

RESOLUTION 2021-01

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH AMENDING THE RULES OF PROCEDURE OF THE FAIR OAKS RANCH PLANNING AND ZONING COMMISSION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Fair Oaks Ranch City Council, under Resolution 2018-03, established a Planning and Zoning Commission as required by the City of Fair Oaks Ranch Charter Section 7.14 and Local Government Code, Chapter 211; and,

WHEREAS, on March 19, 2018 City Council adopted Resolution 2018-05 instituting Rules of Procedure of the Commission that provide an effective and efficient administration of the Planning and Zoning Commission duties; and,

WHEREAS, the City Council deems it is necessary to amend these Rules of Procedures as necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS THAT:

- Section 1. The Fair Oaks Ranch Planning and Zoning Commission Rules of Procedure shall be amended as set forth in the attached, as "Exhibit A".
- Section 2. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Resolution for all purposes and are adopted as part of the judgment and findings of the Council.
- Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Resolution be severable, and, if any phrase, clause, sentence, paragraph, or section of this Resolution shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Resolution and the remainder of this Resolution shall be enforced as written
- Section 4. That it is officially found, determined and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 5. This Resolution shall take effect immediately.
- Section 6. The repeal or amendment of any Resolution or part of Resolutions effectuated by the enactment of this Resolution shall not be construed as abandoning any action now pending under or by virtue of such Resolution or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Fair Oaks Ranch under any section or provisions of any Resolutions in effect at the time of passage of this Resolution.

Section 7. The provisions of this Resolution shall be cumulative of all Resolutions not repealed by this Resolution and Resolutions governing or regulating the same subject matter as that covered herein.

PASSED, APPROVED and ADOPTED on this 7th day of January, 2021.



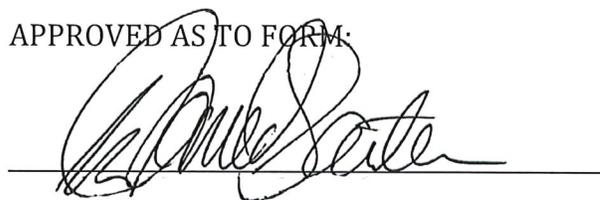
Garry Manitzas, Mayor

ATTEST:



Christina Picioccio, City Secretary

APPROVED AS TO FORM:



Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney

**CITY OF FAIR OAKS RANCH, TEXAS
PLANNING AND ZONING
COMMISSION RULES OF
PROCEDURE**

1.0 Statement

It is hereby declared that appointment to the Planning and Zoning Commission is a distinct honor and the trust imposed in the appointee involves the corresponding obligation of the appointee to serve the community by regular attendance and participation in the proceedings of the body.

2.0 Creation and Membership

2.1 The Planning and Zoning Commission was established, under Ordinance 2018-03, and members serve at the will of the City Council. Appointments/reappointments to the Planning and Zoning Commission shall be made annually based on the term expiration and expressed interest of members to continue to serve, or at such times as may be authorized by State Law. Terms shall coincide with the city's fiscal year (October 1 - September 30). Appointments to fill unexpired terms will be made on as as need basis.

2.2 The Commission shall consist of seven (7) regular members who will serve for terms of three (3) years, staggered. Members will be resident citizens, real property owners, and qualified voters of the City. Each member shall occupy a place on the Commission, such places being numbered 1 through 7. In order to provide a smooth start-up of the initial Planning and Zoning Commission, appointees will draw for Place Number (1-7) at the first Regular Business Meeting of the Planning and Zoning Commission. City Council will appoint subsequent members of the Planning and Zoning Commission by Place.

	2018	2019	2020	2021
Place 1	3			3
Place 2	3			3
Place 3	3			3
Place 4	3			3
Place 5	2		3	
Place 6	2		3	
Place 7	2		3	

2.3 Staff should develop orientation sessions at the beginning of new terms of office for new and other interested Commission members. If a seat becomes vacant and a new Commission member(s) are appointed to complete unexpired terms, the new member(s) should also attend the orientation sessions.

2.4 Sitting City Council members are prohibited from serving on the Planning and Zoning Commission.

3.0 Officers

- 3.1 The Commission shall select from among its members in their first meeting of the fiscal year following new appointments, a Chairperson and Vice-chairperson to serve for a period of one (1) year.
- 3.2 If a vacancy of either position exists, a majority of the remaining members who are present and voting shall appoint an existing Commission member to complete the unexpired term.
- 3.3 In the absence of both the Chairperson and Vice-chairperson, the Commission shall elect an Acting Chairperson.

4.0 Officers Duties

- 4.1 The Chairperson shall preside over all posted meetings and perform all duties as required by law; Chapter 211, Texas Local Government Code, and Chapter 551, Texas Government Code.
- 4.2 The Vice-chairperson shall assume all duties of the Chairperson in the absence of the Chairperson.

5.0 Powers and Duties of the Commission

- 5.1 The Planning and Zoning Commission has the following planning responsibilities:
 - Make recommendations to the City Council on the revisions to the City's comprehensive plan; and
 - Make recommendations to the City Council on the revisions to subdivision and other land use and development regulations; and
 - Hold public hearings and provide a report on all zoning classifications and regulations; and
 - Hold a minimum of two public hearings on any proposed development agreement entered into with a property owner pursuant to the authority granted to municipalities by Texas Local Government Code Chapter 212.172, as amended, and make recommendations to City Council on its approval.
- 5.2 The Commission shall perform all duties as prescribed by State statutes, City Charter, and the city's Unified Development Code and, all other duties as the City Council may direct.

6.0 Rules of Order

- 6.1 The Chairperson shall rule on all points of order.
- 6.2 The Commission may overrule the Chairperson on points of order by a two-thirds (2/3) vote of members present.

7.0 Quorum

- 7.1 A quorum shall consist of four (4) members.

- 7.2 No matters may be handled without the presence of a quorum.
- 7.3 All votes shall be by a majority of members present, except as otherwise stated in these rules of procedure or State law.

8.0 Agendas

- 8.1 Meeting agendas shall be prepared by the City Manager or his/her designee for each Planning and Zoning Commission meeting. There shall be attached to each agenda, a report of matters pending further action by the Commission. A copy of the agenda shall be posted at City Hall as required by law for a period of seventy-two (72) hours prior to the meeting.
- 8.2 All meetings shall follow, as closely as possible, the posted agenda.
- 8.3 Agendas may be amended by the Chairperson as to order of items, during the called meeting, but not as to content.
- 8.4 Commission Members can suggest agenda items (provided it falls with scope of commission and with sufficient notice for staff study)

9.0 Minutes of Meetings

- 9.1 Minutes, paper and voice recordings, of all regular and special meetings shall be kept by the Planning and Zoning Commission Secretary, designated by the City Manager, and are subject to amendment and ratification by the Commission at a regular meeting. The Planning and Zoning Commission Secretary is a member of city staff.
- 9.2 The minutes of the Commission's proceeding shall be "record minutes" showing the overall vote, or if absent or failing to vote, shall reflect that fact.
- 9.3 The Chairperson or Vice-chairperson, in the absence of the Chairperson, will sign minutes approved by the Commission.

10.0 Regular Meetings

- 10.1 The Commission shall meet on the second Thursday of each month at 6:30 pm in the Council Chambers of the Fair Oaks Ranch Municipal Complex or another location if properly posted as required by law for a period of seventy-two (72) hours. All meetings shall be open to the public, and the public is encouraged to attend.
- 10.2 Any Commission member missing three (3) consecutive regularly scheduled meetings without a valid excuse, provided to the Commission Chair, which includes illness, death in the family, scheduled family vacation, or emergency shall be subjected to dismissal from the Commission.
- 10.3 Under special circumstances the Commission may reschedule the second Thursday regular meeting date and/or time subject to ratification by the City Council. The new date and/or time should be announced at a regularly scheduled meeting, and agendas posted accordingly.

- 10.4 All regular meetings shall, as closely as possible, follow the posted agenda. The agenda should include, but is not limited to the following:
- A. Roll Call - Declaration of a Quorum
 - B. Open Meeting - Pledge of Allegiance
 - C. Consent Agenda
 - D. Discussion/Consideration Items
 - E. Request for P&Z commission topic needing information/research
 - F. Adjournment
- 10.5 Any consent agenda item may be removed by any member and brought up for individual consideration.
- 10.6 City Staff may make a recommendation on agenda items and may present findings or information as needed or as requested by the Commission.

11.0 Special Meetings

- 11.1 When needed, special meetings may be called by the Chairperson, at the request of two (2) or more members, or by a majority of the Commission at any previous meeting and, shall be scheduled by the City Manager.
- 11.2 Special meetings must be posted in accordance with the open meetings act.

12.0 Public Hearings

- 12.1 Conduct of public hearings will follow the general guidelines listed below and as outlined in Section 13:
- A. Introduction of agenda item by the Chairperson;
 - B. Report by the City Manager or designee;
 - C. Ideally, a maximum thirty (30) minute presentation including rebuttal by the applicant;
 - D. Opening of public hearing by the Chairperson;
 - E. Comments from organized groups and individuals favoring the issue of the public hearing; individual comments should not exceed 5 minutes;
 - F. Comments from organized groups and individuals in opposition to the issue of the public hearing; individual comments should not exceed 5 minutes;
 - G. Rebuttal by the applicant;
 - H. Questioning by the Commissioners of the applicant and audience members who addressed the Commission. The time used to answer Commission questions will not deduct from the thirty (30) minute allotment;
 - I. Close public hearing;
 - J. Commission query of Staff; and
 - K. Commission action pertaining to the issue of the public hearing
- 12.2 During a public hearing, speaker comments will be limited to 5 minutes unless additional minutes are allotted by the Chairperson to that person as a representative of a group.

- 12.3 All meetings shall be held in full compliance with the provision of state law, city ordinances and these rules of procedure.

13.0 Addressing the Commission

- 13.1 Persons desiring to address the Commission shall complete "Request to Speak" cards and submit the cards to the Secretary.
- 13.2 The Planning and Zoning Commission Secretary will sort the speaker cards by agenda item and deliver them to the Chairperson.
- 13.3 The Chairperson will refer to the speaker cards for individual agenda item comments, public hearing comments and comments on items not on the printed agenda.
- 13.4 Persons who note on a speaker card their desire to address the Commission will be called to the podium by the Chairperson at the appropriate time and will follow the guidelines below when addressing the Commission:
 - A. Approach the podium, state their name and address and whether or not they are representing a person or organization;
 - B. Speak so that all present in the room may hear clearly;
 - C. Address all statements and questions to the Chairperson;
 - D. Be courteous in language and deportment; and
 - E. Limit their comments to 5 minutes.
- 13.5 Persons addressing the Commission during a public hearing will follow the public hearing guidelines noted in Section 12.
- 13.6 The Chairperson will read into the record the names of persons who filled out a speaker card in support of or in opposition to an agenda item but did not wish to address the Commission.
- 13.7 The Chairperson may interrupt an individual to redirect or terminate remarks when they are not relevant to the matter before the Commission, or when the Chairperson determines the remarks to be out of order.
- 13.8 Commission Members may question speakers limited to questions on specific statements made by the speaker.

14.0 City Staff Responsibilities

- 14.1 The City Manager or designee shall be responsible for providing the Commission with the necessary professional, technical, and clerical services, among which, shall be the following:
 - A. Prepare and submit agenda, staff reports from various departments, and any special projects as directed by the Chairperson;
 - B. Administrative duties;

- C. To the extent necessary, introduce and factually explain each item on the agenda;
- D. Coordinate the services of all staff and other sources of public information for and on behalf of the Commission;
- E. Keep a true copy of all Commission proceedings;
- F. Have custody and maintain all Commission records;
- G. Give and serve all notices required for public hearings; and
- H. Attend to all official correspondence and communications to and of the Commission.

15.0 Written Request Required

- 15.1 Every proposal submitted for Commission action shall be made in writing. Where appropriate, application forms are provided by the City. The proposal shall be filed on said forms, shall be accompanied by all prescribed fees, and shall be complete in all respects before being accepted for filing by the City Manager or his/her designee.

16.0 Conflict of Interest Rules

- 16.1 Any member who concludes that he/she may have a conflict of interest on a matter before the Commission shall:
 - A. File an Affidavit of Interest stating the nature and extent of the conflict of interest in accordance with Local Government Code Chapter 171.004 with the Commission Secretary, if required by law.
 - B. Disclose that fact and abstain from further participation in (e.g., voting on or discussing) the matter at hand.
- 16.2 Any member who concludes that he/she may have a substantial interest in a business entity or in real property, as defined in Local Government Code Chapter 171.002, shall follow Section 16.1 above
- 16.3 Any member found to have violated Sections 16.1 or 16.2 of these rules of procedures shall have their vote on the matter in question stricken from the record, and this fact shall be submitted to the City Council for further action.
- 16.4 If a Commission member owns property within 200 feet of a regular meeting agenda item and no conflict of interest exists, he/she may abstain from voting on that item except in the case of a tie.

17.0 Motions

- 17.1 A motion may be made by any member.
- 17.2 A motion to approve any matter before the Commission or to recommend approval of any request requiring City Council action shall require a majority favorable vote of the members present. Further, no request or application shall be continued under this rule beyond the next regular meeting. Failure of the Commission to secure a majority concurring vote to approve or recommend approval at said next regular meeting shall be recorded in the minutes as

a denial of the proposal under this rule.

18.0 Miscellaneous

- 18.1 Abstaining from a vote is not allowed except as in accordance with Section 16.0 Conflict of Interest Rules.
- 18.2 All members of the Commission are encouraged to obtain as much factual information on all cases as possible, including inspection of affected properties, from the City Manager or his/her designee

19.0 File Retention

- 19.1 All matters coming before the Commission shall be filed in the City's records. In accordance with the city's adopted records retention schedule, applicable original papers of requests and proposals shall be retained as a part of the permanent record.

20.0 Public Record

- 20.1 Official records and citizen requests filed for Commission action in regular or special meetings shall be on file in the Municipal Complex and by appointment, shall be open to public inspection during customary working hours.

21.0 Amendments

- 21.1 This document may be amended, in whole or in part, by a majority vote of City Council present at a scheduled City Council meeting.