



MEETING AGENDA
City Council
CITY COUNCIL WORKSHOP
June 18, 2024
5:00 P.M.

HAL BALDWIN MUNICIPAL COMPLEX COUNCIL CHAMBERS
1400 SCHERTZ PARKWAY BUILDING #4
SCHERTZ, TEXAS 78154

CITY OF SCHERTZ CORE VALUES
Do the right thing
Do the best you can
Treat others the way you want to be treated
Work cooperatively as a team

AGENDA
TUESDAY, JUNE 18, 2024 at 5:00 p.m.

Call to Order

Hearing of Residents

This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.

All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.

Discussion by the Council of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.

Discussion and Action Items

- 1. Minutes** - Consideration and/or action regarding the approval of the Council Workshop minutes of May 7, 2024. (S.Edmondson/S.Courney)

Workshop

2. Workshop on the second phase of the Skate Park.(P.Macaluso/S.Gonzales/L.Shrum)

3. Workshop on reviewing Ordinance 23-M-28-City Council Code of Conduct and Procedure.(Mayor/S.Edmondson)

Adjournment

CERTIFICATION

I, SHEILA EDMONDSON, CITY SECRETARY OF THE CITY OF SCHERTZ, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS PREPARED AND POSTED ON THE OFFICIAL BULLETIN BOARDS ON THIS THE 14th DAY OF JUNE 2024 AT 1:45 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

SHEILA EDMONDSON

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE OFFICIAL BULLETIN BOARD ON _____ DAY OF _____, 2024.

TITLE: _____

This facility is accessible in accordance with the Americans with Disabilities Act. Handicapped parking spaces are available. If you require special assistance or have a request for sign interpretative services or other services, please call 210-619-1030.

The City Council for the City of Schertz reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act.

Closed Sessions Authorized: This agenda has been reviewed and approved by the City’s legal counsel and the presence of any subject in any Closed Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS

<p>Mayor Gutierrez Member Audit Committee Investment Advisory Committee Main Street Committee</p> <p>Liaison Board of Adjustments Senior Center Advisory Board-Alternate</p>	<p>Councilmember Davis– Place 1 Member Interview Committee Main Street Committee - Chair TIRZ II Board</p> <p>Liaison Parks & Recreation Advisory Board Schertz Housing Authority Board Transportation Safety Advisory Board</p>
<p>Councilmember Watson-Place 2 Member Audit Committee Interview Committee-Alternate</p> <p>Liaison Library Advisory Board Senior Center Advisory Board Cibolo Valley Local Government Corporation-Ex-Officio</p>	<p>Councilmember Macaluso – Place 3 Member Interview Committee Hal Baldwin Scholarship Committee</p> <p>Liaison TIRZ II Board Animal Services Advisory Committee</p>

<p>Councilmember Gibson – Place 4 Member Interview Committee Hal Baldwin Scholarship Committee Investment Advisory Committee</p> <p>Liaison Schertz Historical Preservation Society</p>	<p>Councilmember Westbrook – Place 5 Liaison Schertz-Seguin Local Government Corporation (SSLGC) Planning and Zoning Commission Schertz Historical Preservation Society Cibolo Valley Local Government Corporation (CVLGC)-Alternate</p>
<p>Councilmember Heyward – Place 6 Member Animal Services Advisory Committee Audit Committee Interview Committee-Chair Investment Advisory Committee Main Street Committee</p> <p>Liaison Building and Standards Commission Economic Development Corporation - Alternate Senior Center Advisory Board</p>	<p>Councilmember Brown – Place 7 Member Main Street Committee Schertz-Seguin Local Government Corporation (SSLGC)</p> <p>Liaison Economic Development Corporation</p>

CITY COUNCIL MEMORANDUM

City Council Meeting: June 18, 2024
Department: City Secretary
Subject: Minutes - Consideration and/or action regarding the approval of the Council Workshop minutes of May 7, 2024. (S.Edmondson/S.Courney)

Attachments

Minutes 05-07-2024 Workhop

DRAFT

MINUTES CITY COUNCIL WORKSHOP May 7, 2024

A City Council Workshop was held by the Schertz City Council of the City of Schertz, Texas, on May 7, 2024, at 5:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Mayor Pro-Tem Paul Macaluso; Councilmember Michelle Watson; Councilmember Tiffany Gibson; Councilmember Robert Westbrook; Councilmember Allison Heyward; Councilmember Tim Brown

Absent: Councilmember Mark Davis

Staff present: City Manager Steve Williams; Deputy City Manager Brian James; City Attorney Daniel Santee; Assistant City Manager Sarah Gonzalez; City Secretary Sheila Edmondson; Deputy City Secretary Sheree Courney

Call to Order

Mayor Gutierrez called the meeting to order at 5:04 p.m.

Discussion and Action Items

1. **Minutes** - Consideration and/or action regarding the approval of the Council Workshop minutes of April 2, 2024. (S.Edmondson/S.Courney)

Mayor Gutierrez asked for a motion to approve the Minutes from the April 2, 2024, Council Workshop.

Moved by Councilmember Tiffany Gibson, seconded by Councilmember Tim Brown

AYE: Mayor Pro-Tem Paul Macaluso, Councilmember Tiffany Gibson, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

Workshop

2. Workshop on the Onboarding of newly elected Councilmembers (R. Westbrook/S. Edmondson)

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Heyward stated that what is in the packet is sufficient. She doesn't feel it needs to remain as a Workshop item, just bring it to Council on an as-needed process.

Mayor Gutierrez explained it is a technical process but agreed to remove it from the Workshop agenda and bring it back on an as-needed basis.

3. Workshop to discuss the implementation of a Women's History Month program (R. Westbrook/S. Williams/S. Gonzalez)

Mayor Gutierrez stated this item was brought forward by Councilmember Westbrook who was not present at the time. He asked if there was any information to share. City Manager Steve Williams stated there was nothing new. This item had been discussed at the last Workshop but not every Councilmember had had an opportunity to speak due to time constraints.

Councilmember Heyward stated it needed to be removed from the Workshop Agenda Items. She felt that at the last meeting there was a consensus to allow the Library to continue to promote Women's History Month.

Mayor Gutierrez stated that this item was closed.

4. Workshop on potential modifications and enhancements to Movin' on Main (R. Gutierrez/S. Williams/S. Gonzalez/L. Shrum)

Mayor Gutierrez recognized City Manager Steve Williams who stated this item was brought forward to discuss ways to potentially enhance or improve the program.

Councilmember Brown asked if there had been a public survey on this item. He felt feedback from the public would be helpful to ensure they were offering suggestions that were in line with their expectations.

Mr. Williams recognized Parks and Recreation Director Lauren Shrum to address the survey question. Ms. Shrum stated that they had done polls on social media, but not a formal survey mailed out to residents. They sent surveys after the event to vendors and food trucks to see what worked well, what wasn't working, etc. Councilmember Brown stated he wasn't looking necessarily for a statistically valid survey but getting feedback necessarily, so the Council has some ideas to start with that aren't generated by Council. Ms. Shrum replied that they don't have anything open-ended. However,

they do talk about it at the Parks Board who have brought stuff forward over the years. Councilmember Brown stated that they have all talked to residents at or after the event and it's always popular, always positive feedback. But there's also always things that people ask like why we can't do it on Saturday vs Sunday, and why do we have to do it in the middle of the day. Ms. Shrum explained that the timing was determined at the time the mayor and the YMCA had inaugurated that event it was modeled after the San Antonio

Mayor Gutierrez stated that it is easier to close down Main Street on a Sunday because there is less activity on Sundays.

Councilmember Brown added that next year, there's a good possibility Main Street will be under construction.

Mr. Williams added that there could be significant hurdles hosting the event on Main Street next year altogether because of the construction.

Councilmember Heyward stated that the bars along Main Street should be permitted to open and serve. Individuals should be permitted to purchase a cup and have alcohol outside on the street during an event. She stated she likes how it's laid out, having things for the kids is a good thing, but perhaps it would be better on a Saturday or possibly later in the day when it's not so hot.

Councilmember Gibson concurred with Councilmember Heyward regarding allowing businesses to participate in the event. She asked how they track the number of people who attend the event. Are we having issues with attendance? What is the purpose of having it on the Workshop agenda?

Mayor Gutierrez stated it is an after-action type of thing. Looking for feedback on how the event is perceived and whether it can be improved. Do they need to change it?

Councilmember Gibson stated she thinks we should change it. Families don't want children getting overheated and if we are going to bring in music that brings in local talent. That changes the game. It brings in their followers, which promotes the City of Schertz. It would be a great way to provide a shining light on the City of Schertz.

Mayor Gutierrez stated that if they do change the hours to make it later in the day, then they would need to move it to a Saturday. They can make it a music festival and alternate it every year.

Councilmember Brown stated that they needed to focus on this being a family-oriented outdoor event. Either Council keeps that theme and makes some changes to it, or they move away from it. You can work in a band into the late afternoon, but you should also have something that keeps them moving, such as a Bike Rodeo for the kids or a 5K to kick off. If you're going to keep the same theme and that family orientation, you don't want to start it off at 6:00 p.m. Another option is to just go back to the Party in the Park.

Ms. Shrum stated that this sounds like a different type of event, a music festival, which they've talked about previously. Perhaps an event geared towards adults. We do everything aimed at the family. Perhaps something like they did for the 60th anniversary with music and alcohol. Like the Saegerfest just held in New Braunfels. Integrating the bars and music is a possibility, but it would be a break from Movin' on Main, because it was a health and wellness event. She went on to state that events have a lifespan. People get tired of the same old thing. They want something new and fresh. It's fine to retire an event. It is a good time to try something new since the street is going under construction, and it will be difficult to host Movin' on Main there for the next two years.

Mayor Pro-Tem Macaluso concurred with Councilmember Brown. It sounds like we are veering away from the original purpose of the event. Not that it's a bad thing to move away, but there is still an appetite for these types of events. He believes brainstorming on new ideas is worthwhile. There are opportunities we can build from.

According to Ms. Shrum, utility work is slated to start in late Fall/early Winter. It is possible it will be completed by April, but not guaranteed. Upon completion of the utility work, work will begin to replace the water lines, which will have the streets dug up. Looking at construction on Main Street for two to three years. She recommended pausing the event during the construction process.

Councilmember Heyward stated that since the street will be torn up, the event should be paused, do something else in the interim, then bring Movin' on Main back, so it's fresh in a fresh area. She would like to put more into Holidazzle. She would like to see a multi-day event.

Ms. Shrum agreed that pausing the event would be best because people would be excited about Movin' on Main with the new look and feel after the renovations are done.

Councilmember Brown agreed that shifting away from Movin' on Main until Main Street construction is complete is a great concept. Celebrate the end of construction by bringing it back. In the meantime, he suggested having Party in the Park for a couple of years and changing it to an adult theme.

Councilmember Gibson stated she agreed 100% with changing it and putting Movin' on Main on pause. She suggested gathering statistics from attendees to determine if we are gaining momentum with our residents or just doing whatever. She wants to ensure it's worth their time, and they want to see it come back, and whether it's worth the staff's time and energy. Get some numbers behind it to make sure we are moving in the direction our city wants us to.

Mayor Gutierrez stated he is very concerned about the construction on Main Street. He doesn't want to push the contractor and have anything overlooked. He thinks Movin' on Main should be postponed or have a Party in the Park.

Ms. Shrum asked for clarification on Party in the Park. She stated that staff had provided a long list of creative ideas to Council and asked if they could do that again.

Mr. Williams stated that the direction being given by Council is that, for starters, they need to pause Movin' on Main because of the construction for at least a couple of years. As far as what they replace it with, they'd like the opportunity to go back and regroup as a staff and bring Council some ideas and a recommendation on what they can do. If they do come up with another event, they will address it as part of the budget process.

5. Workshop to Highlight Domestic Violence and related services that are managed through our Crime Victim's Liaison office through collaborative relationships with other Law Enforcement Agencies, the tri-County District Attorney's Offices, and other Non-Governmental Organizations that includes an assortment of services mandated by law and otherwise (M./Watson/S.Williams/J.Lowery)

Mayor Gutierrez recognized Councilmember Watson, who brought this item forward. Councilmember Watson stated she was concerned about a recent post she had seen from an individual reaching out through social media for assistance. She wanted to have a discussion on what the City could do through the budget to get more information out there.

Mayor Gutierrez recognized Lt. LaCour of the Schertz Police Department, who introduced Ms. Heather Davis, Schertz Police Department Victim Liaison, to provide information on resources and services currently provided to victims and the process that is followed by the police department. Ms. Davis provided statistics on domestic violence and the process of her involvement for Schertz PD, which is either from a call for service or directly from officers called to a domestic violence incident. Once she is notified, she reaches out to the victim to provide services. When officers become involved with the victims, they go over the incident form and provide them with a packet. There is also a client log sheet that she reviews. During telephone conversations with victims, she reviews crime victim compensation, the criminal justice process, so they are aware of what occurs after law enforcement becomes involved. It goes to the detective, the police officer, and then to the district attorney's office. The District Attorney is the entity that determines whether charges are filed. If there are, then the victim becomes a witness for the state. She also goes over protective orders. On the scene, an emergency protective order can be issued, but she assists with the final protective order. She provides the applications and directs them to the appropriate county for filing. Other services are safety planning referrals to counseling services, scheduling forensic interviews, property returns, and case status with the courts.

Councilmember Watson stated she understands the intake process. She would like to increase awareness of available resources for victims through social media. She stated she was asked if Schertz had a church or anything like that, and she didn't think we did. She wanted to know what else was needed, possibly through the budget for social media for more awareness. Lt. LaCour responded that they could absolutely provide more awareness of the services they offer for victims of domestic violence and where

to find resources.

Ms. Davis provided information on shelters, crisis centers, and district attorney's offices for Bexar, Comal, and Guadalupe Counties that she works with. Thriving Hearts in Guadalupe County is one of the main agencies in the area that also has a shelter. If a victim lives in Comal or Guadalupe County, and they want to relocate to get away from the suspect, the Family Violence Center in Bexar County is a great resource.

Councilmember Westbrook asked what the program might be missing that could be addressed through the budget process. Ms. Davis responded that a great shelter in the area for emergency women's shelter would be wonderful.

Councilmember Watson asked if the current shelters were overcrowded. She was told that a victim was seeking shelter and there was no availability. Ms. Davis responded that part of that is true. Sometimes it is because of the location the victim is requesting because they want to keep the children in the same school. This contributes to the challenge especially in Schertz because there is no shelter in Schertz.

Mr. Williams asked what resources are available, where they are located, and what their current capacity is. Ms. Davis directed Council to the pamphlets provided. Thriving Hearts facilities are in Guadalupe, Gonzalez, Karnes, and Wilson counties. Family Violence is in Bexar County. Another one is in Comal County. A lot of it is where the victim wants to go. You don't want to re-victimize them by forcing them to relocate. Unfortunately, sometimes there's an assault, a strangulation, that forces them to.

A lot of the contact is done over the phone, but she has a packet that she can provide if she meets with them in person that includes the shelter information, the protective order application, a crime victim compensation application, the Abuse Wheels which explains how the process works, a checklist, a safety plan, emergency documents to take with you, and other resources.

Councilmember Heyward stated that she understood there is never enough space available, and asked what is being done when they are at capacity or if they aren't moving victims. What options are available if you can't move them or do an emergency relocation. Ms. Davis said there is always some place for victims to go if they will go. Not all are the best places, but there are places.

Councilmember Westbrook asked about training and education. Are SROs trained? Is it a problem in high school? Lt. LaCour responded that SROs and other police officers receive domestic violence training as part of their basic peace officer training, and they receive continuing education training courses. There is not a course specific to high school at present, but it is incorporated because family violence can be as young as 12.

Mayor Gutierrez asked what the capacity of Thriving Hearts in Guadalupe County was. Ms. Davis responded that there are 11 rooms, so three of the rooms are family rooms, and they can hold up to 5 or 6. Four rooms are single, with the remaining rooms

for double or triple.

Mr. Williams provided a recap. The direction that Council provided is to increase social media awareness in terms of resources and to re-evaluate shelter options. If we are considering a city-run shelter, we would want to look through our Capital Improvement Program process, as well as our operating budget. This would be considered during the normal budgeting process, but the social media awareness could be addressed right away.

Councilmember Heyward also suggested adding information to the Schertz Magazine because a lot of people get that in the mail and not everybody goes on social media.

6. Workshop on the second phase of the Skate Park.(P.Macaluso/S.Gonzales/L.Shrum)

This item was postponed to a future Workshop due to time constraints.

Adjournment

Mayor Gutierrez adjourned the meeting at 5:45 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: June 18, 2024
Department: City Secretary
Subject: Workshop on reviewing Ordinance 23-M-28-City Council Code of Conduct and Procedure.(Mayor/S.Edmondson)

Attachments

Ordinance 23-M-28

ORDINANCE NO. 23-M-28

AN ORDINANCE BY THE CITY OF SCHERTZ AUTHORIZING AND AMENDING CITY COUNCIL RULES OF CONDUCT AND PROCEDURE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Schertz has previously adopted Rules of Conduct and Procedure for the conduct of meetings of the City Council 21-M-28; and

WHEREAS, the City Council discussed the following changes at their meeting of September 19, 2023; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend, update, and clarify the Rules of Conduct and Procedure as they relate to the placement of Ordinances on final reading.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:

Section 1. That the City Council's Rules of Conduct and Procedure are amended as follows:

Article 2 General Rules

2.2 Attendance. Councilmembers shall attend all meetings of the Council. Absence of a Councilmember from a meeting shall be managed in accordance with 2.2 B.

A. Quorum. Four members of the Council, not including the Mayor, shall constitute a quorum. In the absence of the Mayor, the Mayor Pro Tem or other presiding officer shall be counted for purpose of determining the existence of a quorum. If a quorum is not present, those in attendance will be named, and they may recess to a later time as permitted by State law or may hear business before them, taking no official action.

B. Absences. In the event a Councilmember is unable to attend a meeting of the Council, the Councilmember shall notify either the Mayor or the City Secretary as soon as they become aware that they will be unable to attend. Notification may be accomplished via e-mail or telephone and must include the reason for the absence.

Absences from meetings of the City Council that are due to occupational or business demands, personal or family illness or absence from the city shall be approved by the Council as excused.

The City Secretary shall annotate the Councilmember's absence and the reason therefore in the minutes of the meeting from which the Councilmember is absent. Council approval of the subject minutes shall ratify the absence and the reason given therefore and thus excuse the absence. If a Councilmember raises an objection to the absence or the reason given therefore at the time the minutes are to be approved, the matter may be place on a future agenda for debate, discussion and further consideration.

C. Due to the challenges of connectivity, audio quality and equipment standards required, videoconferencing will not be permitted.

Article 12 Citizens Rights

12.5 Written Communications. Interested persons, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City's business or over which the Council has control at any time by direct mail or by addressing the City Secretary, who shall, on the request of the writer, distribute copies to the Councilmembers. Written statements will not be read or made part of the official meeting record.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

APPROVED ON FIRST READING the 17th day of October, 2023.

PASSED, APPROVED AND ADOPTED ON FINAL READING, the 14th day of November, 2023.

City of Schertz


Ralph Gutiérrez, Mayor

ATTEST:


Sheila Edmondson, City Secretary



CITY OF SCHERTZ

CITY COUNCIL

RULES OF CONDUCT AND PROCEDURE

These Rules of Conduct and Procedure (these “Rules”) are intended to provide an understandable and workable structure for City Council meetings.

These Rules shall serve to aid the conduct of public business at Council meetings, to facilitate communication at Council meetings among Councilmembers and between Councilmembers and City staff and members of the public, and to promote confidence in the citizens that their government is performing its duties with the highest of ethical standards and with a genuine interest in the well-being of the community.

These Rules are in all events subject to the City Charter and applicable provisions of State law, including the Texas Open Meetings Act.

As a part of these Rules, the Council has established the following Code of Conduct for the Mayor and all Councilmembers:

- Address the merits of the issues — no personal attacks.
- Focus on representing the interests of all citizens.
- Attempt to resolve personal conflicts among Councilmembers internally before speaking publicly.
- Assume positive intentions — don’t look for hidden agendas.
- Observe the City’s written Rules of Conduct and Procedure.
- When others are speaking, listen with an open mind.
- Recognize that inappropriate public disclosure of confidential information can be detrimental to the City and its citizens.
- Understand that “majority rules”. Once a vote is taken, if you were in the minority agree to disagree and move on. Recognize that a majority view, when expressed in a vote, becomes an expression of City policy.
- Coordinate all requests of the City staff through the City Manager.

TABLE OF CONTENTS

**ARTICLE 1.
AUTHORITY**

1.1 City Charter..... 1
1.2 Effective Date; Amendment 1

**ARTICLE 2.
GENERAL RULES**

2.1 Meetings to be Public..... 1
2.2 Attendance 1
2.3 Minutes of Meetings..... 1
2.4 Questions to Contain One Subject..... 2
2.5 Right to the Floor..... 2
2.6 City Manager 2
2.7 City Attorney 2
2.8 City Secretary..... 2
2.9 Officers and Employees..... 2
2.10 Rules of Order..... 2
2.11 Suspension of Rules..... 2
2.12 Amendment to Rules..... 2
2.13 Matters Not Addressed by Rules 2

**ARTICLE 3.
TYPES OF MEETINGS**

3.1 Regular Meetings..... 2
3.2 Special Meetings.....2&3
3.3 Recessed Meetings..... 3
3.4 Adjourned Meetings..... 3
3.5 Closed Sessions..... 3
3.6 Emergency Meetings 3

**ARTICLE 4.
PRESIDING OFFICER AND DUTIES**

4.1 Mayor..... 3
4.2 Call to Order 3
4.3 Preservation of Order..... 3
4.4 Rulings by Presiding Officer 3
4.5 Questions to be Stated..... 3
4.6 Substitution of Mayor 3

TABLE OF CONTENTS

ARTICLE 5. APPOINTMENT PROCEDURES

5.1	Appointment Procedure for the Mayor Pro Tem.....	4
5.2	Appointment Procedure for a Councilmember.....	4&5

ARTICLE 6. ORDER OF BUSINESS

6.1	Agenda.....	5&6
6.2	Communication to Mayor and Council.....	6
6.3	Approval of Minutes.....	6
6.4	Presentations by Members of Council.....	6
6.5	Consent Agenda.....	6

ARTICLE 7. CONSIDERATION OF ORDINANCES, RESOLUTIONS, AND MOTIONS

7.1	Printed, Typewritten, or Electronic Form.....	6
7.2	City Manager Review.....	6
7.3	City Attorney to Approve	7
7.4	Funding.....	7
7.5	Reading of Caption Only.....	7
7.6	Ordinances—Two Readings; Emergencies	7
7.7	Recording of Votes.....	7
7.8	Vote Required.....	7
7.9	Tie Vote	7
7.10	Numbering Ordinances and Resolutions	7
7.11	Ordinance Passage Procedure.....	7

ARTICLE 8 RULES OF DECORUM

8.1	Recognition by presiding officer	7
8.2	Order.....	7
8.3	Presiding Officer.....	7&8
8.4	Improper References to be Avoided.....	8
8.5	Interruptions.....	8

ARTICLE 9. MOTIONS AND MEETING PROCEDURES

9.1	Motions.....	8
9.2	Debate.....	8
9.3	Motion Procedures.....	8&9

TABLE OF CONTENTS

9.4	Point of Privilege	9
9.5	Point of Procedure or Order.....	9
9.6	To Appeal a Ruling.....	9&10
9.7	To Recess.....	10
9.8	To Withdraw.....	10
9.9	To Postpone or Extend.....	10
9.10	To Refer.....	10
9.11	To Amend	10&11
9.12	To Limit or Close Debate or “Call the Question”.....	11
9.13	To Count the Vote.....	11
9.14	To Take Action or Reconsider an Action; Main Motions	11
9.15	To take action or Rescind motion.....	11
9.16	To Take Action; Main Motions	11&12
9.17	Effect of Abstentions.....	12

ARTICLE 10.

ENFORCEMENT OF DECORUM

10.1	Warning.....	12
10.2	Removal.....	12
10.3	Resisting Removal.....	12
10.4	Motions to Enforce	12
10.5	Adjournment.....	12&13

ARTICLE 11.

CREATION OF COMMITTEES, BOARDS, AND COMMISSIONS

11.1	Standing Committees.....	13
11.2	Special Committees	13

ARTICLE 12.

CITIZENS’ RIGHTS

12.1	Addressing the Council.....	13
12.2	Manner of Addressing the Council – Time Limit.....	13
12.3	Personal and Slandorous Remarks.....	13
12.4	Public Hearings.....	13&14
12.5	Written Communications.....	14
12.6	Hearing of Residents.....	14

TABLE OF CONTENTS

**ARTICLE 13.
COUNCIL AND STAFF RELATIONS**

13.1 City Manager to Provide Information..... 14
13.2 City Manager’s Responses to Requests.....14&15
13.3 Directions to City Manager..... 15
13.4 City Manager’s Duty to Inform 15
13.5 Customer Concerns..... 15
13.6 City Manager/Council Relations..... 15

**ARTICLE 1.
AUTHORITY**

- 1.1 City Charter. Section 4.09 (d) of the City Charter provides that the Council shall, by ordinance, determine its own rules and order of business.
- 1.2 Effective Date; Amendment. These Rules shall be in effect upon their adoption by the Council and until such time as they are amended, or new rules are adopted. In the event of a conflict between these Rules and the Charter, the Charter shall govern over these Rules. In the event of a conflict between these Rules and State law, State law shall take precedence.

**ARTICLE 2.
GENERAL RULES**

- 2.1 Meetings to be Public. All meetings of the Council and all meetings of committees composed of a quorum of the Council shall be open to the public as provided by State law, except when State law allows closed or Closed sessions for certain limited topics.
- 2.2 Attendance. Councilmembers shall attend all meetings of the Council. Absence of a Councilmember from a meeting shall be managed in accordance with 2.2 B.

A. Quorum. Four members of the Council, not including the Mayor, shall constitute a

quorum. In the absence of the Mayor, the Mayor Pro Tem or other presiding officer shall be counted for purpose of determining the existence of a quorum. If a quorum is not present, those in attendance will be named, and they may recess to a later time as permitted by State law or may hear business before them, taking no official action.

B. Absences. In the event a Councilmember is unable to attend a meeting of the Council, the Councilmember shall notify either the Mayor or the City Secretary as soon as they become aware that they will be unable to attend. Notification may be accomplished via e-mail or telephone and must include the reason for the absence.

Absences from meetings of the City Council that are due to occupational or business demands, personal or family illness or absence from the city shall be approved by the Council as excused.

The City Secretary shall annotate the Councilmember's absence and the reason therefore in the minutes of the meeting from which the Councilmember is absent. Council approval of the subject minutes shall ratify the absence and the reason given therefore and thus excuse the absence. If a Councilmember raises an objection to the absence or the reason given therefore at the time the minutes are to be approved, the matter may be place on a future agenda for debate, discussion and further consideration.

C. Due to the challenges of connectivity, audio quality and equipment standards required, videoconferencing will not be permitted.

- 2.3 Minutes of Meetings. An account of all proceedings of the Council shall be kept by the City Secretary and shall constitute the official record of the Council. Such minutes, after being approved by the Council (except any closed or closed session portion), shall be open to public inspection. The City Secretary shall provide an index showing the action
- of the Council in regard to all matters before to it at both regular and special meetings. A recording or “certified agenda” of each closed or closed session shall be made and maintained as required by State law.
- 2.4 Questions to Contain One Subject. All questions submitted for a vote shall contain only one subject. If two or more subjects are involved, any Councilmember may require a division, if the subjects can be reasonably divided.
- 2.5 Right to the Floor. Subject to Section 8.5, any Councilmember or member of City staff desiring to speak shall be recognized by the Mayor (or the presiding officer in the Mayor’s absence) at an appropriate time and shall confine his/her remarks to the subject under consideration or to be considered.
- 2.6 City Manager. The City Manager or the Acting City Manager shall attend all meetings of the Council unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all discussions of the Council but shall have no vote. The City Manager shall be notified of all special meetings of the Council.
- 2.7 City Attorney. The City Attorney shall attend all meetings of the Council as required by the Council or as requested by the City Manager, and shall, upon request of the Council or the City Manager, give an opinion, either written or oral, on questions of law.
- 2.8 City Secretary. The City Secretary or the Deputy City Secretary shall attend all meetings of the Council, unless excused, and shall keep the official minutes.
- 2.9 Officers and Employees. Any officer or employee of the City, when requested by the City Manager, shall attend meetings of the Council. If requested to do so by the City Manager, they shall present information relating to matters before the Council.
- 2.10 Rules of Order. Part 8 of these Rules shall govern the proceedings of the Council.
- 2.11 Suspension of Rules. Any provision of these Rules not required by the Charter or State law may be temporarily suspended by a majority vote of the Councilmembers who are present. The vote of each person on any such suspension shall be entered in the minutes.
- 2.12 Amendment to Rules. These Rules may be amended, or new rules adopted, by a duly adopted ordinance.
- 2.13 Matters Not Addressed by Rules. Issues of the conduct or procedure of public meetings not addressed by these Rules, the Charter, or State law shall be determined by the Mayor (or the presiding officer in the Mayor’s absence).

**ARTICLE 3.
TYPES OF MEETINGS**

- 3.1 Regular Meetings. The Council shall hold regularly scheduled meetings as provided by the Code of Ordinances, Part II, Section 2-2. The Council may also hold regularly scheduled meetings which may be designated by the Council as “workshop” sessions.
- 3.2 Special Meetings. Special meetings may be called by the Mayor, the City Manager, or any three (3) members of the Council. The call for a special meeting shall be filed with the City Secretary in written form, except that announcement of a special meeting during any regular meeting at which all members are present shall be sufficient notice of such special meeting. The call for a special meeting shall specify the day, hour, and place of the special meeting and shall identify the subject or subjects to be considered.
- 3.3 Recessed Meetings. Subject to State law, any meeting of the Council may be recessed to a later time, provided that no recess shall be for a longer period than until the next regular meeting.
- 3.4 Adjourned Meetings. Any meeting of the Council that has been adjourned may not be reconvened except by a motion to reconsider prior to any Councilmember’s departure from the Council chamber. See Sections 9.3 and 9.4.
- 3.5. Closed Sessions. Closed sessions may only be held in accordance with state law.
- 3.6 Emergency Meetings. In case of emergency or urgent public necessity, an emergency meeting may be called as a special meeting as set forth in Section 3.2, however, an emergency meeting may not be held unless authorized by, and notice is given in accordance, with State law.

**ARTICLE 4.
PRESIDING OFFICER AND DUTIES**

- 4.1 Mayor. The Mayor, if present, shall preside as Mayor at all meetings of the Council. In the absence of the Mayor, the Mayor Pro-Tem shall preside. In the absence of both the Mayor and the Mayor Pro-Tem, the most senior Councilmember (by time of service on the Council) present shall be the chairperson.
- 4.2 Call to Order. Each meeting of the Council shall be called to order by the Mayor, or in the Mayor’s absence, by the Mayor Pro-Tem. In the absence of both the Mayor and the Mayor Pro-Tem, the meeting shall be called to order by the most senior Councilmember (by time of service on the Council) present.
- 4.3 Preservation of Order. The presiding officer shall preserve order and decorum, prevent personalities from becoming involved during debate or the impugning of members’ motives, and confine Councilmembers in debate to the question under discussion.

- 4.4 Rulings by Presiding Officer. The presiding officer shall rule on points of privilege, points of procedure or order, and withdrawals of motions, subject to the right of any member to appeal to the Council as set forth in Article 9 of these Rules. See Sections 9.3, 9.4, 9.5, 9.6, and 9.8.
- 4.5 Questions to be Stated. The presiding officer shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken on all votes.
- 4.6 Substitution of Mayor. In the event the Mayor must relinquish the chair, the Mayor shall call upon the Mayor Pro-Tem to preside if the Mayor Pro-Tem is present. If the Mayor Pro-Tem is not present, the Mayor may call upon the most senior Councilmember (by time of service on the Council) present to preside, but such substitution shall not continue beyond adjournment of that meeting.

ARTICLE 5. APPOINTMENT PROCEDURES

Article 5 Section 5.1 Appointment Procedure for the Mayor Pro Tem.

- (a) The Council will discuss, and with a majority vote, appoint the Councilmember to serve as the Mayor Pro Tem for the City.
- (b) The appointed Mayor Pro Tem must be a Councilmember and must meet the qualifications of Section 4.02 of the City Charter. In addition, to be appointed to the position of Mayor Pro Tem, a Councilmember must be an elected member of Council and a member in good standing.
- (c) Term dates for the Mayor Pro Tem position will begin in February and August of each year (the election dates offset by three (3) months). Terms will sequentially rotate according to Councilmember place.
- (d) If the Councilmember place that is up for appointment as Mayor Pro Tem is vacant or is held by a Councilmember who is not qualified to serve as Mayor Pro Tem, the Mayor Pro Tem appointment will go to the next qualified Councilmember.
- (e) The position will have a term of office of six (6) months.
- (f) The appointed Mayor Pro Tem may be removed by Council by a two-thirds (2/3) majority vote of the members of Council at any time during his or her term.
- (g) Council reserves the right to alter this procedure at any time by resolution or rule.

5.1 Appointment Procedure for a Councilmember.

- (a) The Council may appoint a Councilmember to a vacant seat as authorized by Section 4.06 of the City Charter.

- (b) The Council will announce and advertise on the City’s website and in the City’s newspaper of record that applications are being accepted for a vacant position on Council.
- (c) A due date for applications to be submitted will be set.
- (d) Applicants must meet the qualifications for a Councilmember set forth in Section 4.02 of the City Charter.
- (e) Applications will be received by the City Secretary’s office and distributed to all Councilmembers.
- (f) An interview date will be set and posted for a public meeting.
- (g) Interviews of prospective candidates will be held in a public forum by a quorum of Councilmembers.
- (h) Councilmembers will discuss, and appoint by majority vote, the new member of Council at either the same meeting as the interviews or at a subsequent Council meeting.
- (i) The Council is the final judge of whether a candidate is qualified to serve as a Councilmember as set forth in Section 4.03 of the City Charter.
- (j) Council reserves the right to alter this procedure at any time by resolution or rule.

**ARTICLE 6.
ORDER OF BUSINESS**

6.1 Agenda. The City Manager and the City Secretary shall prepare an agenda for each meeting of the Council. Items may be placed on the agenda by the City Manager (or in his absence any Assistant City Manager), the Mayor, or any Councilmember, except that a Councilmember directing that an item or items be placed on an agenda must do so in open session, during a properly posted meeting of the Council. Items placed on the agenda by the City Manager (or in his absence any Assistant City Manager) may be removed only by the City Manager (or any Assistant City Manager) and he/she may do so at any time that permits the agenda for the Council meeting to be properly posted by the City Secretary’s Office under the Texas Open Meetings Act. Items placed on an agenda by the Mayor may be removed only by the Mayor, and he/she may do so at any time that permits the agenda for the Council meeting to be properly posted by the City Secretary’s Office under the Texas Open Meetings Act. Items placed on the agenda by a Councilmember may be removed only by that specific Councilmember, and he/she may do so at any time that permits the agenda for the Council meeting to be properly posted by the City Secretary’s Office under the Texas Open Meetings Act.

- (a) Information Required. Any item to be on the agenda must be provided to the City Manager pursuant to a procedure established and modified by the City Manager

from time to time. Each item on the agenda must contain sufficient information so that full disclosure of the item to be addressed is present so as to alert the Council and the public of the topic to be considered.

- (b) Order of Listing Items; Sponsor and Responsible Staff. The agenda shall list all items for consideration in a format recommended by the City Manager. The name of the person or persons placing an item on the agenda and the name of any expected staff presenter shall be stated on the agenda.
- (c) Copy Provided to Mayor and Council Members. The City Secretary shall furnish the Mayor and each Councilmember a copy of the agenda, including the proposed ordinances, resolutions, petitions, notices, or other materials as required. Copies of attachments and background material will generally be provided for the initial presentation only and should be retained by the Mayor and the Councilmembers until such time as the item is finalized.
- (d) Copy Available to Public. A copy of the agenda, with or without attachments as determined by the City Manager, shall be made available to the public at City Hall prior to the meeting. Copies of the agenda shall be available to the public at the meeting.
- (e) Order; Exception. The ordinances, resolutions, and other proposed actions shall be taken up and disposed of by the Council in the order listed in the agenda, subject to the right of the presiding officer to take up matters in a different order.
- (f) Chair Shall Not Entertain Objections. An agenda item properly placed on a future agenda by a member of Council during open session shall not be subject to objection by another member.

6.2 Communication to Mayor and Council. The City Manager shall provide the Council with a copy of each ordinance or resolution and appropriate analysis of items proposed to be acted upon by the Council at a meeting. These communications shall be delivered to the Mayor and Councilmembers along with the agenda. This information should also be retained by the Mayor and Councilmembers until such time as the item is finalized. Staff members, in making presentations to Council at a meeting of the Council, should endeavor to restrict their presentations to five (5) minutes, excluding responses to questions by the Mayor and/or Councilmembers.

6.3 Approval of Minutes. Minutes may be approved without public reading if the City Secretary has previously furnished the Mayor and each Councilmember with a copy thereof.

6.4 Presentations by Members of Council. The agenda shall provide a time when the Mayor and each Councilmember may bring before the Council any business that person believes should be brought up during the “Requests by Mayor and Councilmembers” and “Announcements by Mayor and Councilmembers” portions of the agenda. These matters need not be specifically listed on the agenda unless the person desiring to make a comment knows prior to posting of the agenda that he/she will make such comment. In

response to an unposted comment, there (1) may only be a statement of factual information in response, (2) a recitation of existing City policy, or (3) discussion regarding a proposal to place the subject on the agenda for a subsequent meeting.

- 6.5 Consent Agenda. At the direction of the City Manager (or in his absence an Assistant City Manager) with respect to items believed to be non-controversial, the City Secretary shall place multiple items on a “Consent Agenda” portion of the agenda, subject to the right of the Mayor or any Councilmember to request at the meeting that any one or more of such items be removed from the Consent Agenda for individual consideration. First readings of ordinances shall in all events be posted for individual consideration and shall not be included on the Consent Agenda.

ARTICLE 7.

CONSIDERATION OF ORDINANCES, RESOLUTIONS, AND MOTIONS

- 7.1 Printed, Typewritten, or Electronic Form. All ordinances and resolutions shall be presented to the Council only in printed, typewritten, or electronic form.
- 7.2 City Manager Review. All ordinances and resolutions shall be reviewed by the City Manager or his designee.
- 7.3 City Attorney to Approve. All ordinances and resolutions shall be approved as to form and legal content by the City Attorney, when requested by the Mayor or the City Manager.
- 7.4 Funding. All actions authorizing an expenditure of money shall include the exact source of the funds to be expended.
- 7.5 Reading of Caption Only. Upon being introduced, each proposed ordinance or resolution shall be read by caption only.
- 7.6 Ordinances—Two Readings; Emergencies. Ordinances introduced at a Council meeting shall not be finally acted upon until at least the next regular meeting, except that immediate action may be taken upon an emergency as determined by the Council in accordance the Charter or State law. Ordinances that do not receive a unanimous vote on first reading shall (a) be placed on the consent portion of the next agenda or (b) be placed on the discussion portion of the next agenda.
- 7.7 Recording of Votes. The ayes and nays shall be taken upon the consideration of all ordinances and resolutions and shall be entered in the minutes of the Council.
- 7.8 Vote Required. Approval of every ordinance, resolution, or motion, unless otherwise required by these Rules, the Charter, or State law, shall require the affirmative vote of four (4) Councilmembers who are present and eligible to vote.
- 7.9 Tie Vote. In the event of a tie in votes on any motion, the Mayor shall cast the decisive vote in accordance with Section 4.05 of the Charter. Other Councilmembers acting as presiding officer shall not be restricted to voting only in the event of a tie.

7.10 Numbering Ordinances and Resolutions. After approval of a resolution or an ordinance on second reading or on a single reading as an emergency, the City Secretary shall assign a number to each ordinance or resolution within the records of the City.

7.11 Ordinance Passage Procedure. After passage, an ordinance shall be signed by the presiding officer and shall be attested by the City Secretary or Deputy City Secretary, and it shall be filed and thereafter preserved in the office of the City Secretary.

ARTICLE 8. RULES OF DECORUM

8.1 Recognition by presiding officer. Subject to Section 8.5, No person shall address the Council without first being recognized by the presiding officer.

8.2 Order. While the Council is in session, the Councilmembers must preserve the order and decorum of the meeting, and a Councilmember shall neither, by statement or otherwise, delay or interrupt the proceedings or the peace of the Council or disturb any other Councilmember while speaking or refuse to obey the orders of the presiding officer. Councilmembers are expected to remain on the dais during a Council meeting unless they have good cause to vacate.

8.3 Presiding Officer. The Mayor or the Mayor Pro-Tem or such other member of the Council who is serving as the presiding officer may participate in debate, subject only to such limitations of debate as are the rights and privileges of a Councilmember by reason of such Councilmember acting as the presiding officer. If the presiding officer is engaged in debate and is, at the insistence of four (4) Council members, abusing the position of the presiding officer, the presiding officer must relinquish the chair to the Mayor Pro-Tem, or in his/her absence, to the next most senior Councilmember (by time of service on the Council) present. The Mayor Pro-Tem or such other member, other than the Mayor, who is serving as presiding officer may move, second, and debate from the chair, subject only to such limitations of debate as are the rights and privileges of a Councilmember by reason of the member acting as the presiding officer.

8.4 Improper References to be Avoided. When a Councilmember has the floor pursuant to Section 2.5 or 8.5, he/she shall avoid all references to personalities and indecorous language.

8.5 Interruptions. A Councilmember, once recognized, shall not be interrupted by the Mayor or another Councilmember when speaking unless it is to raise a point of privilege (Section 9.4) or a point of procedure or order (Section 9.5), or to enter a motion to withdraw a previously-stated motion (Section 9.8), or as otherwise provided in these Rules. If a Councilmember, while speaking, is interrupted as set forth herein, the Councilmember so interrupted should cease speaking until the question is determined.

ARTICLE 9. MOTIONS AND MEETING PROCEDURES

9.1 Motions. A Councilmember, after he/she obtains the floor, or the Mayor may make a motion on the particular subject of discussion or a procedural point as permitted. A “Second” to the motion, if required, must be made by a Councilmember who did not make the motion within a reasonable but brief time period. The Mayor may not “Second” a motion. A motion or a “Second” merely implies that the maker of the motion and the person who “Seconds” agree that the motion should come before the meeting and not that he/she necessarily favors the motion. Without a “Second”, if required, the motion dies.

9.2 Debate. Debate, if permitted, must be limited to the merits of the issue under discussion as stated by the presiding officer.

9.3 Motion Procedures. There are twelve (12) types of motions in three (3) categories: Meeting Conduct Motions (4 types), Disposition Motions (7 types), and Main Motions (1 type)¹. When any motion is pending, any motion listed above it on the chart below is in order; those below it are out of order.

Motion	May Interrupt Speaker	Second Required	Debatable	Amendable	Resolved by Chair No Vote	Affirmative Vote by 4 Councilmembers	2/3 Vote
A. Meeting Conduct Motions							
1. point of privilege	yes	no	no	no	yes	no	no
2. point of procedure or order	yes	no	no	no	yes	no	no
3. to appeal a ruling	no	yes	yes	no	no	yes	no
4. to recess	no	yes	yes	yes	no	yes	no
B. Disposition Motions							
5. to withdraw	yes	no	no	no	yes	no	no
6. to postpone	no	yes	yes	yes	no	yes	no
7. to refer	no	yes	yes	yes	no	yes	no
8. to amend	no	yes	yes	yes	no	yes	no

¹ Sections 9.3 through 9.14 are included by permission of Donald A. Tortorice, The Modern Rules of Order, ABA Publishing, 2nd Edition.

9. to limit or close debate or "call the question"	no	yes	yes	yes	no	no	yes
10. to extend debate	no	yes	yes	yes	no	yes	no
11. to count the vote	no	yes	no	no	no**	no	no
C. Main Motions							
12. to reconsider	yes	yes	if original motion was debatable	no	no	yes	no
13. to rescind	no	yes	yes	yes	no	no	yes
14. to take action	no	yes	yes	yes	no	Yes***	no

² Mandatory if seconded; no vote required.

*** Unless a greater vote is required by the Charter or State Law

9.4 Point of Privilege. A point of privilege, sometimes called a point of personal privilege, is a communication from a Councilmember to the presiding officer, drawing urgent attention to a need for personal accommodation. For example, the point may relate to an inability to see or hear, a matter of comfort, a matter of requested convenience, or an overlooked right of privilege that should have been accorded to the Councilmember(s). In essence, it is a call to the presiding officer for the purpose of assuring a Councilmember's convenient and appropriate participation in the meeting. Because of its urgent nature, a point of privilege can interrupt a speaker. Because it is addressed to the attention of and action by the presiding officer, it cannot be debated or amended, and no vote is required.

9.5 Point of Procedure or Order. A point of procedure, sometimes called a point of order, is a question addressed to the presiding officer, no seconding is required, and either inquiring into the manner of conducting business or raising a question about the propriety of a particular procedure. It is simply an inquiry and is resolved by correction or clarification by the presiding officer. A point of procedure can interrupt a speaker. Because it is addressed to the attention of and action by the presiding officer, a second is not required, and it cannot be debated or amended, and no vote is taken.

9.6 To Appeal a Ruling. Decisions or rulings of the presiding officer are final on questions of procedure, except that any ruling by the presiding officer's ruling can be appealed to a vote of the Council. Whenever a Councilmember questions the appropriateness or essential fairness of the presiding officer, that member can appeal the ruling to a vote of

²Mandatory if seconded; no vote required.

the meeting. If, however, a motion is out of order as a matter of law (not a proper subject of the meeting, improper notice given, etc.), the presiding officer's ruling cannot be appealed. A motion to appeal cannot interrupt a speaker. To prevent frivolous appeals, a second is required. The motion is subject to debate (which should be brief) and, by its nature, is not amendable. To overrule a procedural decision of the presiding officer, an affirmative vote of four (4) Councilmembers is required.

9.7 To Recess. A motion to recess requests a brief interruption of the meeting's business, usually so that an ancillary matter can be addressed, or simply to provide a needed break. Unless stated in the motion, the period of recess is decided by the presiding officer. If necessary, a recess can extend the meeting from one day to another, subject to State law. The motion cannot interrupt a speaker, and a second is required. It is debatable, it can be amended, and an affirmative vote of four (4) Councilmembers is required.

9.8 To Withdraw. Only the maker of the motion can make a motion to withdraw it. It is essentially a communication to the presiding officer that the maker is withdrawing his/her proposal. This is the maker's privilege; thus, it does not require a second. Because the withdrawal motion obviates discussion, it can interrupt a speaker. In addition, because another Councilmember later can make a similar motion, a withdrawal motion is not subject to debate, amendment, or vote. The presiding officer should simply state that the motion is withdrawn, and the meeting should proceed with a new treatment of the issue at hand—or a new issue.

9.9 To Postpone or Extend. These motions may arise from a need for further information, a matter of convenience, or for any other reason that will enable the Council to deal with the issue more effectively during the same meeting or at a later time. Unless otherwise specifically provided in the motion itself, a postponed or extension motion can be renewed at a later appropriate time during the meeting or, if properly posted, at a later meeting. This motion cannot interrupt a speaker. It requires a second, it is debatable, and it is amendable (particularly as to postponement, timing), and an affirmative vote of four (4) Councilmembers is required.

9.10 To Refer. A motion to refer is typically used to submit an issue to a committee, usually for study leading to a subsequent recommendation. Because it ordinarily disposes the motion for purposes of the current meeting, a motion to refer is subject to the same rules that apply to a main motion. (See Section 9.14). This motion cannot interrupt a speaker, and a second is required. It is debatable and amendable, and an affirmative vote of four (4) Councilmembers is required.

9.11 To Amend. A motion to amend proposes a change in the wording of a motion then under consideration. When a motion to amend is pending and an amendment to the amendment is proposed, the presiding officer should focus discussion on the latest amendment, resolve that question, then proceed to the first amendment before continuing discussion on the main motion. Votes on amendments are thus in reverse order of the sequence in which they are proposed. A motion to amend cannot interrupt a speaker. It requires a second, and it is debatable and amendable. An affirmative vote of four (4)

Councilmembers is required for approval of the amendment. Note that State law may restrict amendments to proposals that are required to be set forth in the notice of the meeting.

9.12 To Limit or Close Debate or “Call the Question”. Because the extent to which an issue is discussed rests primarily with discretion of the presiding officer, it is the presiding officer who carries the burden of ensuring that adequate time and discussion are given to differing points of view. A motion to limit or close debate is therefore an overruling of the presiding officer’s determination. A motion to close debate is the same as a motion to “call the question”. Because this motion affects the most fundamental right of any Councilmember, the right to speak one’s views, it is the only procedural motion that requires an affirmative vote of two-thirds of participants voting.

9.13 To Count the Vote. A motion to count the vote should be limited to those circumstances where the convenient hearing of “yeas” and “nays” cannot clearly resolve the issue. It represents the right of a Councilmember to have a vote demonstrated by count. That count can be directed by the presiding officer either as a showing of hands or a standing of voting members while the vote is recorded. Upon completion of the count, the presiding officer announces the result—and final disposition of the issue voted upon. This motion cannot interrupt a speaker. It requires a second; it is neither debatable nor amendable; and, because of the importance of the matter, it should be considered mandatory; thus, no vote is required.

9.14 Motion to Reconsider. Allows a main motion to be brought back before the City Council for consideration. May be made only at the meeting at which the vote to be reconsidered was taken. It may be made by any member of City Council. Any City Council member may second it. It can be made while any other question is pending, even if another member has the floor. It requires a majority vote to pass. A motion may only be reconsidered twice. If the reconsideration is moved while another subject is before the City Council, it cannot interrupt the pending business, but, as soon as the pending business has been disposed of the motion has the preference over all other main motions

and general business of the agenda. In such a case the Mayor does not state the question on the reconsideration until the immediately pending business is completed.

9.15 Motion to Rescind. The motion to rescind is a main motion without any privilege, may only be made when there is nothing else before the City Council and must be made at the same meeting at which the subject matter of the motion was considered, and it requires a two-thirds vote of the City Council members. It cannot be made if a motion to reconsider has been previously made. The motion to rescind can be applied to votes on all main motions with the following exceptions: votes cannot be rescinded after something has been done as a result of that vote that the City Council cannot undo; or, where a resignation has been acted upon, or one has been appointed to, or expelled from, a committee or office, and was present or was officially notified. In the case of expulsion, the only way to reverse the action afterwards is to restore the person to the committee or office, which requires the same preliminary steps and vote as is required for the original appointment.

9.16 To Take Action; Main Motions. Main motions state proposed policy or action on a substantive issue being considered by the Council. As such, the motion is an initial call to take particular action. Although lowest in precedence among all motions, main motions are clearly the most important: through their content, the business decisions of the Council are determined. A main motion can be made only when a prior main motion has been disposed of. It cannot interrupt a speaker; a second is required; it is debatable and amendable; and an affirmative vote of four (4) Councilmembers is required unless a greater vote is prescribed by the Charter or State law.

9.17 Effect of Abstentions; action on required Abstentions; Effect of non-required Abstentions. The following rules shall apply when a Council Member abstains from voting on an item:

When the Council Member is Legally Obligated to Abstain.

When a Council Member is legally obligated to abstain from voting pursuant to Texas Local Government Code Chapter 171, a local ordinance or the City Charter then the Council Member shall leave the dais and exit City Council Chambers until such time as the debate and vote on the item has been concluded. The City Secretary shall record that the Council Member left the room and abstained from the vote in the official minutes and there shall be no other effect.

When the Council Member as no Legal Obligation to Abstain from Voting.

When a Council Member has no legal obligation to abstain from voting then an abstention shall be recorded in the minutes as an abstention and shall procedurally be treated as a “no” vote.

**ARTICLE 10.
ENFORCEMENT OF DECORUM**

10.1 Warning. All persons other than a recognized speaker shall, at the request of the presiding officer, be silent. If, after receiving a warning from the presiding officer, a

person persists in disturbing the meeting, the presiding officer may order the person to leave the meeting. The Chief of Police, or such member or members of the Police Department or other persons as the presiding officer may designate, shall be sergeant-at-arms of the Council meetings. If the person so requested does not leave the meeting, the presiding officer may order the sergeant-at-arms to remove such person.

10.2 Removal. Any designated sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the presiding officer, it shall be the duty of the sergeant-at-arms to remove from the meeting any person who intentionally disturbs the proceedings of the Council (or successor provision of law).

10.3 Resisting Removal. Any person who resists removal by the sergeant-at-arms shall be charged with violating Section 42.05 (a) of the Texas Penal Code.

10.4 Motions to Enforce. Any Council member may move to require the presiding officer to enforce these Rules and the affirmative vote of a majority of the Councilmembers present and eligible to vote shall require the presiding officer to do so.

10.5 Adjournment. In the event that any meeting is willfully disturbed by a person or groups of persons so as to render the orderly conduct of such meeting unfeasible and when order cannot be restored by the removal of the individuals who are creating the disturbance, the meeting may be adjourned and the remaining business considered at the next regular or a special meeting or, subject to State law, may be recessed to a set time and date.

ARTICLE 11. CREATION OF COMMITTEES, BOARDS, AND COMMISSIONS

11.1 Standing Committees. The Council may create committees, boards and commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify not inconsistent with the Charter, the Code of Ordinances, or State law. Membership and selection of members shall be as determined by the Council if not specified by the Charter, the Code of Ordinances, or State law. No person may concurrently serve on more than one Board unless, by virtue of his/her position on the Council, he/she also holds a position on another Board. Persons related within the second degree by affinity or consanguinity to the Mayor or any member of the Council shall not be eligible to serve on a standing committee. No standing committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the Charter, the Code of Ordinances, or State law.

11.2 Special Committees. The Council may, as the need arises, authorize the appointment of “ad hoc” Council committees. Except where otherwise specifically provided by the Charter, the Mayor and the City Council shall appoint the members of the special committees. Any committee so created shall be given a “mission statement” directing its activities. Any special committee shall cease to exist upon the accomplishment of the special purpose for which it was created or when abolished by a majority vote of the Councilmembers present and entitled to vote.

ARTICLE 12. CITIZENS RIGHTS

12.1 Addressing the Council. Any person desiring to address the Council by oral communication shall first secure the permission of the presiding officer.

12.2 Manner of Addressing the Council – Time Limit. Each person addressing the Council shall speak at the podium into the microphone (or at another designated location), shall give his/her name and address in an audible tone of voice for the record, and, unless further time is granted by the Council, shall, subject to Section 12.4 below, limit his/her remarks to three (3) minutes or less. A person who addresses the Council through a translator will limit his/her remarks to six (6) minutes or less. All remarks shall be addressed to the Council as a body, and not to any individual member thereof. No person, other than members of the Council or City staff (when requested by the presiding officer) and the

person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council, unless requested or approved by the presiding officer. No questions shall be asked the Councilmembers, except through the presiding officer. Responses to questions may be limited as required by State law.

12.3 Personal and Slanderous Remarks. Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous, either while addressing the Council or otherwise while in attendance at a Council meeting, may be requested to leave the meeting, pursuant to Article 10 of these Rules, and may be removed from the meeting if necessary for the conduct of the remainder of the meeting. This is not intended to prohibit public criticism of the Council, including criticism of any act, omission, policy, procedure, program, or service unless such is otherwise prohibited by law.

12.4 Public Hearings. After being recognized by the presiding officer, interested persons, or their authorized representatives, may address the Council with respect to the subject matter of a public hearing being conducted. The presiding officer may establish procedures at a public hearing to limit the amount of time (which, unless modified by the presiding officer, shall be as set forth in Section 12.2 above) interested persons may speak, subject to the Councilmembers' right to appeal the presiding officer's ruling pursuant to Section 9.6. Subject to modification by the presiding officer, and subject to the Councilmembers' right of appeal pursuant to Section 9.6, the normal order of a public hearing is as follows: (i) the opening of the hearing and the establishment, if any, of a modified public hearing procedure by the presiding officer; (ii) address to the Council by any interested person(s); (iii) discussion by the Mayor and Councilmembers, including requests for information from City staff or any person(s) who addressed the Council; and (iv) action by the Council, if any is posted on the agenda relating to the hearing.

12.5 Written Communications. Interested persons, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City's business or over which the Council has control at any time by direct mail or by addressing the City Secretary, who shall, on the request of the writer, distribute copies to the Councilmembers. Written statements will not be read or made part of the official meeting record.

12.6 Hearing of Residents. There shall be included on the agenda of each City Council meeting, prior to any items listed on the agenda for action to be taken, an item labeled "Hearing of Residents". After being recognized by the presiding officer, members of the public (giving precedence to residents of the City) may address the Council on items on or not on the agenda at that time, providing they have completed the "Hearing of Residents" form, unless authorized by the presiding officer. The form shall be made available to persons wishing to address the Council prior to the calling of the meeting to order and such completed form shall be made available to the presiding officer prior to the calling of the meeting to order. The persons signed up for "Hearing of Residents" must speak during the "Hearing of Residents" portion of the meeting. Councilmembers and members of City staff may not discuss unpasted items nor take any action thereon

other than to (1) make a statement of factual information, (2) make a statement of existing City policy, or (3) discuss placing the item on a future agenda. Persons speaking shall be subject to the time limits set forth in Section 12.2, unless otherwise authorized by the presiding officer.

ARTICLE 13. COUNCIL AND STAFF RELATIONS

13.1 City Manager to Provide Information. The City Manager is directly responsible for providing information to all the Councilmembers concerning any inquiries by a specific Councilmember. If the City Manager or his staff's time is being dominated or misdirected by a Councilmember, it is his responsibility to inform the Mayor or the Council as a whole.

13.2 City Manager's Responses to Requests. The City Manager is expected to respond in a timely manner to the Council and Councilmember's requests. When information is requested, the City Manager will estimate a reasonable time frame for collecting the requested information.

- (a) If the City Manager disagrees with the request, he should say so and explain his position.
- (b) If the City Manager disagrees with individual directives, he should initiate clarification of the Council's will with regard to the individual Councilmember's request.
- (c) The City Manager may delegate responsibility for the response as necessary and appropriate, but the City Manager will be responsible for its receipt by the Council in a timely manner.
- (d) The City Manager should maintain a checklist and timetable for requests and other directives of the Council.
- (e) All Councilmembers will be provided the same written information when any matter under consideration may be of general concern to the Council. There will be no preferential dissemination of information by the City Manager or his staff.

13.3 Directions to City Manager. During meetings of the Council, unless a vote is taken, a consensus of the Councilmembers present will be required to direct the City Manager to take any action.

13.4 City Manager's Duty to Inform. The City Manager is responsible for keeping the Council informed. The Council should be provided weekly reports outlining progress on outstanding issues as well as information on new issues and opportunities. Additionally, the Council should be informed of City news prior to release of such information to the community, newspaper(s), or other governmental entities, etc.

13.5 Customer Concerns. It is the responsibility of the City Manager to establish procedures for handling customer concerns in all departments with prompt feedback to citizens and Councilmembers.

13.6 City Manager/Council Relations. The City Manager should strive to maintain positive relations with the Council by following these guidelines:

- (a) Work to establish mutual trust with the Council.
- (b) Maintain open lines of communication with the Council and keep Council informed.
- (c) Inform all Councilmembers of educational opportunities, recognizing that an educated Council is in the City's best interest.
- (d) Include the Council in City-sponsored employee social events.
- (e) Conduct orientation sessions for new Councilmembers, including a tour of City buildings and introductions to staff.

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Amended: November 14, 2023