City of Pflugerville

Minutes - Final

Charter Review Commission

Thursday, January 7, 2021 | **6:00 PM** | **100 E Main Street, Suite 500**

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=ea5d2b980b9167e6c8102d4949d0ef298
Meeting Number / Code: 146 252 0889
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 6:00 p.m. Charter Commission Members in attendance: Kensing Marquez, Adeline Bui, Nicole Cortez, Jim McDonald, Elizabeth Montoya, Jeffrey Reeb, Amanda Maedgen, Gayle Heath, Charlie Torres, Darelle White, Carol Teitelman, Dorothy Lee, Mark Gladney. Marilyn Klassen and Sheldon Lamey joined the meeting at 6:04 p.m. Copie Hotman joined the meeting at 6:35 p.m. April Griffin joined the meeting at 7:35 p.m. Charter Review Commission members Terry Newsom and Brianna Bardhi 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; Karen Thompson, City Secretary.

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. Presentation

3A. 2021-0019 Presentation by City Attorney regarding City Government, Home Rule Charters and Home Rule Charter Review.

Attorney Zech gave a presentation regarding the history of home rule charters and provided some insight on the process, stating the Commission should look to make changes only where there is a problem that needs to be solved. Chair McDonald provided some additional comments.

4. Approval of Minutes

4A. 2021-0002 Discuss and consider action to approve the minutes of December 17, 2020.

Discussion and action on minutes of the December 17, 2020 Charter Review Commission will occur at the next Charter Review Commission meeting on February 4, 2021. No action taken.

5. Discuss and Consider Action

5A. 2021-0003 Discuss and consider action regarding recommendations for possible amendment to the City Charter, Article I, Incorporation, Form of Government and Boundaries.

Chair McDonald asked Attorney Zech about reference in Section 1.05 to a Local Government Code section that does not refer to the topic anymore. Attorney Zech discussed that the Texas Legislature changes the Code every two years

so a specific reference to a Code could be moved or edited by the Legislature. Discussion followed regarding general references and specific references, and how it can be read by citizens. Attorney Zech stated he would provide a draft statement for review at next meeting.

5B. 2021-0004 Discuss and consider action regarding recommendations for possible amendment to the City Charter, Article II, Powers of the City.

Vice Chair Gladney presented a proposed change for Section 2.01 for clarification to the legal order of conflict of laws. After some discussion among the Commission Vice Chair Gladney pulled the proposed changes.

Commissioner Teitelman discussed the use of the word "which" in section 2.01, discussion followed. Attorney Zech stated that City can check if it is a scrivener's error and that there can be one amendment for non-substantial changes that are grammatical in nature.

5C. 2021-0005 Discuss and consider action regarding recommendations for possible amendment to the City Charter, Article III, The City Council.

Commissioner Reeb asked questions regarding a Council Member serving on the PCDC Board. Discussion followed with Chair McDonald and Attorney Zech clarifying the PCDC is a 4B Corporation and have their own Articles of Incorporation filed, and how it interacts with City Council who appoints and removes the board members, approves budget and programs.

Chair McDonald began discussion regarding the Mayor having a vote when previously the Mayor only voted when there was a tie. Discussion followed regarding the pros and cons of a mayor voting. Commissioner Heath asked about the City Manager setting agenda. Chair McDonald stated City Manager has staff and knows what is coming up for Council to see and the Mayor and one Council Member can always put an item on. Commissioner Maedgen stated concurrence, liked the professional who has staff setting the agenda with a low burden for Council to add agenda items.

Commissioner Maedgen stated she liked the elected official who is leading rather than the Mayor voting, with elected representatives who are voting. Commissioner Montoya stated the Mayor has the visibility to make decisions and a Mayor vote would be valuable.

Commissioner Teitelman discussed the size of the council and the growth of the city's population, stating not sure if there are the right number of people representing the city. Stated she may like to see a paid council, maybe adding districts. Chair McDonald stated they would save the discussion of a paid council until Section 3.04. Discussion followed regarding districting. Commissioner Lee stated it may be harder in some areas to get someone to represent, but may give better representation. Commissioner Hotman asked if the population was large enough and stated districts will separate the city. Commissioner Heath stated some concern that districting may result in an adversarial council. Commissioner Cortez stated support of districts for people whose voices are not being heard. Commissioner Lamey stated agreement, would like all voices to be heard but may not be big enough to do it right now. Commissioner Reeb stated that he likes that council represents the whole town and they have to be responsible to everybody. Commissioner Maedgen stated Pflugerville may not be big enough yet. Commission White stated that

geographically the city will change and at that point may lend itself well to districting. Discussion continued regarding growth and districting. Chair McDonald discussed a 4/3/1 hybrid with 4 single member districts, 3 at large districts, and 1 Mayor.

Commissioner Maedgen made a motion to add an agenda item to consider an amendment for 4/3/1 districting under Section 3.01. Commissioner Teitelman seconded. The vote was as follows: Charlie Torres, yes; Jeff Reeb, no; Gayle Heath, no; Adeline Bui, no; Dorothy Lee, no; Carol Teitelman, yes; Elizabeth Montoya, no; Nicole Cortez, yes; Darelle White, no; Amanda Maedgen, yes; April Griffin, no; Marilyn Klassen, no; Mark Gladney, no; Copie Hotman, yes; Sheldon Lamey, yes. Motion fails. There was consent to continue discussion of districting at the next meeting.

Chair McDonald called a recess at 8:11p.m. Meeting reconvened at 8:22p.m.

There was no discussion for Section 3.02.

In Section 3.03 Commissioner Heath discussed if it needed to be more specific about what "City" means. Vice Chair Gladney asked if a Council member who wishes to run for Mayor has to give up their seat. Attorney Zech explained the rules, stating it is an automatic resignation. Attorney Zech read and described the laws for qualifications of office, stating specific rules regarding residency. Discussion followed about residency circumstances. Attorney Zech stated the person fills out the form as required by law, and is not aware of any way to firm up the language as the City is prohibited from conducting an investigation related to residency. There was consensus that Section 3.03 was covered.

5D. 2021-0007 Discuss and consider action regarding future agenda items to include a draft schedule for review of the City Charter.

Chair McDonald reviewed the items that will return for the following meeting. A review of the draft statement Attorney Zech will provide for Section 1.05. Review of 2.01 to see if the inclusion of "which" is a scrivener's error or needs amendment. An item to discuss and consider districting in general for 3.01. Continue Article 3 at Section 3.04. Discuss and consider action regarding recommendations for possible amendment to Article 4. Vice Chair Gladney discussed a possible recommendation he will be bringing regarding Section 4.03 City Attorney.

6. Adjourn

Chair McDonald adjourned the meeting at 9:09 p.m.

Respectfully submitted,

Trista Evans, Deputy City Secretary
Approved as submitted on February 4, 2021.