

STATE OF TEXAS

August 9, 2010

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Called Meeting of the Sherman City Council was begun and held in the Council Chambers of City Hall, 220 West Mulberry, Sherman, Texas, on August 9, 2010.

COUNCIL MEMBERS PRESENT: Mayor Bill Magers; Deputy Mayor Willie Steele.
Council Members Adami, Howeth, Smith, Softly, Wacker.

COUNCIL MEMBERS ABSENT: None.

CITY STAFF PRESENT: George Olson, City Manager; Robby Hefton, Assistant City Manager/CFO; Brandon Shelby, City Attorney; Scott Shadden, Director of Developmental Services; Mark Gibson, Director of Engineering/Public Works; Don Keene, Executive Director of Planning/Public Works; Tom Watt, Police Chief; Jeff Jones, Fire Chief; Mary Lawrence, Controller; Pam Cloer, Assistant to the City Manager; Linda Ashby, City Clerk.

PURPOSE: Call to Order, Quorum Determined, Meeting Declared Open

PUBLIC HEARING

Charter Amendments proposed by the Charter Review Commission for the November 2, 2010 Special Election

Adjournment

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Mayor Magers called the meeting to order at 5:02 p.m., declared a quorum present, and opened the City Council Meeting.

PUBLIC HEARING

**CHARTER AMENDMENTS PROPOSED BY THE CHARTER REVIEW COMMISSION FOR THE
NOVEMBER 2, 2010 SPECIAL ELECTION**

Mayor Magers explained that the Called Meeting was to hold a Public Hearing to discuss the proposed Charter Amendments for the November 2, 2010 Special Election. He recognized Council Member Howeth and Council Member Adami, who served with him on the Charter Review Commission. The Commission reviewed 33 potential Amendments and recommended that six be presented to the voters. He reviewed the following Amendments.

Amendment #1 was to move the local Elections to November instead of the current May uniform Election date. Mayor Magers said the change would save taxpayers approximately \$30,000 annually for the Election. Every year there is a local Election and since the City has adopted three-year terms, there is never a majority of the Council Members “turning over.”

More importantly, Mayor Magers said moving the Election will increase voter turn-out. He compared the voters in the last two City Elections and the last to County Elections. In May 2008 there were 337 votes cast in the City Election and in May 2007 there were 2,732 votes cast. In November 2008 there were 12,360 Sherman votes cast in the County Election and in November 2006 there were 6,921 Sherman votes cast.

Amendment #2 concerns franchises and utilities and is a “housekeeping” item. It deletes the word “underground utilities” and says if the City moves any utilities, the rules apply and an entity would have to pay to have their utilities moved.

Amendment #3 pertains to State and Federal laws. Local laws are always subject to State laws, but if the State law changes, the City currently has to hold an Election to change the wording to comply with the State law. This Amendment would allow the City to update the Charter language to current State law standards and moving forward, it will allow the City to keep the Charter current with State law without holding an Election.

Amendment #4 concerns City Council compensation. Mayor Magers explained that in 1983 the City Council decided that Council Members should receive \$50 per meeting and the Mayor should receive \$75 per meeting. That amount has not changed since that time.

Mayor Magers said the Charter Review Commission is recommending that the proposed Amendment be expanded to include not only City Council Meetings, but other meetings that are Mayor appointed or City Council voted on. For example, Council Member Wacker serves as the President of the Texoma Council of Governments Board of Directors and the President of the Texoma Area Paratransit System Board of Directors. As Mayor, he serves as the Chairman of the Metropolitan Planning Organization and on the Texoma Area Solid Waste Authority Board of Directors. Council Members give their time to serve on these Boards and at the current time are not compensated for this service.

The proposed Amendment would not be effective until an across-the-board pay increase is given to City employees. The Council understands the hard economic times but feels the action would bring their service up-to-date, and would bring a 1983 ordinance current with today’s dollars.

Amendment #5 is a housekeeping measure that clarifies that the Sherman Independent School District and other taxing entities are subject to the same City regulations, in terms of building codes and similar items.

Amendment #6 is another housekeeping issue that clarifies wording such as mimeograph machines and allows for posting on the City’s website. It brings the ordinance up to current technological standards.

At 5:08 p.m. Mayor Magers opened the floor for the Public Hearing so they could hear comments from citizens.

Amendment #1

Eugene Lund, 1815 Sandra

Mr. Lund thanked the City Council for allowing the change of the Election date to take place. He felt it should have been done a long time ago to put the City Elections, and hopefully the School Board Elections, in conjunction with the Federal Election. This will save money and ensure a better turn-out of voters, and better representation of people voting for the elected officials. He recommended that the Amendment be approved.

Amendment #2

No citizens appeared before the City Council to discuss Amendment #2.

Amendment #3

No citizens appeared before the City Council to discuss Amendment #3.

Amendment #4

No citizens appeared before the City Council to discuss Amendment #4.

Amendment #5

No citizens appeared before the City Council to discuss Amendment #5.

Amendment #6

Mr. Lund asked for clarification as to why the Amendment deleted the Grayson County Clerk and the State Comptroller. Robby Hefton, Assistant City Manager/CFO, explained that the Amendment was to address the current regulations with respect to how the Budget must be posted. He added that in addition to the Budget, the City has their Annual Financial Report which contains both the Budget and the Actual Operating Results which is provided to many State agencies through a central repository.

Council Member Adami asked the City Attorney how Amendment #1 would affect the current City Council. Brandon Shelby, City Attorney, explained that if approved, the Amendment would extend the terms for the current Council Members by six months, from May until the November Election. Actually the current Charter states that Council Members will "continue to serve until a replacement is elected." Since the Amendment would extend the Election for six month, the Council's terms would automatically be extended until the Election.

Council Member Smith added when he came on the Council in May, the Budget Meetings were set for June and that doesn't give a new Council Member long to digest all the new information. By holding the Election in November that will give new Council Members a chance to serve for six months and learn about the City before they have to consider a Budget.

Mayor Magers added that this will also give Council candidates a chance to address the Budget during their campaigns.

Joe Denney, 1757 Woodlake Road

Mr. Denney felt it was the wrong year to consider Amendment #4 which would increase the pay for City Council Members. The Federal Government wants to increase taxes and this was a bad year for industry and employees didn't receive pay increases. Mr. Denney said maybe next year would be a better time to increase their pay.

Mayor Magers explained that the City Council did not give pay increases to City employees this year. Amendment #4 would not take effect until such time as the City Council approves an across-the-board increase to all employees of the City of Sherman. Therefore the City Council will not be instigating the increase until the economy improves. When the sitting City Council approves a raise for City employees, then Amendment #4 would take effect. Mr. Denney felt this was more reasonable.

Council Member Smith said there have been many discussions about the fact that there is no money for raises for City employees at this time. Council Member Wacker added that most Council Members feel they are serving the City as a public service and the Council hasn't had a discussion about this increase until tonight's meeting.

Mayor Magers said he was supporting the Amendment because, of the current seven Council Members, four are self-employed, one has a position that is pretty flexible, one works on the weekends and is retired, and Council Member Howeth is the only one that works an 8 a.m. to 6 p.m. job. She gives up vacation days to attend many meetings. He hoped it would encourage other citizens in the future, that don't have flexibility, to go ahead and serve on the City Council.

Council Member Howeth said she appreciated that the staff was willing to limit the number of Amendments. When the Commission first met, there were 33 proposed Amendments and a Charter Amendment Election can only be held every two years. The Commission felt 33 Amendments would be very overwhelming and they decided to narrow the number down to what they felt was needed to make the City Charter a better document. She felt all six Amendments were reasonable and would benefit the City of Sherman, and she urged all citizens to consider them and vote on the issues.

Council Member Adami felt moving the Election to November was more in line with what the State and Federal Governments were doing and should save the City some money. He clarified that the proposed FY 2010-2011 Budget does include a one-time \$500 "lump sum" for employees, however that would not put the Amendment for the Council's pay increase into effect.

Deputy Mayor Steele verified that the Amendment includes a provision that their compensation will increase in a like percentage as to that of any annual increases of regular, hourly wage City employees. Mayor Magers felt this would "de-politicize" the issue in the future. He reiterated that the voters will have the final vote on all the proposed Amendments.

Council Member Adami added that Council Members could also donate their pay to the City's PRIDE fund. Council Member Wacker asked if it was unusual for Council Members to be paid for meetings they attended in an official capacity. Mayor Magers felt that time does have a value and any additional payment would be for a "Mayor approved committee" and would be very transparent. It would only include official City business. The proposed Amendment increases Council Member's pay from the 1983 level to the 2010 level and will help compensate volunteers for some of their time.

ADJOURNMENT

There being no further business to come before the City Council, motion was duly made and approved to adjourn the Called Meeting at 5:25 p.m.

MAYOR

ATTEST

CITY CLERK