

MINUTES
Regular Meeting of the College Park City Council
Tuesday, February 28, 2012
8:00 p.m. – 8:36 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Catlin, Dennis, Stullich, Day, Afzali and Mitchell.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services; Robert Stumpff, Director of Public Works; Jill Clements, Director of Human Resources; Terry Schum, Director of Planning, and Student Liaison John Natalizio.

Mayor Fellows opened the meeting at 8:00 p.m. Councilmember Stullich led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Stullich and seconded by Councilmember Day to adopt the minutes of the February 14, 2012 Regular Meeting and the confidential minutes of the Executive Sessions held on January 17, January 24 and February 7, 2012. The motion passed 8 – 0 – 0.

Announcements:

Councilmember Kabir announced that on Saturday, March 17, College Park Meals on Wheels would hold their St. Patrick Day dinner from 4 – 7 p.m.

Councilmember Wojahn said Councilmember Mary Lehman would host “Planning 101” on Wednesday at 7:00 p.m. at the Laurel Beltsville Senior Center.

Councilmember Mitchell announced that the Prince George’s County Fire/EMS Department will have a Community Advisory Council meeting hosted by the Town of Colmar Manner on Wednesday, March 28 from 6 – 8 p.m.

Amendments to the Agenda: None.

City Manager’s Report: Mr. Nagro announced that there is an Executive Session at 7:00 p.m. next Tuesday prior to the Worksession, and that beginning in April, all Council meetings will begin at 7:30 p.m.

Student Liaison’s Report: John Natalizio thanked Mayor Fellows for attending last week’s SGA meeting to discuss the University District Vision 2020. He is meeting with the Director of

Orientation to have a tour of the downtown area become part of the student orientation, and will find out how to get student input on economic development in the City.

Comments from the Audience on Non-Agenda Items: None.

Consent Agenda: A motion was made by Councilmember Catlin and seconded by Councilmember Mitchell to adopt the Consent Agenda, which consisted of the following items:

- 12-G-35 Authorization For City Manager To Proceed With The Procurement And Use Of The University Of Maryland Department Of Public Safety 800 MHz Radio System In An Amount Not To Exceed \$90,000 Budgeted In The FY 2012 CIP Project "Radio Communications System."**
- 12-G-36 Approval Of A Letter In Support Of SB 948 / HB 1177 -Financial Disclosure By Local Elected Officials**

The motion carried 8 – 0 – 0.

Action Items:

- 12-R-05 Approval Of A Resolution Authorizing City Participation In The Maryland Local Government Health Cooperative Offered By LGIT (Local Government Insurance Trust) For Employee Health Insurance Coverage Through June 30, 2014.**

A motion was made by Councilmember Stulich and seconded by Councilmember Afzali that the Mayor and Council approve Resolution 12-R-05 to authorize the City of College Park to participate in the Maryland Local Government Health Cooperative for the purpose of purchasing employee health insurance; to approve the Member Funding Agreement required for participation in substantially the form as attached; to authorize the City Manager to sign the Member Funding Agreement; and to approve the health plan, in substantially the format attached, to be administered by Connecticut General Life Insurance Company (CIGNA) on behalf of the Local Government Insurance Trust (LGIT). The cost to the City for the first twelve months of plan benefits and membership will be approximately \$630,000. The Member Funding Agreement requires a two-year commitment to this Cooperative.

Councilmember Stulich said the Maryland Local Government Health Care Cooperative is a self-insured health cooperative offered by LGIT to local governments and agencies in Maryland. The City is a charter member of LGIT and has purchased liability insurance products from them for many years. LGIT introduced the Maryland Local Government Health Cooperative approximately three years ago. Each year since then, the City has evaluated this option along with fully-insured health insurance proposals. In the past, we have been reluctant to join because the membership was small and the program was new. Since its inception, however, the program

has grown slowly and now has over 600 covered employees. The Cooperative uses CIGNA as its claims administrator and physician network and we recognize that a new network of physicians may cause some changes for our employees. The City used a broker, Richard Princinsky and Associates, to solicit bids from other carriers and to evaluate the CareFirst renewal information. Several carriers declined to bid, or submitted bids with plan designs that did not match our current plans. CareFirst, after several rounds of negotiation, offered a 0% increase. The cost of health insurance for our employees through the Cooperative will be approximately \$20,000 less than our current cost for coverage through CareFirst, but that is not the primary reason for making this change. With the self-insured model, the City has the possibility of retaining 70% of any surplus premiums that are paid in but not expended on claims. We will also be provided with ongoing claims experience data and participate in quarterly meetings with other members of the Cooperative. The plan design under the Cooperative will match the plans we have with CareFirst. The total cost at current enrollment levels will be \$787,864. The City's portion of that total (80%) will be \$630,000.

There were no comments from the audience or from the Council.

The motion passed 8 – 0 – 0.

12-G-37 Award Of Contracts For Dental Insurance, Workers Compensation Insurance And Liability Insurance

A motion was made by Councilmember Stullich and seconded by Councilmember Catlin to award the following contracts for dental insurance, workers' compensation, and liability insurances for Fiscal Year 2013: Contracts with MetLife and DentaQuest for dental insurance at a budgeted cost of \$ 44,800; Contract with Injured Workers Insurance Fund (IWIF) for workers' compensation insurance at a budgeted cost of \$174,000; Contract with Local Government Insurance Trust (LGIT) for general liability, public officials' liability, auto, property, boiler and machinery, personal injury protection, and uninsured motorists protection insurances at a budgeted cost not to exceed \$160,137 for a total budgeted cost of all contracts of \$378,937. The contracts submitted for approval and award were negotiated using authorized informal purchasing procedures including brokers, agents and staff research and therefore require an extra-majority vote of the Mayor and Council.

Councilmember Stullich commented that the dental insurance plans were carefully reviewed again this year. We are electing to stay with our current carriers as their rates and networks are competitive in the market and our employees seem satisfied with the options. Neither MetLife nor DentaQuest raised the premiums for next year. Based on our current enrollment levels, the total cost to the City (not including the employees' portion of the premium) for FY 2013 will be approximately \$44,800. The Injured Workers Insurance Fund (IWIF) carries the City's workers' compensation insurance. The IWIF premium for FY 2013 includes a 36.5% Loss Control Incentive credit that is not available from another vendor. This year's contract is approximately \$20,000 higher than last year due to state-mandated increases in the manual premium for police and all employees excluding clerical. Our claims experience this past year has been excellent,

resulting in a decrease in our experience modification factor. The City's liability insurance is carried by the Local Government Insurance Trust (LGIT). The City also purchases coverage from other insurance companies affiliated with LGIT for our pollution legal liability, a crime bond, Metro underpass, and fuel storage tanks. For fiscal year 2013, the estimated premium for all our liability insurances will decrease by approximately \$5,000 for a budgeted amount not to exceed \$160,137. The total cost of all of these contracts will be approximately \$15,800, 4.4% higher than last year.

There were no comments from the audience.

Councilmember Catlin said that the combined total of all of the insurance policies Council voted on tonight is over \$1 Million which is a lot, but is the same as it was several years ago, so due to staff's diligence, the expense has remained flat.

The motion carried 8 – 0 – 0.

12-G-40 Motion Ratifying The Submission Of An Application For Round 5 CDBG Reprogrammed Funds (PY 38 R) In An Amount Of \$90,000 That Was Filed To Meet The County's February 10, 2012 Deadline.

A motion was made by Councilmember Catlin and seconded by Councilmember Dennis that the City Council ratify the filing of an application to the Prince George's County Department of Housing and Community Development requesting \$90,000 in Community Development Block Grant funding for Program Year 38 R CDBG Reprogrammed Funds. The application is for the reconstruction of curb, gutter and sidewalks on selected streets in the Lakeland, Berwyn and Old Town neighborhoods.

Councilmember Catlin said that this year the County had some surplus funds that, with a quick turnaround, were available to be applied to projects that had been approved for such funding already. The Staff submitted an application and the Council now has to ratify that application. CDBG eligible areas are limited in the City and have to fall within federal income guidelines of low to moderate income. The City's proposed project meets the national objective of benefiting low and moderate income individuals. The sidewalks targeted for reconstruction were recommended in a Purple Line Corridor Access Study prepared for the Prince George's County Planning Department and confirmed in the field by the City Engineer.

There were no comments from the audience or from the Council.

The motion passed 8 – 0 – 0.

12-G-38 Approval Of A Letter To The House Environmental Matters Committee In Opposition To HB 1044, Vehicle Laws – Speed Monitoring Systems – Local Jurisdictions

A motion was made by Councilmember Wojahn and seconded by Councilmember Day to approve the letter to the House Environmental Matters Committee in opposition to HB 1044, Vehicle Laws – Speed Monitoring Systems – Local Jurisdictions.

Councilmember Wojahn stated that this bill requires that speed camera equipment be certified by the International Association of Chiefs of Police which is not a reasonable standard. The IACP is an organization with no legal authority to set standards for the government. The bill would also require a local jurisdiction to keep recorded images on file and available for inspection by the public. While we agree with the importance of making information available to the public, the requirement in this bill conflicts with other provisions of the current law that requires records and images to be confidential. There would be an additional burden to the City because it would make any records available, even those that don't result in citations. Lastly, the bill would force municipalities to reevaluate and potentially renegotiate their contracts because the bill would change the existing revenue structure. This could cost the municipality more money for the program in the future.

There were no comments from the audience.

Councilmember Mitchell asked if MML has taken a position on this bill. Ms. Cotton said she would check.

Councilmember Kabir said he thought he would oppose this but has received comments from people who think he should support it. He can see the benefit of having cameras calibrated by a third party independent vendor; currently they are calibrated by someone who is associated with our vendor. There could be a need to renegotiate our contract and lose some of the revenue, but that shouldn't be an issue. Some people already think these are "greed cameras" and we are after the revenues. Our main purpose should be to have public safety on our streets. He is not sure we should oppose this bill.

Councilmember Wojahn asked about the entity that does the annual calibration of the speed cameras. Mr. Ryan responded that the company that does the calibration is retained by our vendor but is an independent third party. In response to an inquiry from Councilmember Kabir, he will find out how much it would cost for us to have our own independent third party do the calibration. We are in full compliance with the law with respect to the independent annual certification and the system resets and calibrates itself every day before it goes into operation. Councilmember Wojahn asked if the accuracy of our speed cameras have been challenged in court. Mr. Ryan said yes. Councilmember Wojahn asked if any of those challenges have been upheld by the court. Mr. Ryan said not to his knowledge, but some judges might dismiss some cases that are close. Councilmember Wojahn said there is no sense to unnecessarily spend money and he sees no purpose for the requirement that we retain records and make them available to the public. He hopes the House of Delegates won't pass a bill that would put us in a

contradictory position. He understands that there is some opposition to speed cameras in general but the vast majority of residents are in favor of them because of the safety they bring to pedestrians and cyclists in our community.

Councilmember Catlin said he will support the motion to oppose the bill. A lot of people have gotten tickets and been unhappy about it, but no one has ever told him that they weren't going that fast. He doesn't think it is in the interest of our vendor to issue tickets to people who weren't violating the law.

Councilmember Afzali made the point that if the City wanted to, we could have an independent agency certify our equipment. Ms. Ferguson said the problem with that provision is that there is no certification process; they would be making it up. They would assign it to someone who doesn't have a process that you can rely on. This is not the same as calibration of the system; they are talking about certification like is done by United Laboratories that the system is up to certain engineering standards. The bill is trying to hand that over to the IACP saying they have that ability when they don't. Councilmember Afzali said this is a poorly written bill due to that obvious flaw.

Councilmember Stullich knows some people are unhappy about the speed cameras but others are unhappy about speeding. There are people in our community who have been hit by speeding cars and have been badly injured. It is not an unreasonable requirement that people drive the speed that has been designated as safe. This legislation is not reasonable but is just part of a backlash against speed cameras.

The motion passed 8 – 0 – 0.

12-G-39 Appointments to Boards and Committees

A motion was made by Councilmember Stullich and seconded by Councilmember Day to reappoint Jack Robson to the Airport Authority, reappoint Jack Robson to the Animal Control Board, reappoint Mark Wimer to the Tree and Landscape Board, and reappoint Rita Zito to the Veterans Memorial Improvement Committee. The motion passed 8 – 0 – 0.

Council Comments:

Councilmember Mitchell thanked staff for Saturday's workshop for elected officials on emergency preparedness.

Councilmember Dennis said that the Lakeland Civic Association would hold their monthly meeting on March 1, and echoed Councilmember Mitchell's thanks to staff for Saturday's workshop.

Councilmember Catlin informed Council about the BOLC hearing for Terrapins Turf that he attended today. He said the BOLC has asked them to apply for a BLX license instead of a new Class B license.

Councilmember Wojahn thanked the Neighborhood Watch Steering Committee for last Thursday's event at Davis Hall; the program seems to be expanding.

Adjourn: A motion was made by Councilmember Afzali and seconded by Councilmember Stulich to adjourn the meeting. Mayor Fellows adjourned the meeting at 8:36 p.m. with a vote of 8 – 0 – 0.

Janeen S. Miller, CMC City Clerk	Date Approved
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Pursuant to §C6-3 of the College Park City Charter, at 7:02 p.m. on February 21, 2012 in the Council Chambers at City Hall, a motion was made by Councilmember Mitchell and seconded by Councilmember Day to enter into an Executive Session for the following reasons:

G: To Consult with Counsel on a Legal Matter.

H: Consult with staff, consultants or other individuals about pending or potential litigation.

The motion passed 6 – 0 – 0 and the Executive Session convened at 7:02 p.m.

Present: Mayor Fellows; Councilmembers Kabir (arrived at 7:03 p.m.), Wojahn (arrived at 7:08 p.m.), Catlin, Dennis, Stulich, Day, Afzali and Mitchell.

Absent: None.

Also Present: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services and Steve Groh, Director of Finance.

Topics Discussed: The City Attorney updated the Council on recent court decisions involving the City. The attorney briefed the Council on a matter of potential litigation. The attorney discussed a request for an amendment to a lease agreement.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Wojahn and seconded by Councilmember Day to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 7:56 p.m. with a vote of 8 – 0 – 0.
