNICIPAL CODE OF ORDINANCES CHAPTER 97 REGARDING THE PARKS AND RECREATION COMMISSION. [SHEPHERD]

Ordinance 688 amended the number of alternates from 3 to 4 and changes the start time of meetings to 7:00 p.m.

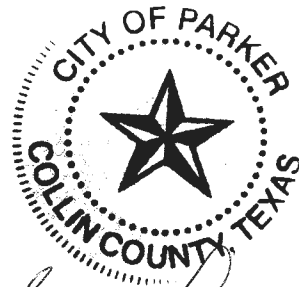
MOTION: Councilmember Taylor moved to approve Resolution 2012-397 as written. Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Levine, Pettie and Taylor voting for. Motion carried 5-0.

ROUTINE ITEMS

12. FUTURE AGENDA ITEMS

13. ADJOURN

Mayor Marshall adjourned the meeting at 8:38 p.m.



ATTESTED:

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

APPROVED:

Z Marshall

Mayor Z Marshall

APPROVED on the 4th day of
December, 2012.

EXHIBITS

- A – Booth Letter
- 5 – Elections Powerpoint
- 7A – Investment policy changes

10/30/2012
Exhibit A

4010 Ann's Lane
Parker, Texas 75002
October 30, 2012

Z Marshall, Mayor
City of Parker
5700 E. Parker Road
Parker, Texas 75002

RE: Legal status of Ann's Lane re your letter of October 19, 2012

Dear Mayor Marshall:

Since 1996, we have repeatedly asked the city to clarify its position in the recorded chain of title of the Ann's Lane tract which is our access street and borders our property on two sides. After countless good faith efforts to find legal options equitable to all parties of interest, it is disappointing to have city attorney and city council again refuse to participate and misconstrue our position.

Our latest request to council was to overturn its February 2010 Resolution represented by City Attorney, Jim Shepherd, as "formalizing the rejection of the 1970's deed." Unfortunately it is not that easy to erase 40 years of reliance upon constructive notice of the dedication, in county land records, made by that deed from McTee to the City of Parker. In fact we did not ask for a change from private to public, but to restore the prior status as an existing recorded, expressly dedicated, informally accepted public road. Which, by the way, we acknowledge that the city has no obligation to pave or maintain until such time as it is accepted into the municipal road system.

If the city continues to choose to maintain that Ann's Lane property has never belonged to the City of Parker, the Special Warranty Deed from city to Cavalier in March 1997 creates a significant problem in the chain of title to 4023 Ann's Lane as it carries a double whammy of two misrepresentations by the City:

- (1) That City owned property it conveyed
- (2) That City was in a position to convey municipal property without first completing statutory procedures of abandonment before disposing of public property

The question remains, who owns Ann's Lane? Apparently city council either did not address this primary underlying issue or has decided not to publicly share this information buried in questionable executive session discussions. Perhaps the clarifications of the city's ambiguous positions will be revealed when city works with the title company in some manner to allow sales of 4021 and 4023 Ann's Lane without the road being a problem. As it stands, marketable title is questionable because of the issues we have brought to city attention.

In the interim, we expect city to fulfill its responsibility to enforce city codes regarding this property.

We wish our elected representatives the very best,

Michael D. and Katharine C. Booth

Senate Bill 100

What does it mean for future Parker General Elections?



Options

- Maintain status quo and rent equipment for even year elections.
- Un-stagger Council terms and move to odd year elections.
- Change terms of office to 4 years and keep staggered terms-Would require voter approval.



Annual May Elections

- Continue to hold elections each May
- Rent voting machines
- City staff conduct election in even years



Annual May Elections

- | | |
|--|---|
| <ul style="list-style-type: none"> • Pros • Additional Saturday voting can be conducted. • No disruption or change in election process • No chance of complete turnover of council as a result of single election | <ul style="list-style-type: none"> • Cons • Only one early voting location for voters in even numbered years • No County support in conducting the election in even numbered years • Cost of election process in even numbered years |
|--|---|



May Election in Odd Years

- Un-stagger seat terms
- Run at-large or Adopt a "place" system



May Election Odd Years

- | | |
|---|---|
| <ul style="list-style-type: none"> • Pros • Reduced election costs since elections would be held only once every two years instead of annually (\$8000 - \$10,000) • Continue to have Collin County support and provide equipment for all elections • PISD has adopted this schedule | <ul style="list-style-type: none"> • Cons • Create the possibility of having an entirely new governing body at one time as a result of a single election |
|---|---|



Un-Stagger Officials Elected Terms

- Adopt a resolution providing for the election of all members of the governing body at the same election.
- All members of the Council and the Mayor would be elected in May of odd numbered years.
- The terms expiring in May 2014 would holdover in office until May 2015. Then, in May 2015, a general election would be called for the purpose of electing the Mayor and all 5 Council members.



Creation of Place System

- A related, but not required, form of ordinance to allow Parker to adopt the Place system. This can reduce the election to only those places which are contested, as opposed to all council and challengers running against one another. This could be helpful if the Parker council decided to "unstagger" the terms. Only those incumbents who drew opposition for their Place, or places which were vacant and had more than one candidate, would have a contested election. Places that drew no opposition would not have to campaign against all other council candidates, as they do today. The Place system does not specifically impact the Mayor's position.



4 Year Terms

- Must have voter approval. Could put on May 2013 ballot.



4 Year Terms

Pros

- Staggered terms
- Election every other odd year for 4 year terms.
- No election costs every even year

Cons

- Longer terms
- No term limits currently



From: [Hal Camp](#)
To: [Carrie Smith](#)
Subject: Public Hearing
Date: Wednesday, October 24, 2012 3:52:54 PM

Carrie, I'll try to attend the meeting but just in case here is my 2 cents worth.

I think that 4 year terms would be best. Limit to two terms maximum.

Reasons:

It takes a new council member a year or so to really get up to speed in what the council is all about then he has 3 years instead of just 1 year to utilize this on the job training.

This will minimize cost of elections to the city.

All the other "Pro's" listed apply

At large or "places" for each council person is OK with me.

From:
To: [Z Marshall](#); [Allison Sumrow](#); [Scott Levine](#); [Lee Pettie](#); [David Leamy](#); [Patrick Taylor](#); [Carrie Smith](#)
Subject: Public hearing re possible election procedure changes, etc.
Date: Monday, October 29, 2012 5:00:52 PM

Dear Parker City Council,

- Regarding the upcoming public hearing tomorrow night, Tuesday, Oct. 30th, we read over the published possible choices and wish to keep the election procedure just the same as it is now: Annual May Elections, 2-year Staggered Terms, and NO place system for councilpersons. To us the advantages of annual elections outweigh the extra cost involved.
- We hope that any vote on this issue that would occur Tuesday, Oct. 30th, would be restricted to a vote to maintain the current election procedure. Changing the election procedure would seem to justify much more extensive notice to the citizens. We note that the recently published fall newsletter did not mention the subject and that the first notice seems to have been by email this past week on October 23rd.
- We continue to be impressed with the progress at the Preserve and especially note the barn restoration work and the brush clearing along the old fence lines that has been done recently. Congratulations to all the volunteers, staff members and elected officials who are contributing to and facilitating this effort.

Sincerely,

Jim & Renee Goldblatt
3705 Saddle Trail, Parker

COMMENT CARD

Please complete and give to the City Secretary prior to the start of the meeting. All comments will be limited to 3 minutes. If you are with a group, please select one spokes person to speak on the groups behalf.

Name: LYNN KANEPS Date: OCT 30, 2012 ^{-Thank you}

Street Address: 4803 RIDGEVIEW DRIVE

Subject/Agenda Item: SB 100

I WISH TO SPEAK OT THE MAYOR AND CITY COUNCIL.

I DO NOT WISH TO SPEAK, BUT WOULD LIKE TO REGISTER MY OPINION.

Comments: LEAVE VOTING AS IS & PAY
FOR VOTING MACHINES WHEN
NECESSARY

STAY INFORMED: WWW.PARKERTEXAS.US

COMMENT CARD

Please complete and give to the City Secretary prior to the start of the meeting. All comments will be limited to 3 minutes. If you are with a group, please select one spokes person to speak on the groups behalf.

Name: JIM GOLOBLATT Date: 30 OCT 2012 ^{-Thank you}

Street Address: 3705 SADDLE TRAIL

Subject/Agenda Item: #5: ELECTION SYSTEM CHANGES

I WISH TO SPEAK OT THE MAYOR AND CITY COUNCIL.

I DO NOT WISH TO SPEAK, BUT WOULD LIKE TO REGISTER MY OPINION.

Comments: THE SEPT. 4TH AGENDA PACKET CONTAINED
A PROPOSED ORDINANCE DRAFTED BY THE
CITY ATTORNEY THAT PROVIDED FOR A PLACE
SYSTEM FOR THE ELECTION OF ALDERMEN.

IS THIS PROPOSED ORDINANCE THE SYSTEM
CURRENTLY FAVORED BY THE COUNCIL?

STAY INFORMED: WWW.PARKERTEXAS.US

----- Original Message -----

From: [REDACTED]

To: zmarshall@parkertexas.us

Cc: slevine@parkertexas.us ; asumrow@parkertexas.us ; dleamy@parkertexas.us ;
lpettle@parkertexas.us ; ptaylor@parkertexas.us

Sent: Tuesday, October 30, 2012 1:17 PM

Subject: Election Options and Letter

Z,

We will be unable to attend tonight's election hearing but would like to express backing for continuation of current system of 2-year, staggered, at-large city council terms.

Also, if you would, please read into the record during public comments our attached response to your letter of October 19, 2012.

Thank you,

Kay Booth

Article V – Responsibilities and Control

E. Investment Training Requirements

The Investment Officer, and ~~such other Investment Officials~~ all members of the Investment Committee as may be required, or prudent, shall attend at least one ten hour training session relating to their investment responsibilities within 12 months after assuming their duties. In addition to this ten hour requirement, ~~each investment officer~~ all members of the Investment Committee shall receive not less than ten hours of instruction in their investment responsibilities at least once ~~during each two-year period. The~~ in every two-year period that begins on the first day of the fiscal year. The investment training session shall be provided by an independent source approved by the investment committee. For purposes of this policy, an “independent source” from which investment training shall be obtained shall include a professional organization, an institute of higher learning or any other sponsor other than a Business Organization with whom the City of Parker may engage in an investment transaction. Such training shall include education in investment controls, credit risk, market risk, investment strategies, and compliance with investment laws, including the Texas State Public Funds Investment Act. A list will be maintained of the number of hours and conferences attended for each Investment Official and a report of such information will be provided to the City Council. Investment “officials” includes the Investment Officer, and may include the Mayor or other member(s) of the City Council, or staff selected by the City Council as alternate Budget or Investment Officer(s).

Article VIII – Portfolio and Investment Asset Parameters

D (3) – Add CDARS to the list with an 80% maximum limit

Glossary – Add definition of CDARS as follows:

Certificate of Deposit Account Registry Service – A program that allows ~~the public to spread a~~ depositor to deposit funds at one bank in excess of the FDIC insured limit, with the excess funds being divided and deposited in other banks in the CDARS program. ~~money around various banks.~~ The purpose of CDARS is to help ~~people~~ depositors who invest in money market accounts or certificate of deposits ~~or~~ (CD's) to stay below FDIC insurance limits at any given bank. Usually, to avoid exceeding FDIC limits at a single bank, consumers deposit their money in different banks. CDARS is a program that eliminates the need to go from bank to bank in order to deposit money, and is comprised of a network of banks.