

Corrected

**COUNTY OF DALLAS/COUNTY OF KAUFMAN
CITY OF SEGOVILLE**

CITY OF SEGOVILLE CITY COUNCIL MINUTES

The City Council of the City of Seagoville met in a Regular Meeting on Thursday, January 20, 2011, beginning at 7:30 p.m. in the Council Chambers of City Hall, 702 N. Highway 175, Seagoville, Texas, with the following members present:

| | |
|----------------|-----------------------|
| Mayor | Sidney M. Sexton, Jr. |
| Council Member | Harold Magill |
| Council Member | Lee Landess |
| Council Member | Carl Polnac |
| Council Member | Peggy Day |

The following members were absent:
Mayor Pro Tem Brenda Thompson Excused Absence

The following City staff members were present:

| | |
|----------------------------|---------------|
| City Manager | Larry Graves |
| Assistant City Manager/PWD | Mike Hitt |
| City Attorney | Bob Hager |
| Police Chief | Pat Stallings |
| City Secretary | Sheila Martin |

The following Charter Review Committee Members were present:

| | |
|-------------------|--------------------------|
| Ken Carter, Chair | Calvin Travers, Co-Chair |
| Pat Bearden | Jerry Becker |
| Billy Chambliss | Lynell Douglass |
| Joe Mitchell | Dee Thompson |

The following Charter Review Committee Members were absent:
Mary Graham Harold Redd

Mayor Sexton called the meeting to order at 7:30 p.m. and delivered the invocation. The City Council led the Pledge of Allegiance.

PRESENTATION / PROCLAMATION(S)

None

SPEAKERS

None.

CONSENT AGENDA

1. January 6, 2011 Meeting Minutes

2. Consider Resolution No. 03-11 Suspending an ONCOR Rate Increase

3. Consider Resolution No. 04-11 Declaring Certain Property Surplus and Authorizing the City Manager to Sell, Trade, or Dispose of the Property In Accordance with the Process Established in the Code of Ordinances

Harold Magill noted a correction for RM-2 ONCOR Rate – that the proposed rate increase will result in an **estimated \$60 per year increase as opposed to an estimated \$60 per month** increase as written in the caption. Mr. Magill also noted the duplication in RM-3 “Declaring Certain City Property.”

Motion: Carl Polnac made a MOTION Harold Magill SECONDED to approve, Consent Agenda Items 1-3 with the above referenced amendments.

Vote: 4 Ayes and 0 Nays.

ITEMS FOR INDIVIDUAL CONSIDERATION:

PUBLIC HEARINGS

NONE

ACTION ITEMS

4. Consider 2010 Charter Review Committee recommendations to Amend the City Charter

City Attorney Hager began by stating that the proposals being considered tonight represent the Committee’s work over the past four months. The goal of tonight’s meeting will be to receive Council input on which Committee proposals will go on the May14, 2011 Ballot. In general, the Charter Review Committee has proposed amendments that will result in the Charter being reformatted and bringing the Charter in compliance with Texas State and Federal laws.

The Committee has also made recommendations regarding: granting the Mayor the vote, adding an additional Council-Member, adopting three-year Council terms, City Manager residency requirements, Council voting abstentions, and Council service on the Seagoville Economic Development Corporation. Mr. Hager recommended the Council proceed by each stating their preference for placing each Committee recommendation on the May 2011 Ballot, and to state any additional proposal for amending the City Charter.

Thompson:

Hager began by stating that Mrs. Thompson has submitted her comments in writing due to her excused absence from tonight’s meeting. Hager summarized Thompson’s positions as being:

Mayor Voting – No

City Manager Residency Required – No

Three-Year Terms – No

Conflict of Interest codified by Ordinance – Yes

Magill

- **Seven (7)-member Council – 3 year terms (2, 2, and 3) – Yes**
- **Twenty-five (25) qualified voters signing multiple competing petitions– Yes**
- **One (1)-year residency requirement to run for office – Yes**
- **Limitations of Authority – Discussion 2 years before a Councilmember could work for the City versus 1year residency before running for elective office**
- **City Secretary appointment/removal should be Council decision. (Bob Hager stated: Title Seven applies to City Secretary position.)**

Landess:

- **Five (5) voting CouncilMembers is enough –**
- **Two (2)-year terms – Yes**
- **City Manager residency required – No – Maybe the City should offer some financial incentive**
- **Likes the ideas of one (1)-year residency requirement for Council candidates**
- **Council creates and/or abolish City departments – Yes**
- **City Secretary – Believes Council should appoint and remove. Proposed language regarding City Secretary appointment/removal is ambiguous – Needs more clarification**
- **Audit – Prefers language to the effect as follows: “such audit should be made by a “*competent*” certified public accountant.” –with emphasis on competent**
- **Asked about placing a time limit of every 6-years on reviewing the Charter. (Bob Hager clarified the Committee’s intent that Council had the ability to appoint a committee to conduct a review of the Charter at anytime, but the Charter must be reviewed every six years.)**
- **Abstentions – (No change - Believes current practice should continue)**
- **Council authority to appoint and/or abolish City departments – Supports**

Also said: It’s prudent to wait until the full Council is present before voting on which items go forward for the May 14, 2011 vote. (Bob Hager stated: that he will bring back draft ballot language for the Council to consider during its February 3, 2011 Council Meeting when all of Council will be present.)

Polnac

- **City Manager residency requirement – No**
 - **Three (3)-year terms – Doesn’t have a problem with them – Can go either way**
 - **Seven (7)-member Council (2-2-3) – Likes the idea of: – Wanted to know if the proposal for a seven-member Council goes forward; how will the proposal look on the Ballot?**
- (Bob Hager responded: that if the seven-member Council goes forward on the ballot, the proposition would include language that defines what constitutes a majority, and when the seven-member Council would go into effect.)
- **Twenty-five petition signatures – Supports (Bob Hager raised the point: that while it has not been codified, in Seagoville; tradition has been to prohibit a qualified voter from signing multiple petitions for competing places.)**

Council clarified their preference for voters signing multiple petitions for competing places.)

Day

- **Seven (7) members** – No – So few people interested in elective office. Adding an additional Council Member will increase the ratio of Council Members to citizens from 1/2800 to 1/2000
- **City Manager residency requirement** – No
- **Three-(3)-year terms** – No
- **Abstentions** – Asked if under this recommendation, will a Council Member have to remove themselves from the Chamber? (*Bob Hager explained: there is a difference between this proposal regarding abstentions for moral and personal reasons and having a conflict of interest. Requiring “abstaining” Council members to remove themselves from the Chambers could result in a lack of a quorum.*)

Sexton

- **Two-year/three-year terms** – Can go either way
- **Up to two Council Members serve on SEDC** – Yes
- **Maintain 25 qualified voter signatures for Council candidates**- Yes
- **Maintain one-year residency requirement** – Yes
- **Annual performance review for City Manager** – Yes
- **City Secretary appointment/removal** – A City Council decision
- **Council authority to create and/or abolish departments** – Yes
- **Abstentions** – Does not support
- **Fidelity Bond requirement for staff** – Yes
- **Certified “competent” CPA to conduct audit** – Supports
- **Requiring Charter Review every six years** – Highly desirable
- **City Manager residency requirement** – No – Maybe a “parsonage” is in order

Charter Review Committee members provided the following comments:

- **Ken Carter** – 2-2-3 prevents City from being turned upside down in one election
- **Joe Mitchell** – Does not support 7-member Council with Mayor voting
- **Dee Thompson** – Opposes 7-member Council with Mayor voting
- **Pat Bearden** – Against 3-year Council terms
- **Jerry Becker** – One of the most grueling issues facing a new Council shortly after new members are seated is the budget. Adopting three (3)-year terms reduces volatility on the Council
- **Calvin Travers** – Leaving Council as-it-is 5-1 makes it as easy to get people out as it is too get them in. Opposes the notion that 3-year terms will create stability by allowing Council to remain in their “places” longer. Believes Mayor should vote only in the case of a tie. With the Mayor not voting, he/she has the ability to discuss issues build consensus.

Bob Hager – Stated Mayors of Texas cities is rooted in 150-year Texas history – Mayors routinely served as the municipality’s administrator and CEO and as a result refrained from voting to enhance a “check and balances” approach to operations and policy issues.

Bob Hager asked for confirmation on needed Ballot language:

Seven-member Council

No – Magill, Landess, and Day

Yes – Polnac with the Mayor voting

Result: No ballot language to increase the Council – No change in Council terms

City Manager Residency Requirement

No- Magill, Landess, Polnac, Day

Result: No ballot language needed

Council candidate petition signatures

Leave “as-is” – Landess, Day, Magill

Abolish – Polnac

Result: No ballot language needed

City Secretary appoint/remove at City Manager’s recommendation

Landess – Wording concerns him because its ambiguous – Wants to prevent City Secretary being dismissed at the City Manager ‘s discretion

Magill – Agrees with Landess

Polnac – Agrees with Landess

Day – Proposed the following: Appoint and remove City Secretary upon consultation with the City Manager and a Majority vote of Council

Result: Bob Hager stated no proposition/ballot language is required; will write an omnibus opinion for Council approval.

One-year residency requirement for City Council candidates

Bob Hager expressed concern that having more than a one-year residency requirement will violate the Voting Rights Act

Result: No ballot language required.

Up to two CouncilMembers may serve on the Seagoville Economic Development Corporation

Yes- Magill, Landess, Polnac, Day

No – None

Result: Bob Hager will draft May 14, 2011 ballot language

Supermajority (3 affirmative votes) of Council required to hire and/or fire the City Manager

Yes- Magill, Landess, Polnac, Day

No – None

Result: Bob Hager will draft language for May 2011 ballot

City Charter mandatory review at least every six years

Yes – Magill, Landess, Polnac, Day , Sexton

No – None

Result: Bob Hager will draft language for May 2011 ballot

Abstentions: Abstaining votes will not apply to prevailing side of issue

Yes – Magill, Landess, Polnac, Day

No – Sexton

Result: Bob Hager will draft language for May 2011 ballot

Abolish City Departments

Yes – Magill, Landess, Polnac, Day, Sexton

No – None

Result: Bob Hager will draft language for May 14, 2011 ballot.

CITIZEN COMMENTS

Phil Greenawalt addressed the Council to extend an invitation to the Annual Chamber Banquet on January 29, 2011.

FUTURE AGENDA ITEMS

Harold Magill requested a future agenda item to promote the industrial park.

EXECUTIVE SESSION

None

ADJOURN

Mayor Sexton adjourned the Council meeting at 8:48 p.m.

Approved this the 17th day of February, 2011



Mayor Sidney M. Sexton, Jr.

ATTEST:



Sheila J. Martin, City Secretary