City of Pflugerville

Minutes - Final

Charter Review Commission

Thursday, April 1, 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?MTID=ea5f46ba86d72817b4d6ddda0f77ed22c
Meeting Number / Code: 187 642 2194

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

Chair McDonald called the meeting to order at 6:02p.m. Charter Review Commission members in attendance: Nicole Cortez, April Griffin, Copie Hotman, Marilyn Klassen, Amanda Maedgen, Jim McDonald, Elizabeth Montoya, Terry Newsom, Carol Teitelman, and Darelle White. Gayle Heath joined at 6:03pm, Jeff Reeb joined at 6:04pm, Dorothy Lee joined at 6:33pm, Charlie Torres joined at 7:45pm.

Adeline Bui, Mark Gladney, Sheldon Lamey, and Kensing Marquez were absent.

City employees attending: Charlie Zech, City Attorney; Trista Evans, Deputy City Secretary; Gwen Holford, Application and Web Developer; Wade Maness, Videography Multimedia Specialist; Trey Fletcher, Deputy City Manager.

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. 2021-0291 Discuss and consider action to approve the minutes of the March 4, 2021 Charter Review Commission Meeting.

Commissioner Maedgen made a motion to approve the minutes as submitted. Commissioner Teitelman seconded the motion. The minutes were approved unanimously.

4. Discuss and Consider Action

4A. 2021-0292 Discuss and consider action regarding recommendations for possible amendment to the City Charter, Article III, Section 3.01 regarding districting.

City Attorney Zech provided some information related to a presentation about redistricting and stated the policies around it are the same for districting. Commissioner Maedgen complimented city staff on putting together information for the commission related to districting. Commissioner Reeb spoke regarding his request from staff for a map of where council members are from, stating as he looks at it they come from all over. Commissioner Teitelman stated they come from a narrow strip and there are areas that have not had a councilmember. Commissioner Heath stated she sees a lot of areas that are being represented. Commissioner Newsom stated it seems evenly

dispersed when considering the population density of the different areas in the city. He stated wondering about where council candidates came from and just because someone lives in a certain area does not mean that they want to run for council. Commissioner Teitelman stated the map doesn't really answer any questions. Commissioner Cortez stated that the lower right side of the city has massive development and is interested in the hybrid system because decisions are being made for the area without anyone representing the area. Commissioner Maedgen stating adding districts would not achieve the goals and would have to be redrawn with how rapidly the city is growing. Commissioner Heath stated very few women have been on council and does not want to do something that would limit participation for candidates. Commissioner Teitelman spoke about the number of women on the Austin council and in state legislature, stating there is not enough research but hybrid models have a slightly higher vote turnout and there's greater representation for under represented groups. Chair McDonald stated one of the things that drove him to discuss districting was with the Amazon project and hearing concern from residents that did not feel like they had a council member championing their point of view. Commissioner Newsom stated that the council member votes represent everyone in the city and everyone should be able to vote for every council member. Commissioner Heath stated that for women on Austin council and the state legislature, the have huge populations to get elected and we have a small election. Commissioner Lee stated support to leave the charter how it is.

Commissioner Teitelman made a motion to move to a hybrid system with Mayor and three council members elected at large and three district. Commissioner Cortez seconded. Commissioner Cortez spoke about rezoning issues being pushed through council after Planning and Zoning Commission did not approve and things get pushed through without telling the area what was going on. The vote was as follows: Nicole Cortez - yes, April Griffin - yes, Gayle Heath - no, Copie Hotman - no, Marilyn Klassen - no, Dorothy Lee - yes, Amanda Maedgen - yes, Jim McDonald - yes, Elizabeth Montoya - no, Terry Newsom - no, Jeff Reeb - no, Carol Teitelman - yes, Darelle White - no. The motion fails.

4B. 2021-0293 Discuss and consider action regarding recommendations for possible amendment to the City Charter, Article III, Section 3.10 regarding City Council Meetings.

Chair McDonald provided information on how other boards request a joint meeting with the council. Commissioner Maedgen stated concern if there was a board that is not running its program appropriately how council can become aware if there is no regularly scheduled meeting. Chair McDonald stated there is staff at every board and commission meeting so there would be some notification and council can call a meeting at any time with any board or commission and controls who gets appointed to the position. There was no further discussion on the item.

4C. 2021-0294 Discuss and consider action regarding recommendations for possible amendment to the City Charter, Article IV, Section 4.01(a) regarding City Manager Appointment and Qualifications.

Chair McDonald recapped the discussion from last meeting, stating that having attending conferences meeting with a lot of city managers and council

members, city managers expect to live in the city manage and it is part of the career path. He stated historically the provision has worked well and the city managers have always resided in the city. Commissioner Newsom stated a need to plan for things that do not necessarily happen all the time and the charter is specific about the city manager residing in the city within 180 days, how is that enforced, if the city council does not take up a vote that person is still city manager and violates the charter. Chair McDonald asked if the following was what Commissioner Newsom was looking for: within 180 days after appointment the city manager shall become and remain a resident of the city during their employment. Commissioner Newsom stated that is part of it, but have to take out where it is up to the city council to terminate. Commissioner Maedgen stated it was discussed at length last time and it is time for someone to put forward a motion or not.

Commissioner Newsom made a motion to amend the language "shall become and remain a resident of the city..." and delete the second sentence. Chair McDonald stated eliminating that sentence eliminates authority of city council to terminate. Commissioner Newsom amended to add: "if at any point city manager violates this rule the city council shall dismiss the city manager." Commissioner Hotman seconded the motion. City Attorney Zech stated this amendment could be made but it does not the solve the problem that was being discussed. Commissioner Griffin stated adding the language "failure to do so will result in..." so it does not have to go to vote. City Attorney Zech stated the language presented does not call for automatic termination so a vote would still be required. Commissioner Newsom asked what kind of language would put teeth in it, what happens if city council does not do it. City Attorney Zech stated if council does not take action they are obligated to take under the charter there are two remedies: to file a lawsuit or to initiate a recall of the council members who are not taking the actions they are obligated to take. Commissioner Newsom stated that is an undue burden on the voters.

Chair McDonald called for a vote. The vote was as follows: Nicole Cortez - no, April Griffin - yes, Gayle Heath - no, Copie Hotman - yes, Marilyn Klassen - no, Dorothy Lee - no, Amanda Maedgen - no, Jim McDonald - no, Elizabeth Montoya - no, Terry Newsom - yes, Jeff Reeb - no, Carol Teitelman - no, Darelle White - no. The motion fails.

4D. 2021-0288 Discuss and consider action regarding recommendations for possible amendment to the City Charter, Article IV, Administrative Services starting at section 4.04.

Commissioner Maedgen stated for section 4.04, since the commission previously passed a motion to have notices posted online should language be added at the end "and this charter" for numbers 1 and 5. City Attorney Zech stated he would be going through the charter based on the change made for the requirement and see if there were other changes that would correspond with that previous motion. Chair McDonald requested an item at the next meeting regarding including electronic posting through out the entire charter.

There was no discussion for amendment for sections 4.05 or 4.06.

Chair McDonald proposed a section 4.07 stating given the growth of the city there seems to be an undue reliance on city manager to direct staff. He stated wondering if the city has grown enough where city council needs a fourth

direct report as a council executive assistant who would be available to take tasks for council to give a view for things that staff may not have time for. Commissioner Maedgen stated this position makes sense as an executive assistant to the Mayor/Council liaison. Commissioner Teitelman thanked Chair McDonald for bringing this up as one of the issues she has had with council is no response to emails and thinks this would be a benefit for communication to the residents. Commissioner Montoya stated hesitance on having one person report to many people and usually that results in chaos, stated would prefer if the city manager gets an additional resource since city council is not full time but that person likely would be and would be working while none of their supervisors are there. Chair McDonald stated that person could report directly to the Mayor and it would give them an opportunity to initiate research outside of the city manager. Commissioner Newsom stated this is not a bad idea, had a question if we have a part time council would this person stay occupied, if they report to the city manager they could be utilized for other things rather than being idle when the city council does not need them. Commissioner Heath stated there would not be a lack of work. Commissioners Teitelman and Maedgen stated agreement with Commissioner Heath. Commissioner Lee stated since it didn't pass to pay the mayor and council this seems like a small way to compensate them.

Commissioner Maedgen made a motion to direct staff to create language to create an executive assistant/liaison to council for section 4.07. Commissioner Lee seconded. Commissioner Cortez asked if this is something for internships. Commissioner Maedgen stated an executive assistant liaison role is a very advanced professional role and would not be setting up an intern for success. Commissioner White wanted clarification with City Attorney Zech that this position could be created since council positions are as policy advisors and staff direction is through the city manager. City Attorney Zech stated as this would be created as another position to report to city council the other part of direction only through city manager would not be applicable. Chair McDonald called for a vote. Commissioner Montoya and Commissioner White were opposed, all others were for. The motion passes.

Chair McDonald called a recess at 7:28pm. The meeting was called back to order at 7:37pm.

4E. 2021-0289 Discuss and consider action regarding recommendations for possible amendment to the City Charter, Article V, Nominations and Elections.

Commissioner Maedgen asked regarding section 5.01 if the language helps the city avoid off cycle elections and if it does not can there be language added to do so. Chair McDonald stated the city used to have May elections but moved to November. Commissioner Teitelman asked if ranked choice voting could be implemented. City Attorney Zech stated pursuant to state constitution if the position is more than two years they must be elected by majority vote so ranked choice voting could not apply. Deputy City Secretary Evans stated there is a resolution that states the city will hold general elections in November. City Attorney Zech provided information on the laws of when elections must be held, special elections, and elections to fill a vacancy.

There was no further discussion on this item.

4F. 2021-0290 Discuss and consider action regarding recommendations for possible amendment to the City Charter, Article VI, Recall of Officers.

Commissioner White stated there are number of places in article 6 where it says he or his and it needs to be consistent as discussed in previous meetings. City Attorney Zech stated other cities have proposed an amendment on the ballot to make the charter gender neutral. Chair McDonald asked how we can avoid missing those changes this time. City Attorney Zech stated staff can review what happened in the list revision to see where anything was missed. Chair McDonald if these were non-substantive changes or if it needed to go be an amendment. City Attorney Zech stated that as he sees it if a change is not changing the substance of the charter it is non-substantive, but some of those changes can be controversial. Chair McDonald stated preference to make those changes and at the joint meeting with council ask them if they feel an amendment is needed to approve.

Commissioner Newsom asked in relation to section 6.05 how the petition rules work during a pandemic when you cannot go door to door and is there a way to extend the 182 days. City Attorney Zech stated that is an error because state law dictates 180 days, stating state law is going to preempt our charter. Commissioner Maedgen recommended against making rules for extraordinary circumstances and rely on disaster declarations which are intended to suspend rules which cannot be followed during the current circumstances. Commissioner Newsom asked if the governor suspends those rules does it also suspend what is in the charter. City Attorney Zech stated that it does, and related to changing the 182 days it would be a substantive change and he would gather all the times where the charter is not consistent with state law and place under one amendment. Commissioner Newsom made a motion to amend section 6.05 validity of signatures to be consistent with state law. Commissioner Maedgen seconded the motion. All voted in favor, the motion passed.

5. Adjourn

Chair McDonald adjourned the meeting at 8:12p.m.

Respectfully submitted,

Trista Evans, Deputy City Secretary

Approved as amended on May 6, 2021