



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, August 2, 2016

7:30 PM

100 East Main Street, Suite 500

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#### Special Meeting

#### 1. Call to order

Mayor Coleman called the special meeting to order at 7:32 p.m. Councilmembers Wayne Cooper, Brad Marshall, Starlet Sattler and Mike Heath were in attendance. Councilmember Omar Peña arrived just after the call to order at 7:33 p.m. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Karen Thompson, City Secretary; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; James Hemenes, Parks Director; Chuck Hooker, Police Chief.

#### 2. Discuss and consider action

##### 2A. [2016-5083](#)

Discuss and consider action regarding proposed charter revision propositions to be presented to the voters at a November 8, 2016 special election.

Mayor Coleman provided comments on the process and thoughts on the ballot order. Mayor Coleman indicated to review and consider each proposition and to take action on each one.

**Proposition A:** Shall the City of Pflugerville amend its Charter to allow for annexation and disannexation consistent with State law?

Mr. Peña made a motion to approve as read. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

**Proposition B:** Shall the City of Pflugerville amend its Charter to change the structure of the City Council from six to seven members; to allow the Mayor to vote on all matters; and to remove the preparation of City Council agendas from the Mayor's rights and responsibilities?

Consideration of Proposition B was postponed to later in the meeting.

**Proposition C:** Shall the City of Pflugerville amend its Charter to provide a process for filling a vacancy on the City Council consistent with the Texas Constitution?

Mr. Heath made a motion to approve. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

**Proposition D:** Shall the City of Pflugerville amend its Charter to provide that interference with the Administration by a City Council member be grounds for removal from office?

Mr. Marshall made a motion to approve. Mr. Peña seconded the motion. All voted in favor. The motion carried.

**Proposition E:** Shall the City of Pflugerville amend its Charter to provide that nepotism be grounds for removal from office as a City Councilmember?

Mr. Marshall made a motion to approve. Mr. Peña seconded the motion. All voted in favor. The motion carried.

**Proposition F:** Shall the City of Pflugerville amend its Charter to specify a hearing process and procedure for removal from office as a City Council member?

Mr. Peña made a motion to approve. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

**Proposition G:** Shall the City of Pflugerville amend its Charter to change the prohibition on holding other compensated appointive city office or employment from one year to two years after the expiration of a term of office?

Mr. Peña made a motion to approve with the additional language added "or provide other compensated and/or contracted services to the city." Mr. Cooper seconded the motion. All voted in favor. The motion carried.

**Proposition H:** Shall the City of Pflugerville amend its Charter to change the requirement of how often it meets with boards and commissions from one year to an "as needed basis"?

Mr. Heath and Mr. Cooper stated that they would like it to remain the same as it is currently. Mr. Hyde stated that they could establish that they meet annually by resolution or ordinance. Discussion followed.

Mr. Peña made a motion to approve. Mr. Heath seconded the motion. All voted in favor. The motion carried.

**Proposition I:** Shall the City of Pflugerville amend its Charter to clarify the process for an ordinance to be effective after passage upon first reading by the City Council?

There was discussion. Mr. Hyde was to re-write this one to make it clearer.

**Proposition J:** Shall the City of Pflugerville amend its Charter to clarify that an emergency ordinance can be considered for adoption, amendment, and rejection at the same meeting?

There was discussion. Charter Review Commission Member Rudy Metayer stated that the intent was to provide additional flexibility. Mayor Coleman indicated concern for the measure language indicating that a vote of three council members is required for adoption, instead of a majority. "An emergency ordinance may be adopted, amended, or and rejected at the same meeting at which it is introduced, and the affirmative vote of three council members is required for adoption."

Mr. Peña made a motion to approve Proposition J with a modified measure to include a majority is required. The motion died for lack of a second. Mayor Coleman indicated to come back to the item. Consideration of the item was postponed until later in the meeting.

**Proposition K-1:** Shall the City of Pflugerville amend its Charter to provide that an affirmative vote of a majority the voting members of the city council shall be required to terminate a city manager?

**Proposition K-2:** Shall the City of Pflugerville amend its Charter to provide that an affirmative vote of a majority of the voting members of the city council in attendance shall be required to terminate a city manager?

There was discussion regarding Proposition K-1 which was brought forward by the Charter Review Commission and an additional Proposition K-2 which was recommended by a Councilmember. It was stated that it would be confusing if they included the additional proposition.

Ms. Sattler made a motion to approve Proposition K-1. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

**Proposition L:** Shall the City of Pflugerville amend its Charter to require the City Manager to become a resident of the city within 180 days after appointment?

Mr. Peña made a motion to approve. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

**Proposition M:** Shall the City of Pflugerville amend its Charter to provide that the acting city managers are appointed by the city manager rather than the City Council?

Mr. Peña made a motion to approve. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

**POSSIBLE ADDITIONAL MEASURE???** (Would need additional Proposition if added)

**Section 4.01 City Manager.**

(d) Annually submit a five-year capital improvements plan to the city council , at least one hundred twenty days before the beginning of the budget year. The plan must list projects in order of preference with a recommendation for the year of construction for each project.

The Council discussed a possible additional proposition regarding the city manager, to add the capital improvements plan to the city manager's duties. Ms. Sattler confirmed that this would remove this from the commissions. Mr. Heath made a motion to approve the additional proposition. The vote was: Mr. Cooper-yes, Mr. Marshall-yes, Mr. Peña-no, Ms. Sattler-no, Mr. Heath-yes. The motion carried.

**Proposition N-1:** Shall the City of Pflugerville amend its Charter to require the Municipal Judge be a resident of the City?

**Proposition N-2:** Shall the City of Pflugerville amend its Charter to clarify that the Municipal Judge does not have to be a resident of the City?

There was discussion regarding Proposition N-1 which was brought forward by the Charter Review Commission and an additional Proposition N-2 which was recommended by a Councilmember. Mr. Rudy Metayer stated that the Charter Review Commission was trying to be standard with other cities. Mayor Coleman recommended adding the additional proposition and listing it first on the ballot. Mr. Heath suggested adding the language "and limit the number of qualified candidates" to the Proposition N-1. Mr. Hyde recommended against the addition.

Ms. Sattler made a motion to approve Propositions N-1 and N-2 and to list N-2 on the ballot first. Mr. Peña seconded the motion. All voted in favor. The motion carried.

**Proposition O:** Shall the City of Pflugerville amend its Charter to provide that the City Council determines by resolution the uniform election date for city elections instead of on a date closest to the second Saturday in May as allowed by state law?

Mr. Heath made a motion to approve. Mr. Peña seconded the motion. All voted in favor. The motion carried.

**Proposition P:** Shall the City of Pflugerville amend its Charter to reduce the required number of petition signatures for initiatives, referendums and nonbinding referendums from 20% to 15% of qualified voters of the City?

Mr. Heath made a motion to approve. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

**Proposition Q:** Shall the City of Pflugerville amend its Charter to allow a signatory to a petition to provide their voter registration number or date of birth?

There was discussion regarding Proposition Q. It was stated that the Charter Review Commission was concerned that people do not know their voter registration numbers. Ms. Thompson stated that she can verify voter registration with name, address and date of birth. Mr. Cooper indicated concerns for the possibility of fraud and there was continued discussion. Ms. Sattler made a motion to approve Proposition Q. Mr. Peña seconded the motion. The vote was: Mr. Cooper-no, Mr. Marshall-yes, Mr. Peña-yes, Ms. Sattler-yes, Mr. Heath-no. The motion carried.

Mr. Heath made a motion to add a proposition to require a signatory to a petition to provide a voter registration number or valid identification. Mr. Cooper seconded the motion. The vote was: Mr. Cooper-yes, Mr. Marshall-no, Mr. Peña-no, Ms. Sattler-no, Mr. Heath-yes. The motion failed.

**Proposition R:** Shall the City of Pflugerville amend its Charter to extend the response time of the City Secretary to issue petition certificate copies from immediately to the next business day?

Mr. Heath made a motion to approve. Mr. Peña seconded the motion. All voted in favor. The motion carried.

**Proposition S-1:** Shall the City of Pflugerville amend its Charter to change the powers of the planning commission to include zoning proposals in its recommendations to City Council; to revise meeting requirements; and to include parks, transportation and utilities in its five year capital improvement plan?

**Proposition S-2:** Shall the City of Pflugerville amend its Charter to change the powers of the planning commission to include zoning proposals in its recommendations to City Council and to revise meeting requirements?

There was discussion regarding Proposition S-1 which was brought forward by the Charter Review Commission and an additional Proposition S-2 which was recommended by a Councilmember.

Mayor Coleman stated that he thinks S-2 is too confusing. Mr. Peña made a motion to approve S-1. Ms. Sattler seconded the motion. The vote was: Mr. Cooper-no, Mr. Marshall-yes, Mr. Peña-yes, Ms. Sattler-yes, Mr. Heath-no. The motion carried.

**Proposition T:** Shall the City of Pflugerville amend its Charter to reduce the

number of alternates for the zoning board of adjustment from four to two?

Mr. Heath made a motion to approve. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

**Proposition U:** Shall the City of Pflugerville amend its Charter to be consistent with state law as to who may request an alternate to attend a zoning board of adjustment meeting?

Ms. Sattler made a motion to approve. Mr. Peña seconded the motion. All voted in favor. The motion carried.

**Proposition V:** Shall the City of Pflugerville amend its Charter to reduce the required number of meetings of the zoning board of adjustment from one each quarter to one annually?

Mr. Heath made a motion to approve. Mr. Peña seconded the motion. All voted in favor. The motion carried.

**Proposition W:** Shall the City of Pflugerville amend its Charter to change the Parks and Recreation Commission to serve as a project specific advisory board which reports to the City Manager; provides for one appointment each by the Mayor and each Council member; and changes the number of Board members to equal the number of City Council members?

Consideration of Proposition W was postponed until later in the meeting.

**Proposition X:** Shall the City of Pflugerville strike portions of its Charter due to repetitiveness with state law regarding general powers of the city; eminent domain; zoning; actions which require an ordinances; and city elections?

Mr. Hyde provided information. Mr. Marshall made a motion to approve. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

**Proposition Y-1:** Shall the City of Pflugerville amend its Charter to require the City Manager to meet quarterly with the representatives of the police association regarding working conditions and compensation?

**Proposition Y-2:** Shall the City of Pflugerville amend its Charter to require the City Manager to meet annually with the representatives of the police association regarding working conditions and compensation?

There was discussion regarding Proposition Y-1 which was brought forward by the Charter Review Commission and an additional Proposition Y-2 which was recommended by a Councilmember.

Mr. Marshall made a motion to approve Proposition Y-1. Ms. Sattler seconded the motion. The vote was: Mr. Cooper-no, Mr. Marshall-yes, Mr. Peña-yes, Ms. Sattler-yes, Mr. Heath-yes. The motion carried.

**Proposition Z:** Shall the City of Pflugerville amend its Charter to require an affirmative vote of a majority of councilmembers then holding office to take any action, in the event two (2) or more council members are absent?

There was discussion regarding the addition of Proposition Z, which was brought forward by a Councilmember. No motion was made on the item.

**Proposition AA:** Shall the City of Pflugerville amend its Charter to reduce City

Council term limits from three (3), three (3) year terms to two (2), three (3) year terms?

There was discussion regarding the addition of Proposition AA, which was brought forward by a Councilmember. Mr. Heath stated that he thinks that the knowledge base and history is invaluable. Mr. Marshall stated to agree. Mr. Cooper stated to disagree.

Mr. Cooper made a motion to add Proposition AA. Mr. Peña seconded the motion. The vote was: Mr. Cooper-yes, Mr. Marshall-no, Mr.-Peña-yes, Ms. Sattler-no, Mr. Heath-no. The motion failed.

Proposition BB: Shall the City of Pflugerville amend its Charter from the Mayor and Councilmembers not being able to hold the same office until at least one term of office has passed to the Mayor and Councilmembers not being able to hold either the office of Mayor or Councilmember until at least one term of office has passed?

There was discussion regarding the addition of Proposition BB, which was brought forward by a Councilmember. No motion was made on the item.

Proposition CC: Shall the City of Pflugerville amend its Charter to change the Charter Review Commission to be appointed by a majority vote of the City Council nominated through up to four (4) nominations each from the councilmembers and the Mayor?

There was discussion regarding the addition of Proposition CC, which was brought forward by a Councilmember. Mr. Heath made a motion to approve the addition of Proposition CC. Mr. Cooper seconded the motion. The vote was: Mr. Cooper-yes, Mr. Marshall-no, Mr. Peña-no, Ms. Sattler-no, Mr. Heath-yes. The motion failed.

Proposition DD: Shall the City of Pflugerville amend its Charter to change the Charter Review Commission to hold a minimum of six (6) meetings and a maximum of eight (8) meetings, three (3) of which shall be held jointly with the City Council?

There was discussion regarding the addition of Proposition DD, which was brought forward by a Councilmember. Mayor Coleman suggested one required meeting of the Council and the Charter Review Commission. He noted that all of the Councilmembers had the opportunity to attend the Charter Review Commission meetings and to be involved. Mr. Heath stated that he would like the Council to be able to review and discuss the recommendations prior to the Charter Review Commission approving. Mr. Heath suggested at least two meetings of the Council and Charter Review Commission. Mr. Marshall stated that he thinks that two meetings is a reasonable compromise. Mr. Peña made a motion to approve the additional Proposition DD to include two joint meetings with the City Council. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Proposition EE: Shall the City of Pflugerville amend its Charter to change the Charter Review Commission to initially consider charter amendments as prepared by the City Council?

There was discussion regarding the addition of Proposition EE, which was

brought forward by a Councilmember. Mayor Coleman stated that he could not support this. Mr. Heath made a motion to approve the addition of Proposition EE. The motion died for lack of a second.

**Proposition FF:** Shall the City of Pflugerville amend its Charter to change the Charter Review Commission recommended revisions to be advisory and grant the City Council the authority to make the final determination on what amendments will be proposed to the voters?

There was discussion regarding the addition of Proposition FF, which was brought forward by a Councilmember. Mr. Cooper indicated to support the proposition. Mayor Coleman stated that he thinks the two meetings is enough. There was no motion on the item.

**Proposition GG:** Shall the City of Pflugerville add a limitation to its Charter to limit appointments to the Pflugerville Community Development Corporation (PCDC) to no more than one council member, who shall not serve as president of such board?

There was discussion regarding the addition of Proposition GG, which was brought forward by a Councilmember. Mr. Marshall stated that he thinks that more than one Councilmember on the PCDC is too many and causes a conflict. Mr. Cooper indicated that he did not support the proposition. Mr. Marshall made a motion to approve the addition of Proposition GG. The motion died for lack of a second.

**Proposition HH:** Shall the City of Pflugerville amend its Charter to remove the term "substantial" from the interest elected or appointed officials are allowed to hold under the conflict of interest provision of the Charter?

There was discussion regarding the addition of Proposition HH, which was brought forward by a Councilmember. Mayor Coleman noted that the Local Government Code already provides requirements. Mr. Hyde provided information. Mr. Cooper stated that Chapter 171 of the Local Government Code only addresses a part of it. There was continued discussion. There was no motion on the item.

Mayor Coleman called for a break. The time was 9:35 p.m. Mayor Coleman reconvened the meeting at 9:42 p.m.

**Proposition B:** Shall the City of Pflugerville amend its Charter to change the structure of the City Council from six to seven members; to allow the Mayor to vote on all matters; and to remove the preparation of City Council agendas from the Mayor's rights and responsibilities?

OR

**Proposition B-1:** Shall the City of Pflugerville amend its Charter to change the structure of the City Council from six to seven members and to allow the Mayor to vote on all matters?

**Proposition B-2:** Shall the City of Pflugerville amend its Charter to remove the preparation of City Council agendas from the Mayor's rights and responsibilities?

OR

**Proposition B-1:** Shall the City of Pflugerville amend its charter to change the structure of the City Council from six to seven members?

**Proposition B-2:** Shall the City of Pflugerville amend its charter to change the

powers of the Mayor to allow the Mayor to vote on all matters?

Proposition B-3: Shall the City of Pflugerville amend its charter to change the powers of the Mayor to remove the preparation of the agenda?

Discussion followed regarding Proposition B and the Council's choice in providing on the ballot together in one proposition, as two propositions or as three propositions. Mr. Cooper stated that he recommends Proposition B. Mr. Hyde noted that the Council can set the agenda process by resolution. Mayor Coleman stated that he thinks the agenda needs to be set by the Mayor. Mr. Heath stated that he does not support the larger council, the mayor not setting the agenda and having a vote. He stated that need for a competing proposition. Mr. Cooper indicated that he thinks it would be confusing. Mr. Marshall stated that the failure of the propositions would be the same result. Ms. Sattler stated that she would rather split into two propositions, B-1 and B-2. She made the motion to approve Propositions B-1 and B-2. Mr. Marshall seconded the motion. The vote was: Mr. Cooper-no, Mr. Marshall-yes, Mr. Peña-no, Ms. Sattler-yes, Mr. Heath-no. The motion failed.

Mr. Peña made a motion to approve Proposition B. Mr. Cooper seconded the motion. The vote was: Mr. Cooper-yes, Mr. Marshall-no, Mr. Peña-yes, Ms. Sattler-no, Mr. Heath-yes. The motion carried.

Proposition J: Shall the City of Pflugerville amend its Charter to clarify that an emergency ordinance can be considered for adoption, amendment, and rejection at the same meeting?

Discussion on the item was continued from earlier in the meeting. It was noted that the Charter Review Commission's proposed proposition would need to be brought forward to the voters. Mr. Peña made a motion to approve Proposition J. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

Proposition W: Shall the City of Pflugerville amend its Charter to change the Parks and Recreation Commission to serve as a project specific advisory board which reports to the City Manager; provides for one appointment each by the Mayor and each Council member; and changes the number of Board members to equal the number of City Council members?

There was discussion regarding Proposition W. Mayor Coleman stated the the Council can adopt provisions for a Parks Commission by ordinance. It was noted that the proposition has to go on the ballot. Mr. Marshall made a motion to approve Proposition W. Mr. Peña seconded the motion.

Ronda Gindin, 505 W. Custers Creek Bend, spoke against changing the Parks Commission to an advisory board.

All voted in favor. The motion carried.

Council provided direction to the City Attorney that Propositions B, K-1, N-2 and N-1, and W should be toward the top of the ballot and Proposition J at the end, and that rewording of Proposition I was needed.

The Council was to consider the the proposed propositions and ballot order on August 9, 2016 when ordering the special election.

### 3. Adjourn



Mr. Cooper made a motion to adjourn. Mr. Marshall seconded the motion. The vote was: Mr. Cooper-yes, Mr. Marshall-yes, Mr. Peña-no, Ms. Sattler-yes, Mr. Heath-yes. The motion carried. The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on August 23, 2016.