



City of Pflugerville

Minutes - Final

Charter Review Commission

Thursday, March 4, 2021

6:00 PM

100 E Main Street, Suite 500

Regular Meeting (Telephone/Video Conference)

NOTICE IS HEREBY GIVEN in accordance with order of the Office of the Governor issued

March 16, 2020, the Charter Review Commission will conduct this Meeting by telephone/video conference in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the COVID-19. There will be no public access to the location described above.

This Meeting Agenda, and the Agenda Packet, are posted online at <https://pflugerville.legistar.com>

This telephonic/video meeting will be hosted through WebEx.

Meeting Public URL: [https://pflugervilletx.webex.com/pflugervilletx/onstage/g.php?](https://pflugervilletx.webex.com/pflugervilletx/onstage/g.php?MTID=e6d41f0817f9a5de03a8a659d80056ff9)

MTID=e6d41f0817f9a5de03a8a659d80056ff9

Meeting Number / Code: 187 798 7879

Dial-in Number: +1-408-418-9388 (US toll)

Public Comment will only be allowed via telephone/video conference. All speakers must register to speak at least 2 hours in advance of the meeting. All comments will occur at the beginning of the meeting under the Public Comment item. Speakers must call in at least 15 minutes prior to the meeting start in order to speak. Written comments may also be submitted 2 hours in advance of the meeting. Name and address must be included. Written comments are limited to 250 words.

To register to speak or to submit written comments, please email citysecretary@pflugervilletx.gov at least 2 hours in advance of the meeting. A recording of the telephone/video meeting will be made, and will be available to the public upon written request.

1. Call to Order

Vice Chair Gladney called the meeting to order at 6:10pm. Charter Review Commission members in attendance: Mark Gladney, April Griffin, Gayle Heath, Sheldon Lamey, Amanda Maedgen, Elizabeth Montoya, Terry Newsom, Jeff Reeb, Carol Teitelman, Darelle White, Copie Hotman joined at 6:16pm and Marilyn Klassen joined at 6:19pm. Commission members absent: Adeline Bui, Nicole Cortez, Dorothy Lee, Kensing Marquez, Jim McDonald, and Charlie Torres. City staff present: Charlie Zech, City Attorney; Trista Evans, Deputy City Secretary; Wade Maness, Videography Multimedia Specialist; Trey Fletcher, Deputy City Manager. Floyd Akers was also in attendance as a material witness for section 4.03.

2. Public Comment

There were no written comments or requests to speak under the item.

In accordance with the Texas Attorney General's Opinion, any public comment that is made on an item that is not on the published final agenda will only be heard. No formal action, discussion, deliberation, or comment will be made. Each person providing public comment will be limited to 3 minutes.

3. Approval of Minutes

- 3A. [2021-0174](#) Discuss and consider action to approve the minutes of the February 4, 2021 Charter Review Commission Meeting.

Commissioner White made a motion to approve minutes as presented.
Commissioner Newsom seconded. The motion was approved unanimously.

4. Discuss and Consider Action

- 4A. [2021-0175](#) Discuss and consider action regarding recommendations for possible amendment to the City Charter, Article III, The City Council starting at Section 3.07.

There was no discussion on sections 3.07 or 3.08. Section 3.09 has a non-substantial change to be made to change "his" to "their."

Commission Maedgen asked in section 3.10 if the statement "city council shall meet with each board or commission on an as needed basis" was working in practice or if it needed to be more specific. Vice Chair Gladney stated a preference to keep it as stated since activities and needs of the boards differ. Commissioner Griffin requested the board receive information on how the board and city council meetings are scheduled. Commissioner Reeb stated concern that boards would not be able to request meetings. Commissioner Teitelman stating seeing it as being covered by "on an as needed basis" and does not see that as restrictive, that the board or council can ask for it. Commissioner Maedgen requested it be brought back to the next meeting after hearing from staff what the process is for scheduling meetings. Commissioner White stated this is addressing the fact that council members have a meeting criteria to follow.

There was no discussion regarding recommendations for sections 3.11, 3.12,

3.13, and 3.14.

Commissioner Maedgen began discussion regarding section 3.15 stating if anything should be added to include online notifications and while the city already does it in practice it should be clearly stated. Commissioner Newsom and Commissioner Hotman stated agreement. Vice Chair Gladney stated if adding a requirement to be posted online it should be on the city website. Commissioner Maedgen made a motion to add "and on the city website" in section 3.15b. Commissioner Newsom seconded. All voted in favor. The motion passed.

There was no discussion regarding recommendations for sections 3.16, 3.17, 3.18, and 3.19. Commissioner Teitelman stated section 3.18 does have one non-substantial change for the misspelling of "disperse."

4B. [2021-0176](#)

Discuss and consider action regarding recommendations for possible amendment to the City Charter, Article IV, The City Council.

Commissioner Hotman opened discussion on section 4.01 looking for clarification regarding the city manager becoming resident of the city within 180 days. Commissioner Griffin asked what happens if they don't move. Commissioner White stated it would be a reason for dismissal. City Attorney Zech stated the council would have to vote to terminate services. Commissioner Newsom stated that the way it was worded a city council who supports the city manager could over rule the charter and there is no enforcement in the charter. Commissioner Maedgen stated not to have concern about the way it is written. Commissioner Heath stated council has to vote to terminate city manager in any circumstance. Commissioner Maedgen asked if there was conditional language that could be added. Commissioner White stated having gone through the process of hiring a city manager it is clear that residency is a requirement. Commissioner Griffin stated people will say what they need to get a job. Commissioner Montoya stated it seems risky to put a personnel action in the charter with no flexibility. Commissioner Newsom stated 180 day should be enough time for a city manager. Vice Chair Gladney asked if this has been problem. Commissioner White stated having it in the charter makes it clear to candidates. Commissioner Newsom stated it cannot be based on what has happened in the past. Vice Chair Gladney asked if there was any specific language someone wanted to see. Commissioner Maedgen spoke against an automatic dismissal statement or personnel decisions in charter. Commissioner Newsom spoke in favor of automatic dismissal and council can vote for extensions. Vice Chair Gladney stated it can be brought back at next meeting with some language proposed and city staff can provide input. Commissioner Griffin proposed adding: failure to do so may result in termination without an affirmative vote of the voting members of the city council. Commissioner Heath stated any other personnel action of the city manager requires majority vote by city council and a need to be careful on how personnel matters are dealt with. City Attorney Zech stated the citizens have a remedy if the city council does not terminate after 180 days through recall provisions in the charter. Commissioner Newsom stated he did not see that as realistic. Commissioner Reeb stated it seems to be saying two different things.

Vice Chair Gladney called a recess at 7:22pm. Meeting was called back to order at 7:34pm.

Vice Chair Gladney stated he would like to hold over section A of 4.01 for the next meeting and commissioners and staff can bring suggested language. There was consensus to bring it back to the next meeting.

There was no discussion on recommendations for section 4.02.

Vice Chair Gladney read a proposed amendment for Section 4.03 stating the proposal is a combination of charters in other Texas cities and similarly situated in population as Pflugerville who have full time in house city attorneys: "The city council shall appoint a city attorney, a natural person, who shall be a competent attorney, duly licensed to practice law in Texas. The city attorney shall serve at the will of the council and shall receive compensation as fixed by the council. The city attorney may appoint assistant city attorneys with the approval of the city council. The city attorney, or other attorneys selected by the city attorney with the approval of the city council, shall be the legal advisor and attorney for the city and all its departments and officers, boards and commissions in the conduct of city business and shall represent the city in all litigation; however, the city council may retain special counsel at any time it deems necessary or advisable. Within 180 days after appointment, the city attorney shall become a resident of the city."

Vice Chair Gladney discussed financial aspects of in house legal services and the make up of some other city's attorney offices. Commissioner Maedgen stated she would like to strike "natural person" from the proposal. Vice Chair Gladney agreed. Commissioner Newsom stated the legal fee summary is unclear. Mr. Akers stated some of the changes were from when he was in house attorney for the city. Commissioner Teitelman asked why the city moved away from in house council. Mr. Akers provided some background information related to civil service.

Commissioner Heath asked City Attorney Zech for his comments. City Attorney Zech stated it is a city council policy decision unless it is put in the charter and the city council knows the needs of the community best. He stated requiring a city attorney to live in city limits also limits ability to hire. Mr. Akers stated there are pros and cons to each system. Commissioner Maedgen requested to strike the part that requires the attorney to live in the city and asked if this was something to put in charter or leave up to council. Vice Chair Gladney stated there are several other cities that have that requirement and it is to put a little bit of a handcuff on city council. Commissioner Heath stated with an in house attorney the city will still need to hire some outside attorneys while adding staff to benefits and payroll, stating it is easier to let council decide what kind of lawyer is needed. Commissioner Newsom stated he did not see much difference in requiring the city manager and city attorney to live in the city. Commissioner Newsom stated agreement with a lot of what is being said both ways and wanted clarification on what the purpose was for the amendment. Vice Chair Gladney stated to reestablish in house city attorney office. Commissioner Reeb asked if the words in house should be added to the amendment. Commissioner Griffin stated there are benefits both ways and agrees with City Attorney Zech that it should be a decision by the city. She stated the way the amendment is written allows for flexibility but does not agree with resident requirement.

Vice Chair Gladney asked if there would be a motion if natural person and the residency requirement was removed. Commissioner Griffin made the motion

for the amendment with those two items removed. Commissioner Newsom seconded. Commissioner Teitelman requested the motion be read, stating the only change is the addition of ability of city attorney to appoint helpers. Commissioner Griffin withdrew her motion.

Vice Chair Gladney proposed adding the language “City council shall establish a legal department and appoint a city attorney...” Commissioner Teitelman stated establishing a legal department does not necessarily say in house attorney. Commissioner Griffin stated not to agree with having an in house council as it is too limited. Commissioners Montoya, Maedgen, and Teitelman voiced agreement. Commissioner Newsom made a motion to approve Vice Chair Gladney’s proposed language establishing a legal department. Commissioner Lamey seconded. The vote was as follows: Mark Gladney – yes, April Griffin – no, Gayle Heath – no, Copie Hotman – no, Sheldon Lamey – yes, Amanda Maedgen – no, Elizabeth Montoya – no, Terry Newsom – yes, Jeff Reeb – yes, Carol Teitelman – no, Darelle White – yes. The motion failed. It was agreed that section 4.03 would remain as is currently in the charter.

4C. [2021-0177](#)

Discuss and consider action regarding recommendations for possible amendment to the City Charter, Article V, The City Council.

There was no discussion on the item.

5. Adjourn

Commissioner Griffin made a motion to adjourn the meeting. Commissioner Lamey seconded. The motion passed unanimously. The meeting was adjourned at 9:01pm.

Respectfully submitted,

Trista Evans
Deputy City Secretary

Approved as submitted on April 1, 2021