

**CITY COUNCIL OF THE CITY OF SACHSE
SPECIAL MEETING MINUTES
AUGUST 10, 2022**

The City Council of the City of Sachse held a Special Council meeting on Wednesday, August 10, 2022, at 6:30 p.m. at Sachse City Hall, 3815-B Sachse Road. Those present were Mayor Jeff Bickerstaff; Mayor Pro Tem Brett Franks; Councilmembers Michelle Howarth, Frank Millsap, Chance Lindsey, Lindsay Buhler, and Matt Prestenberg; City Attorney, Pete Smith; City Manager, Gina Nash; City Secretary, Leah Granger; Assistant City Manager, Lauren Rose; Assistant to the City Manager, Amanda Chi; and Police Lieutenant Steven Doerr.

Mayor Bickerstaff called the special meeting to order at 6:30 p.m.

INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS:

Councilmember Michelle Howarth lead the invocation and Councilmember Buhler led the pledges.

REGULAR AGENDA ITEMS:

Discuss and consider the recommendation from the Charter Review Commission.

Mayor Bickerstaff thanked the Commission members for their hard work reviewing the Sachse Home Rule Charter. He then asked for any public comments.

Jeanie Marten, 4908 Maple Shade Avenue, spoke regarding the Open Meetings Act and that the public should be allowed to speak at any point before a decision is made.

There was a power outage and technical difficulties occurred. The Mayor called a short recess at 6:34 p.m. until it was resolved. The meeting resumed at 6:40 p.m.

City Attorney Pete Smith stated that under the Open Meetings Act, the public is allowed to speak on items that are listed on the agenda for action. If the item is not listed for action, such as a discussion item, staff report, or other item that does not require action, then the Council may choose not to allow citizens to speak on that item. Under the statute, Council is only required to allow public comment on items before action is taken. The Mayor has the discretion to require the public to sign up, they could be asked to speak before the item comes up, or they could be asked to wait until the item comes up on the agenda. If an opportunity is provided for public to speak, the Mayor is not required to allow additional comments later.

Ms. Marten continued her comments saying that Council should push forward the petition that had been circulated for term limits. 660 residents of Sachse signed the petition and she asked Council to represent those 660 residents and adopt the petition's language for term limits.

Butch Kemper, 7107 Longmeadow Drive, encouraged the Council to work hard and get the proposed Charter amendments on the ballot in November. However, he would prefer it be on the

ballot correctly in May than rushed and not considered thoroughly. Take the time needed to do it right.

Jackie Eichelberger, 7121 Bailey Road, said she attended the Charter Review Commission meetings and does not recall anything that was urgent or that had to go on a November election. She reminded Council as they considered the recommendations of the Commission, that they represent 27,000 Sachse citizens, not just those that sat on the committee, signed a petition, or are active in civic activities, or that are not involved, the Council represents all of them. She commended the Commission and gave a great report of recommendations, not directions. Be careful and critical in deciding what should be presented to the public for vote and when.

Kirk Wood, 6322 Falcon Crest Lane, noted that the Commission was asked to complete the review in a hurry. The group spent a lot of hours on the job. He expressed his distaste for the suggestion that amendments did not need to go on the November election.

Scott McMurdie, 7510 Taylor Lane, agreed that the review and consideration need to be done correctly. He asked Council to consider that the charter is a legal document and important to correct grammar where needed. In relation to term limits, he differs with Ms. Marten, and asks that Council consider the version of term limits that the Commission presented.

Tricia Lindsey, 3718 Rock House Road, asked what the point of forming the Commission before the election if Council was going to wait until May to bring forward an election.

Mayor Bickerstaff asked Council which sections of the charter recommendations they would like to discuss. Councilmember Millsap suggested that they start at the front and discuss each one.

Section 2.02 proposal was acceptable to Mr. Millsap. Councilmember Howarth made a motion to accept the recommendation for Section 2.02 as presented. Councilmember Buhler seconded the motion and it carried unanimously.

Councilmember Howarth made a motion to accept the recommendation for Section 3.01 as presented. Councilmember Franks seconded the motion and it carried unanimously.

Councilmember Millsap suggested multiple alternative options for length of term limits be listed on the ballot for voters to decide. Mr. Smith interjected that the ballots are not set up to ask follow up questions, and Council will need to decide which term limit they want to present to the voters or none at all. Mayor Pro Tem Franks has no problem with the Commission's recommendation of 18 years. Councilmember Buhler thanked the public for coming out to give their input. She commented that she has lived in Sachse for 10 years and five of the seven council seats have overturned, six if counting Mayor Bickerstaff moving from Council to Mayor. Councilmember Buhler thinks that implementing term limits takes the decision away from the voter in determining who may sit in the Council seats. Limiting terms will turn away willing volunteers from serving their city. She explained that if it is too hard to run against an incumbent, then the time needed to give the position will also probably be too hard. Council's job is to represent the community and personal feelings have no place in the charter, including making term limits retroactive to remove opposition. She supports term limits to be on the ballot to give residents the opportunity to weigh in on the topic and leans toward the 24-year or 18-year options. Councilmember Buhler pointed

out that the results of a term limit will not take effect until May 2023, Council should be good stewards of City funds, and questioned why this needs to be on the November ballot.

Councilmember Lindsey is disappointed that the recommendation did not have the 12-year plan, and the option that 660 residents supported should be considered. He noted that the Council does not represent the demographics of the community and does not think the seats will turn over even though there has been a lot of turn over recently. He noted that many neighboring cities have term limits, and refreshing councilmembers would help watch over staff to ensure right actions. Councilmember Lindsey explained that it is easy to become complacent after joining Council, using Bailey Road as an example. He felt that the prospective language of the recommendation came out of left-field and thinks the voters would expect to see that it becomes active after they vote on it. He is in favor of a 12-year retroactive plan.

Councilmember Howarth is torn on the idea of term limits. She commented that the right of the voter is paramount in any election. If that right is going to be impinged upon, there should be a horrible problem that is trying to be fixed; she does not see this in Sachse. Councilmember Howarth pointed out that she beat an incumbent that only served two terms, Councilmember Millsap beat an incumbent that served two terms, she has only been on council for one term and one year and has been here longer than four current councilmembers. She thinks there is a good argument to be made for term limits at the federal level. At the municipal level, if one is willing to do the footwork, they can win an election. The issue seems to be one in search of a problem. That being said, she is in favor of putting it to the voters to decide. However, the United States does not make ex post facto laws as a general understanding. She is open to discussion on 18 or 24 years being the option on the ballot.

Councilmember Prestenberg spoke about term limits in relation to regional commissions and specifically asked the Council their experience relative to regional boards and commissions and tenure. Mayor Bickerstaff confirmed that his experience has shown that tenure helps with those or organizations. Councilmember Prestenberg said he was agreeable to putting the recommendation of the Commission on the ballot with 18 years. He does not see retroactivity as an option. Elections serve a purpose and the residents can decide. Councilmember Howarth agreed that relationships matter in government and term limits will make building those relationships harder. Councilmember Lindsey disagreed that relationships have helped Sachse.

Mayor Bickerstaff said that he is not in favor of term limits. Councilmembers are volunteers and play an important role in making policy. He does not believe removing an option from the voters is the right thing to do; however, he is not opposed to the recommendation of the commission for posing the proposition with the 18-year plan to the voters so they can decide. He does not agree with the retroactive consideration.

Councilmember Millsap asked again about putting follow up propositions on the ballot. Mr. Smith clarified that the state statute does not support this type of ballot. Councilmember Millsap made a motion to not include Section 3.02 for term limits on the ballot. The motion dies for lack of a second.

Mayor Pro Tem Franks made a motion to accept recommendation to add Section 3.02 with 18-year term, prospective term limits as presented by the Charter Review Commission.

Councilmember Howarth seconded the motion. Councilmember Lindsey asked for clarity regarding what language made the section prospective. The motion passed 6-1 with Councilmember Millsap voting against the measure.

Mayor Pro Tem Franks made a motion to accept recommendation for 3.04 as presented by the commission. Councilmember Prestenberg seconded the motion for discussion. He learned that Sachse is one of the very few councils in Texas that do not receive any compensation or stipend. After some discussion, he suggested future consideration of \$200 per month for Councilmembers and \$400 per month for the Mayor. The motion carried unanimously.

Mayor Pro Tem Franks made a motion to accept recommendation for 3.06 (4) as presented by the commission. Councilmember Howarth seconded the motion and it carried unanimously.

Mayor Pro Tem Franks made a motion to accept recommendation for 3.07 (i) as presented by the commission. Councilmember Prestenberg seconded the motion and it carried unanimously.

Mayor Pro Tem Franks made a motion to accept recommendation for 3.09 (1) as presented by the commission. Councilmember Howarth seconded the motion and it carried unanimously.

Councilmember Millsap did not like removing Robert's Rules of Order or the City Council determining the rules of order. He would prefer rewording the section. Mr. Smith clarified that the Council currently has the option to set a rule of order by City ordinance. Councilmember Howarth made a motion to accept recommendation for 3.13 as presented by the commission. Councilmember Buhler seconded the motion and it carried 6-1 with Councilmember Millsap voting against the motion.

Councilmember Millsap asked for clarification on the recommendation. Mr. Smith commented that the recommendation would allow Council to follow any updates from the state, should it be passed. Mayor Pro Tem Franks made a motion to accept recommendation for 3.14 (3) as presented by the commission. Councilmember Lindsey seconded the motion and it carried 6-1 with Councilmember Millsap voting no.

Councilmember Millsap thinks all employees that handle money should be bonded. Mayor Pro Tem Franks made a motion to accept recommendation for 3.18 as presented by the commission. Councilmember Howarth seconded the motion. Councilmember Prestenberg thinks employees handling money should be bonded but perhaps the amount of bond may be driving the change. Councilmember Howarth clarified that the current wording of the section does not indicate the amount of money an employee would handle to require bonding. Adding "may" to the item allows Council to determine when bonding is appropriate. The motion carried 6-1 with Councilmember Millsap voting against the motion.

Councilmember Millsap made a motion to accept recommendation for 5.02 (c) as presented by the commission. Mayor Pro Tem Franks seconded the motion and it carried unanimously.

Councilmember Millsap made a motion to accept recommendation for 6.04 as presented by the commission. Councilmember Lindsey seconded the motion and it carried unanimously.

After some discussion, Councilmember Lindsey made a motion to approve the recommendation with 90 days but withdrew his motion. Mayor Pro Tem Franks made a motion to accept recommendation for 6.05 as presented by the commission for 60 days. Councilmember Howarth seconded the motion and it carried 4-3 with Councilmembers Howarth, Millsap, and Prestenberg voting against the measure.

Mayor Pro Tem Franks made a motion to accept recommendation for 7.04 and 7.10 as presented by the commission. Councilmember Howarth seconded the motion and it carried unanimously.

Councilmember Millsap did not want to create an in-house tax collection department and did not like the recommendation. Councilmember Howarth specified that the recommendation was actually making the change to reflect the current practice. Councilmember Buhler made a motion to accept recommendation for 7.20 as presented by the commission. Councilmember Howarth seconded the motion and it carried 6-1 with Councilmember Millsap voting against the motion.

Mayor Pro Tem Franks made a motion to accept recommendation for 9.01 (2) as presented by the commission. Councilmember Howarth seconded the motion and it carried 6-1 with Councilmember Millsap voting no.

Councilmember Millsap does not see a difference between insure and ensure and would prefer to reword the section all together. Councilmember Lindsey made a motion to accept recommendation for 11.07 (1.b) as presented by the commission. Mayor Pro Tem Franks seconded the motion for discussion and it carried 6-1 with Councilmember Millsap voting against the measure.

Councilmember Howarth made a motion to accept recommendation for 11.07 (2) as presented by the commission. Mayor Pro Tem Franks seconded the motion and it carried unanimously.

Councilmember Howarth made a motion to accept recommendation for Article XIII as presented by the commission. Mayor Pro Tem Franks seconded the motion and it carried unanimously.

Chairperson McMurdie indicated that one recommendation was inadvertently left off of the summary, but the item was in the redline provided in the packet. Councilmember Howarth made a motion to accept recommendation for 3.16 (4) as presented by the commission. Councilmember Buhler seconded the motion and it carried unanimously.

Councilmember Lindsey asked for 3.07 (g) to have consideration for individual members of Council to have the power to inquire into the conduct of any office. Mayor Pro Tem Franks did not want this change added. He does not want to micromanage staff and Council should go through the City Manager, who is the Council's employee, to address any issues. Councilmember Lindsey likened Council to a CEO to be able to speak with staff. Mayor Pro Tem Franks commented that the Council would be more like a board of directors and would not address staff. The City Manager would be likened to the CEO and already has that power to address issues with staff.

Council discussed the merits of calling the election for November or May. Though the cost is considerable, the consensus was to move forward with a November election. Councilmember

Howarth made a motion to direct the City Attorney to prepare an ordinance to call an election in November 2022. Councilmember Lindsey seconded the motion and it carried unanimously.

Mayor Bickerstaff adjourned the meeting at 8:48 p.m.


Jeff Bickerstaff, Mayor

ATTEST:


Leah K Granger, City Secretary

