RAYMOND C. CABALLERO
MAYOR

CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

LEGISLATIVE REVIEW COMMITTEE MEETING OF THE WHOLE
COUNCIL CHAMBERS
NOVEMBER 13, 2002
10:30 A.M.

The City Council met in special session at the above place and date at 10:55 a.m., Representative Larry M. Medina present and presiding and the following Council Members were present: Jan Sumrall, Daniel S. Power, Paul J. Escobar, Luis G. Sariñana and Anthony Cobos. Absent Council Members: Rose Rodriguez and John F. Cook. Representative Paul J. Escobar arrived at 11:02 a.m. Mayor Raymond C. Caballero was not present.

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AGENDA

Discussion and action on proposed amendments to City Charter

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Ms. Rita Rodriguez, City Attorney, explained the documentation that was presented to the Council Members and provided samples of City Manager Form of Government Charters from other cities. She proceeded to give the particulars and emphasized the time crush due to uniform election dates on the 1st Saturday in February and May 2003.

Mr. Charlie McNabb, Chief Administrative Officer, explained the problem of having a Charter election in May. With the suggested changes from Mayor Caballero and Representative Cook in regards to terms and salary, incumbents would be running for office not really knowing the term and salary of the position.

Representatives Sariñana and Cobos expressed their disagreement on having a Charter election in February and another general election in May, due to the costs incurred.

Representative Medina stated that they have already determined that the election will be in May.

Representative Sumrall questioned who would be appointing the City Manager if the form of government is changed to City Manager form of government.

Mr. Rodriguez responded that the City Manager is an appointment made by Council. The City Manager selects and appoints department heads and most city employees. It would be similar to a school district, you have the board (Council) and the superintendent (City Manager).

Representative Medina suggested to study other cities and take the best from both forms of government, Strong Mayor and City Manager form of government.

Ms. Rodriguez explained that it was not possible to have hybrid system. In a Mayoral system, you have an elected official who is accountable to the voters and has administrative power. In a City Manager form of government, Council has legislative power, only.

Representative Medina stated his opinion that with a hybrid system the City can avoid abuse of the system and have checks and balances.

Ms. Rodriguez further explained that the Texas Constitution limits the City from mixing both systems.

Representative Sumrall suggested that the voters should be informed with the City explaining the pros and cons of each form of government.

Ms. Rodriguez explained that the City could only put out informational meetings for the public explaining both systems. She proceeded to recommend that a Charter Commission be created.

Representative Cobos expressed his belief that both types of systems can be improved upon.

Representative Power suggested that Council could decide on the other amendments such as terms, salaries, etc. today and present the City Manager issue separately.

Mr. Charlie McNabb, Chief Administrative Officer, stated that any Council Member, including the Mayor, could introduce an ordinance at any time. The Mayor has asked that we introduce an ordinance on Monday, November 18, 2002, for an election in February. November 26, 2002 is the time limit to add amendments. He proceeded to give a brief listing of Mayor Caballero's proposals to be as follows:

- Municipal Court Judges being appointed instead of elected
- Term of Office – terms be increased for both Council and Mayor
- Salary Increase for Council and Mayor
- Unclassified Services – to include Deputy Chief Administrative Officers, all Department Heads, and other classes of Professional employees as determined, such as Engineers, Accountants.

Representative Cobos questioned what the advantage is of making department heads unclassified and not covered under Civil Service.

Mr. McNabb explained that the advantage of it is that it is very difficult to hire and keep employees. This will allow the City to more quickly adjust to the market changes and conditions, such as salaries and job descriptions.

Representative Sumrall expressed her agreement on making department heads unclassified but expressed her disagreement with other professional positions, as it will seem that their security is being taken away.

Representative Sarñana expressed his agreement with Representative Sumrall's concern and questioned why the rush from the Mayor to hold an election in February.

Mr. McNabb explained that the Mayor is only concerned with clarifying the terms and salaries for incumbents in the May election; otherwise, salary and terms will be unknown at the time candidates run for office.

Representative Power expressed his support for a City Manager form of government but explained his belief that some authority needs to be reserved for Council to get some things done.

Representative Sariñana commented that it seems that with a City Manager, City Council will not have any authority.

Representative Power commented that could be good as Council could be a watchdog and perhaps focus more on policy issues and the establishment of best practice standards.

Ms. Rodriguez stated that the City Manager form of government would not give Council the authority to direct department heads to work on a project. The City Manager would have this authority.

Representative Escobar commented on the Municipal Court Judges being appointed instead of elected and stated that the judges currently believe that Mayor Caballero and Representative Medina are after them.

Representative Medina stated that he is not after anybody but rather believes that the issue of elected versus appointed judges needs to be open to the public and open for debate.

Representative Sariñana stated that if a ballot gets cluttered with information, it gets very confusing for a voter.

Representative Power requested that Council not assume that voters cannot digest the information.

Representative Escobar commented that individuals who vote are informed. If voters are not provided with enough information, then voters turn down propositions.

Representative Cobos stated that it is the Council's responsibility to suggest what is best for the city, and to let the voters decide if they want to adopt those proposals.

Representatives Sumrall and Cobos requested that Council not let their personal opinions get in the Charter amendments.

Representative Cobos requested a legal opinion in regard to his participation in the amendment to the Municipal Court Judges, since his sister in law is a Municipal Court Judge.

Ms. Rodriguez explained she would research the degree of affinity as it applies to conflict of interest.

The following individuals commented on the term increase:

Representative Cobos commented that four-year terms would probably scare away some candidates.

Representative Sariñana expressed his support of the two-year terms.

Representative Power expressed his support of the four-year terms and his disagreement with the staggered terms.

Representative Sumrall expressed her support for the two-year terms but expressed that three-year terms would even be better for continuity.

Representative Medina expressed his agreement with staggered two-year terms and with placing the City Manager form of government on the ballot.

Representatives Sumrall, Medina, Power, Sariñana and Cobos stated that they would like to have the election in May 2003.

Representative Sumrall requested that all proposals from the Council Members be included in the backup information.

Representative Power repeated that the Mayor's proposed ordinance to have an election in February 2003 would be introduced on November 18, 2002, but that Council can turn it down on November 26, 2002, during the public hearing.

Representative Cobos and Sariñana recommended against introducing the ordinance on November 18, 2002. They urged Council to work together to hold an election for Charter Amendments in May 2003.

Representative Cobos asked if the order in which Council votes are polled during the meetings could be changed.

Ms. Rodriguez explained that it would require a Charter amendment.

Mr. Byron Johnson, Director of Purchasing, and Richarda Duffy Momsen, City Clerk, expressed their support of the upcoming electronic agenda system as it would be beneficial not only to City Clerk, but to the public in viewing the votes cast by Council.

Motion made by Representative Medina, seconded by Representative Sariñana and unanimously carried to adjourn this meeting at 11:57 a.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk