

ARTICLE II. - CITY COUNCIL<sup>[2]</sup>

## Sec. 2-21. - Meetings of city council.

- (a) *Regular meetings.* The city council shall hold two (2) regular meetings each month. These meetings will be held on the first and third Thursdays of each month. The council shall set any alternate dates at a regular meeting preceding the alternate date. Alternate dates will be considered for meeting dates that fall on a city holiday or other conflicting dates as determined by council. All regular meetings shall commence at 7:00 p.m., local time, and will be held in the council chambers, city hall unless otherwise specified.
- (b) *Special meetings.* As many additional special meetings may be held during each month as may be necessary for the transaction of all business of the city and its citizens. All special meetings shall be public, except where authorized by law, and shall be held at city hall; provided, however, the city council may designate another place for such meetings.

The city manager, upon request of the mayor or any four (4) council members, shall call special meetings of the city council.

- (c) *Workshop sessions.* Workshop sessions may be scheduled by the city manager, upon request of the mayor or any four (4) council members. They will normally be conducted prior to regular or special meetings, but may also be conducted at other times. The purpose is to exchange information between council, staff, vendors or other groups. No official action is taken by council during these sessions. Workshops shall adhere to the laws of the Texas Open Meetings Act, and are open to the public.
- (d) *Emergency meetings.* Emergency meetings may be called in accordance with state law and may be held at any time.

(Ord. No. 63-G, § 3, 5-8-63; Ord. No. 66-H, 5-26-66; Ord. No. 85-H, § 1, 7-18-85; Ord. No. 99-SS, § 1, 7-1-99; Ord. No. 15-Q, § 2, 11-19-15)

**Charter reference—** Council meetings, Art. II, § 8.

## Sec. 2-21.1. - Preparation of agenda.

The mayor, city manager, or any two (2) council members may submit items for consideration on a future agenda.

The members of city council wishing to have a matter heard at a city council meeting shall make a written request to the city clerk. Such request shall contain a short summary statement of the proposed presentation. Such request should be made before 5:00 p.m. of the seventh day preceding such meeting.

(Ord. No. 17-H, § 2, 3-2-17)

Sec. 2-21.2. - Reconsideration of items.

Past agenda items that were the subject of a final vote may be placed on a future agenda to be reconsidered by the council at the written request of a council member who voted on the prevailing side or by a council member absent at the time of the original action. If a non-prevailing voting member desires an item be reconsidered, the member must wait ninety (90) days from the day of the final vote. After ninety (90) days the member must submit a written request to the city clerk. Upon receipt of any written request, the city clerk shall place the request to consider the past agenda item on the next city council agenda for consideration. A majority vote is required in order to place the request on a future agenda for consideration.

For the purpose of these rules, written requests will include those submitted electronically.

(Ord. No. 17-H, § 2, 3-2-17)

Sec. 2-22. - Reserved.

**Editor's note**— Ordinance No. 63-G, § 4, enacted May 8, 1963, repealed § 2-22 of this Code, defining a quorum of the council. This section has been reserved by the editors.

Sec. 2-23. - Order of business at meetings.

- (a) Regular and special meetings will generally adhere to the following agenda:
- (1) Roll call. Before proceeding with the business of the council, the city clerk shall make note of members present, and enter those names in the minutes. The presiding officer shall determine the presence of a quorum as required by law and these rules.
  - (2) Call to order. The presiding officer shall call the meeting to order.
  - (3) Invocation.
  - (4) Pledge of allegiance.

- (5) Presentations and proclamations.
  - (6) Public comment.
  - (7) Public hearing(s).
  - (8) Consent agenda.
  - (9) Other business.
  - (10) Reports from city manager.
  - (11) Reports from council members.
  - (12) Executive session.
  - (13) Reconvene to open session.
  - (14) Action items from executive session.
  - (15) Adjournment.
- (b) At the time of discussion under other business, an individual council member may request an item or items be placed on the upcoming agenda for the next regular meeting, unless the majority of the council votes that said item or items shall not be on the upcoming agenda.
- (c) With the exception of emergency items, and for regular meetings only, administration will provide council members complete packets seventy-two (72) hours preceding the regular council meeting.

(Ord. No. 2, § 6, 7-25-1893; Ord. No. 63-G, § 5, 5-8-63; Ord. No. 85-H, § 2, 7-18-85; Ord. No. 86-P, § 1, 7-17-86; Ord. No. 90-I, § 1, 3-15-90; Ord. No. 96-CC, § 2, 6-6-96; Ord. No. 99-SS, § 2, 7-1-99; Ord. No. 00-M, § 1, 4-20-2000; Ord. No. 14-Y, § 1, 9-4-14; Ord. No. 15-Q, § 3, 11-19-15; Ord. No. 17-H, § 2, 3-2-17)

**Charter reference**— Procedure of council, Art. II, §§ 9, 10.

#### Sec. 2-24. - Rules of procedure.

- (a) *Consent agenda.* Routine matters thought to require little or no deliberation by the city council may be placed on a "consent agenda" which shall be treated as one agenda item. Each item on the consent agenda shall be separately identified and designated, and shall adhere to the laws of the Texas Open Meetings Act.

In the due order of business, the mayor shall announce that the consent agenda is to be considered and voted upon by the city council. Questions and explanation of consent agenda items shall be permitted, but general discussion or debate shall not be permitted. Council shall

vote on the consent agenda as one item; passage of the consent agenda will be passage of each item included thereon, and failure to pass the consent agenda will not defeat each item included thereon, but rather shall constitute no action as to each such item.

At any time during the council meeting, prior to announcement of the vote on the consent agenda, any member of council may ask that an item be removed from the consent agenda. The making of such request shall automatically place the removed consent item under the order of other business for general discussion and or approval.

(b) *Citizen participation.* Citizens shall have the right to be heard during regular meetings of the city council in regard to matters on the agenda to be considered prior to action being taken.

- (1) Citizens who wish to address the council at regular council meetings regarding items on the agenda or any other nonagenda issues will be given an opportunity to do so under the agenda category entitled "public comment". If more than one citizen wishes to address the city council on the same subject matter, those citizens are encouraged to select a spokesperson for the group.
- (2) Subject to the provisions stated in subsection (b)(3) below, citizens who wish to address the city council will be allotted three (3) minutes to speak; provided, however, that if a citizen has addressed the council at either of the past two (2) regular council meetings on the same general subject matter, such citizen will be allotted two (2) minutes to speak. The mayor shall have discretion to move to the end of the agenda those citizens subject to the two (2) minute speaking rule unless the majority of council objects by vote.
- (3) Prior to the session being called to order, person(s) wishing to speak shall complete a public comment card and present it to the city clerk. The presiding officer shall call upon those who have properly submitted a public comment card to come to the podium, and for the record state their name and residing city and/or whether they operate a business in the city, and, if speaking for an organization or group, identify the group represented. Each speaker will be given three (3) minutes to complete his/her comments, unless otherwise permitted by the presiding officer or questions had by members of council. The city clerk shall maintain the

time and advise the speaker when his/her time has expired. The speaker shall then complete the sentence and take his/her seat. The mayor or presiding officer will have the discretion as to how many public comments will be allowed.

- (4) Speakers will not be allowed to individually poll the council members as to their opinions regarding the subject matter being discussed, nor be allowed to poll the desires of the audience in any manner.
- (5) No citizen may speak until recognized by the presiding officer. Interruptions will be silenced by voice, use of the gavel or other means. Citizens who refuse to be cooperative or to heed the directions of the presiding officer may be removed from the room. Additionally, citizens who are loud or abusive may be removed from the room. The chief of police or designee is appointed sergeant at arms for this purpose.
- (6) A council member may request of the mayor to recognize a member of the public unless a majority of council objects by vote.

(c) *Duties of presiding officer.* The mayor, or in his absence the mayor pro tem, or in the absence of both a member of council elected at a meeting to preside at the meeting, will preside over all council meetings. The duties of the presiding officer shall include the following:

- (1) Opening the session at the time designated;
- (2) Announcing the business before the council in the order in which it is to be acted upon;
- (3) Stating each motion, putting such to a vote and announcing the results of each vote;
- (4) Keeping council members debate within the rules of order;
- (5) Deciding all questions of order (subject to council's authority to overrule any such decision by a two-thirds ( $\frac{2}{3}$ ) vote of the council);
- (6) Remaining free to participate in discussions on all matters before the city council;
- (7) Voting in the event of a tie vote; and
- (8) Conducting the meeting in an impartial manner and maintaining order therein.

(d) *Voting procedure.* After a measure is introduced, the standard procedure for

consideration will be as follows:

- (1) Reading of the measure by the presiding officer.
  - (2) The city manager or other person may present a staff statement or presentation with questions from city council.
  - (3) Motion and second.
  - (4) Discussion—A council member shall speak only after being recognized by the presiding officer. A council member recognized for a specific purpose shall limit remarks to that purpose. A council member, after being recognized shall not be interrupted except by the presiding officer to enforce said rules.
  - (5) Vote.
  - (6) If a majority of council votes against a motion, the council member making the original motion may amend that motion for reconsideration. In addition, any council member may make an alternate motion for consideration related to that agenda item.
  - (7) A council member wishing to withdraw, defer or continue an item may make a motion to that effect. Such a motion shall be considered before any other action on that item.
  - (8) A member of the council, before or during the consideration of any matter, or in the course of a meeting, may request and receive information, explanations or the opinions of the city manager or city attorney. Individual council members shall not give directives to members of staff either in or outside of council meetings.
- (e) *Voting required.* No member may be excused from voting except when such member has a conflict of interest as defined by the Charter.
- (f) *Recording and enactment of council action.* The approved minutes of the city council meetings shall be the official record of the city. Digital recordings of the meetings will be maintained according to the state-approved records retention schedule.
- (1) All votes of the council shall be by "ayes" and "noes." The minutes shall reflect the name of the council member(s) voting no or abstaining. Votes may be taken either verbally or in electronic format through the roll call voting system. In all roll call votes, the vote of each council member will be recorded. Unless a member of the council states that they are not voting, their silence shall be recorded as a "no" vote.

- (2) All ordinances shall take effect after having the caption read and approved at a meeting of the city council and having met the publication requirements.
- (g) *Suspension of rule(s).* These rules, or any of them, may be suspended at any time by two-thirds ( $\frac{2}{3}$ ) vote of the council members present.
- (h) *Appointments to boards, committees and commissions.*
- (1) Any person(s) interested in serving on boards, committees, or commissions shall complete a consent and willingness to serve form and return it to the city clerk's office by the established deadline. The established deadline shall be three (3) working days before the date the council is scheduled to act on the appointment(s). Members of the council may encourage citizens to complete the form. Beginning in calendar year 1999, the city shall advertise board, committee, and commission positions in the official newspaper of the city at least eight (8) working days prior to the proposed date of council action. Only those persons who have submitted the consent and willingness to serve form by the deadline shall be considered for appointment. Submission of the form is not a guarantee of appointment.
- (2) The council will appoint the required number of citizens by motion and a majority vote of the council members.
- (3) Written ballots will not be used for the appointment of anyone to any board, committee and commissions.
- (4) Whenever council members are to be appointed to any board, committee or commission, the mayor will appoint the required council members with the consent of the council.
- (i) *Discussion of personnel matters.* The city council shall restrict any and all discussions, conversations, expressions of opinion and the like concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of any public officer or employee of the city to executive session only and shall restrict any and all discussions, conversations, expressions of opinion and the like concerning the airing of or hearing of any complaint or charge against any public officer or employee of the city to executive session only unless such officer or employee requests a public

hearing. The city council shall take only final action, announce a decision and/or vote in open session with regard to personnel matters previously discussed in executive session.

(Ord. No. 2, § 7, 7-25-1893; Ord. No. 65-B, 3-10-65; Ord. No. 85-H, § 3, 7-18-85; Ord. No. 86-F, § 3, 2-6-86; Ord. No. 86-P, §§ 2—4, 7-17-86; Ord. No. 90-B, § 1, 2-15-90; Ord. No. 90-I, § 2, 3-15-90; Ord. No. 93-PP, § 1, 12-16-93; Ord. No. 96-CC, § 3, 6-6-96; Ord. No. 98-N, § 3, 4-16-98; Ord. No. 98-GGG, § 2, 12-3-98; Ord. No. 15-Q, § 4, 11-19-15; Ord. No. 17-H, § 2, 3-2-17)

**Charter reference**— Adoption of rules of procedure, Art. II, § 9.

Sec. 2-25. - Prescribing compensation and duties of officers and employees.

The city council shall, from time to time, fix the compensation of all officers and employees of the city and prescribe general and special duties to be performed by each.

(Ord. No. 2, § 15, 7-25-1893)

**Editor's note**— The salary ordinances and resolutions of the city council are not printed herein, but may be found on file in the office of the city secretary.

Sec. 2-26. - Failure to obey subpoena issued by city council.

It shall be unlawful for any person to willfully fail or refuse to obey any subpoena issued by the city council commanding such person to appear before the city council and/or produce books, papers and other evidence material to any inquiry of concern to the municipal government. Any person who willfully fails or refuses to obey any such subpoena shall be guilty of a misdemeanor and upon conviction shall be punished by a fine prescribed by section 1-5. Upon failure of any person subpoenaed by the city council to appear at the time and place stated in the subpoena, the council may authorize any municipal officer, agent or employee present at such time and place to file a complaint, on behalf of the city, against such person failing to appear in municipal court and said court shall have jurisdiction to try complaints of violations of this section.

(Ord. No. 67-V, 9-21-67; Ord. No. 72-M, 11-16-72; Ord. No. 07-E, § 3, 8-2-07)

Sec. 2-27. - Compensation of mayor and council.

The city council hereby sets the compensation for the mayor and city councilmembers as follows:

	Per Month
Mayor	\$400.00
City councilmembers	300.00

(Ord. No. 06-NNN, § 2, 12-21-06)

Secs. 2-28—2-30. - Reserved.