

AD HOC CHARTER ADVISORY COMMITTEE MEETING

Pebble Hills Regional Command, 10780 Pebble Hills

Tuesday, June 9, 2015

6 p.m.

MINUTES

The Ad Hoc Charter Advisory Committee met at the above place and time. The meeting was called to order by Ad Hoc Charter Advisory Committee Chair Mr. Joe Wardy at 6:00 p.m.

The following committee members were present:

Joe Wardy
Joanne Gwinn Burt
Edward Beck
Yolanda Giner
David Thackston (late arrival 6:04 p.m.)
James Montoya
Betty Spencer
Enrique Moreno
Joyce Wilson

AGENDA

1. Call to order

This meeting was called to order by Ad Hoc Charter Advisory Committee Chair Mr. Joe Wardy at 6:00 p.m.

2. Goal 6: Set the Standard for Sound Governance and Fiscal Management

2.1 Discussion and action on the approval of minutes of the June 3, 2015, meeting of the Ad Hoc Charter Advisory Committee.

Motion made by Ms. Giner, seconded by Ms. Spencer, and unanimously carried to approve the minutes for the Ad Hoc Charter Advisory Committee Meeting June 3, 2015.

3. Goal 6: Set the Standard for Sound Governance and Fiscal Management

3.1 Discussion and action on City Council's recommendation that the Committee not review and/or address Article VI (Civil Service) during the Committee's review of the City Charter.

Mr. Beck, Ms. Wilson, Mr. Moreno, Mr. Montoya commented.

Ms. Elizabeth Ruhmann, Asst. City Attorney, commented.

Motion made by Mr. Montoya, seconded by Ms. Burt, and unanimously carried to delete item 3.1.

4. Goal 6: Set the Standard for Sound Governance and Fiscal Management

4.1 Discussion and action on making a recommendation on proposed Charter amendments to:

4.1.1 Article III, Section 3.5A (City Council Meetings)

4.1.2 Article III, Section 3.18 (Ordinances)

4.1.3 Article VII Public Finance (Fiscal/Budget Year)

4.1.4 Article IV (Powers of the Mayor)

4.1.5 Articles and/or sections of the Charter other than those identified above.

Mr. Wardy opened the floor for discussion on any item under Item 4.1.

Ms. Wilson asked the committee to consider Item 4.1.2 first.

Proposal: Allow the Council to authorize, by resolution instead of ordinance, leases and temporary uses of public property for limited, short-term periods of time (for example, five years or less); and to allow the City to establish internal processes for temporary uses of public property for uses of thirty days or less (special privileges for special events).

Rationale: Efficiency and cost-savings; public ease of process for requesting special privilege permits for events to be held on City property.

Proposal: Eliminate the requirement that changes (establishment, abolishment, alteration or combination) to city departments be done by ordinance.

Rationale: Bring the Charter in line with Council-Manager form of government by allowing the City Manager to handle these matters operationally, pursuant to the authorities granted to him under the Charter.

3.9 C. Actions Requiring Ordinances. The Council may exercise the following powers by ordinance only:

~~1. Authorize the conveyance of any City real property, except as provided in section 3.18;~~

~~2. Adopt or amend any administrative code and establish, abolish, alter or combine any City departments, so long as such action is not in conflict with this Charter;~~

~~3.1.~~ Amend, extend, or repeal any ordinance previously adopted;

~~4.2.~~ Prescribe a fine or penalty or establish any rule or regulation for the violation of which a fine or other penalty is imposed;

~~5.3.~~ Adopt Civil Service Rules.

Committee directed staff to draft language for Section 3.18 of the Charter that would allow the City to convey property by lease, franchise, or temporary use privilege by resolution instead of by ordinance, or as otherwise required by law.

Ms. Giner, Mr. Beck, Mr. Wardy, Mr. Thackston, Ms. Burt, Ms. Wilson commented.

Ms. Elizabeth Ruhmann, Asst. City Attorney, gave legal advice.

Mr. Thackston noted that Section 3.18 had a grammatical error in the proposed revision. (Correction highlighted above).

The following members of the public commented:

Mr. Robert Jeskey

Ms. Wally Cech

Motion made by Ms. Wilson, amended by Mr. Montoya, seconded by Ms. Giner and Ms. Spencer and unanimously carried to adopt the proposed changes to Section 3.9C with the deletion of Numbers 1 and 2; and to direct staff to draft language for Section 3.18 that would allow the City to convey property by lease, franchise, or temporary use privilege by resolution instead of by ordinance, or as otherwise required by law.

Mr. Wardy opened the floor for discussion on any item under Item 4.1.

Mr. Montoya asked the committee to consider Item 4.1.1, Section 3.5A.

PROPOSAL: Amend City Council Meetings requirement to allow for flexibility to hold meetings as needed, and to allow for additional meetings as necessary.

RATIONALE: Cost Savings and Staff Productivity. Requiring a minimum number of meetings per month allows Council to schedule additional meetings as needed; and allows Council to accommodate meetings that fall on or around holidays without having to cancel and/or reschedule. Staff productivity will increase as staff time currently spent in three meetings per week (LRC, Council Meeting, Agenda Review) can be redirected to project and team work to accomplish City Council objectives.

Article III THE CITY COUNCIL

[OPTION 1:]

Section 3.5 CITY COUNCIL PROCEDURES AND RULES.

Meetings. Regular meetings of the Council shall be held in Council chambers a minimum of ~~one time per week~~ two times per month at such times as may be prescribed by resolution. ~~Provided, however, that the Council by resolution may cancel one or more regular meetings, not to exceed three meetings during each calendar year, provided that such canceled meetings are not consecutive.~~ Special meetings and informal work sessions of the Council shall be called by the Mayor or a majority of the entire Council by giving written notice to the City Clerk. All meetings of the Council and of any committees thereof shall be held as permitted by the Texas Open Meetings Act.

[OPTION 2:]

Section 3.5 CITY COUNCIL PROCEDURES AND RULES.

Meetings. Regular meetings of the Council shall be held in Council chambers ~~a minimum of one time per week~~ at such times as may be prescribed by resolution, ordinance, or lawfully-posted notice. ~~Provided, however, that the Council by resolution may cancel one or more regular meetings, not to exceed three meetings during each calendar year, provided that such canceled meetings are not consecutive.~~ Special meetings and informal work sessions of the Council shall be called by the Mayor or a

majority of the entire Council by giving written notice to the City Clerk. All meetings of the Council and of any committees thereof shall be held as permitted by the Texas Open Meetings Act.

Mr. Montoya, Mr. Beck, Ms. Giner, Mr. Moreno, Mr. Thackston, Ms. Spencer, Mr. Wardy and Ms. Wilson commented.

Ms. Nancy Bartlett, Chief Performance Officer, commented.
Ms. Laura Cruz-Acosta, Asst. to the City Manager, commented.

Ms. Lily Limón, City Representative for District 7, commented.

The following members of the public commented:

Mr. Robert Jeskey

Mr. David Nemir

Ms. Wally Cech

Ms. Jackie Butler (representing the Chamber of Commerce)

Mr. Wardy challenged the committee to come up with language for Section 3.5 that the committee could consider at the next meeting. Mr. Montoya volunteered.

Mr. Wardy opened the floor for discussion on any item under Item 4.1.

Mr. Moreno asked the committee to consider Item 4.1.4, Article IV, Section 4.1 (Powers of the Mayor).

Section 4.1 POWERS OF THE MAYOR.

A. The Mayor shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties except as may be specifically provided in this Charter.

B. The Mayor shall be a member of and preside over the City Council, having the power to propose legislation; represent the City in intra-governmental and intergovernmental relationships; appoint with the consent of the Council the members of citizen advisory boards and commissions; make appointments and perform duties pursuant to federal and state law; present an annual state of the City message, break tie votes, veto legislation except for any City Council action which removes the City Manager, convene the Council in special session and perform other duties specified by the Council.

Mr. Moreno, Mr. Wardy, Ms. Spencer, Mr. Beck, Ms. Wilson, Mr. Thackston commented.

Mr. Moreno asked Mr. Wardy to invite Mayor Oscar Leeser to attend the Ad Hoc Charter Advisory Committee's June 16, 2015, meeting.

Ms. Wilson, Ms. Giner, Mr. Wardy commented.

No action taken.

Mr. Moreno asked why the City Charter amendments need to be approved in November, and asked if the City Council would consider moving the Charter amendment election to May or November of 2016.

Mr. Beck, Mr. Thackston, Mr. Wardy, Ms. Wilson commented.

Ms. Nancy Bartlett, Chief Performance Officer, commented.
Ms. Elizabeth Ruhmann, Asst. City Attorney, gave legal advice.

Mr. Montoya asked City staff to add Sections 2.1 (City Elections), 3.2 (Salaries) and 3.7A (Appointments) to the Ad Hoc Charter Advisory Committee's June 16, 2015, agenda.

5. Call to the public

The following members of the public commented:

Mr. Tyler Grossman
Mr. Robert Jeskey
Mr. José Limón

Ms. Wilson, Mr. Wardy, Ms. Giner, Mr. Montoya, Mr. Beck commented.
Ms. Laura Cruz-Acosta, Asst. to the City Manager, commented.

Ms. Lily Limón, City Representative for District 7, asked the committee to add Sec. 4.3A (Mayor Pro Tempore) to the Ad Hoc Charter Advisory Committee's June 16, 2015, agenda.

Ms. Nancy Bartlett, Chief Performance Officer, commented.
Ms. Ruhmann, Asst. City Attorney, gave legal advice.

6. Adjourn

Motion made by Mr. Thackston, seconded by Ms. Spencer, and unanimously carried to adjourn this meeting at 8:02 p.m.