



**NOTICE OF MEETING**  
**GOVERNING BODY OF MARBLE FALLS, TEXAS**  
**Tuesday, July 5, 2016 – 6:00 pm**

A quorum of the Marble Falls Economic Development Corporation  
and the Planning & Zoning Commission may be present

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Notice is hereby given that on the 5<sup>th</sup> day of July, 2016 the Marble Falls City Council will meet in regular session at 6:00 pm in the City Hall Council Chambers located at 800 3<sup>rd</sup> Street, Marble Falls, Texas, at which time the following subjects will be discussed:

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.** *“Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”*
4. **UPDATES, PRESENTATIONS AND RECOGNITIONS**
  - [Proclamation](#) – Parks and Recreation Month (July 2016)
  - Presentation from WorldMark Marble Falls. ***Rosanna McDonald, General Manager – Resort Operations***
5. **CITIZEN COMMENTS.** *This is an opportunity for citizens to address the City Council concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Council. The Mayor may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a proposal to place it on the agenda for a later meeting.*
6. **CONSENT AGENDA.** *The items listed are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which case the item will be removed from the Consent Agenda prior to a motion and vote. The item will be considered in its normal sequence on the Regular Agenda.*
  - (a) Approval of the [minutes](#) of the June 21, 2016 regular meeting. ***Christina McDonald, City Secretary***

**7. REGULAR AGENDA.** *Council will individually consider and possibly take action on any or all of the following items:*

- (a) Public Hearing, Discussion and First Reading of [Ordinance 2016-O-07A](#) zoning for traffic and rate of speed therein, on RM 1431 in the city limits of the City of Marble Falls; defining speeding and fixing a penalty. ***Eric Belaj, City Engineer***
- (b) Discussion and Action on of [Resolution 2016-R-07B](#) adopting Rules of Procedure and Order of Business Policy for the City Council. ***Christina McDonald, City Secretary***
- (c) Discussion and Action on the First Reading of [Ordinance 2016-O-07D](#) repealing Section 2-16 – Council Meetings of the Code of Ordinances of the City of Marble Falls, Article II – City Council and waiving the second reading. ***Christina McDonald, City Secretary***

**8. CITY MANAGER’S REPORT**

- Removal of Highway 281 Traffic Signal
- Update on Public Safety Facility
- Update on Avenue N Realignment Project

**9. EXECUTIVE SESSION**

**CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (Private Consultation between the Council and its Attorney), Pursuant to §551.087 (Deliberation Regarding Economic Development Negotiations), Pursuant to §551.072 (Deliberation Regarding the Purchase, Exchange, Lease or Value of Real Property), and Pursuant to §551.074 (Deliberation Regarding the Appointment, Employment, Employment Evaluation, Reassignment, Duties, discipline or Dismissal of a Public Officer or Employee (or to Hear a Complaint or Charge Against an Officer or Employee) of the Open Meetings Act. Tex. Gov’t Code, Council will meet in Executive Session to discuss the following:**

- Discussion regarding economic development projects associated with development of EDC owned and City owned property, including public right-of-way and easements.
- Municipal Judge Annual Evaluation

**10. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION.**

**11. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.**

**12. ADJOURNMENT.**

*“The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code, including, but not limited to, Section 321.3022 (Sales Tax Information).”*

*In compliance with the Americans with Disabilities Act, the City of Marble Falls will provide for reasonable accommodations for persons attending City Council Meetings. To better serve you, requests should be received 24 hours prior to the meeting. Please contact Ms. Christina McDonald, City Secretary at (830) 693-3615.*

**Certificate of Posting**

I, Christina McDonald, City Secretary for the City of Marble Falls, Texas, do certify that this Notice of Meeting was posting at City Hall, in a place readily accessible to the general public at all times, on the 30<sup>th</sup> day of June, 2016 at 9:00 am and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

*/s/ Christina McDonald*

Christina McDonald, TRMC  
City Secretary

*The agenda is also posted on the City’s web site [www.marblefallstx.gov](http://www.marblefallstx.gov).*

## PROCLAMATION

### Designation of July as Park and Recreation Month

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including Marble Falls; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the Marble Falls City Council recognizes the benefits derived from parks and recreation resources

NOW THEREFORE, BE IT RESOLVED BY John Packer, Mayor of the City of Marble Falls, Texas that July is recognized as Park and Recreation Month in the City of Marble Falls.

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John Packer, Mayor

**July 5, 2016**

**6. CONSENT AGENDA**

- (a) Approval of the minutes of the June 21, 2016 regular meeting. ***Christina McDonald, City Secretary***
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Background information is attached as follows:

[June 21, 2016 regular meeting minutes](#)

STATE OF TEXAS  
COUNTY OF BURNET  
CITY OF MARBLE FALLS

On this the 21<sup>st</sup> day of June, 2016 the Council of the City of Marble Falls convened in regular session at 6:00 pm at the City Hall Council Chambers located at 800 Third Street, Marble Falls, Texas, with notice of meeting giving time, place, date, and subject having been posted as described in Chapter 551 of the Texas Government Code.

**PRESENT:**

John Packer	Mayor
Jane Marie Hurst	Mayor Pro-Tem
Rachel Austin-Cook	Councilmember
Craig Magerkurth	Councilmember
Ryan Nash	Councilmember

**ABSENT:**

Reed Norman	Councilmember
Richard Westerman	Councilmember

**STAFF:**

Mike Hodge	City Manager
Caleb Kraenzel	Assistant City Manager
Patty Akers	City Attorney
Christina McDonald	City Secretary
Elizabeth Yeh	City Planner
Christian Fletcher	EDC Executive Director
Mike Ingalsbe	Building Official
Eric Belaj	City Engineer
Margie Cardenas	Finance Director
Mark Whitacre	Chief of Police

**VISITORS:** Glynis Smith (The Highlander), Mary Ellen Goff (505 Boulder Creek Drive), Dan Burdett (3602 Mormon Mill Road), Matt Fields (455 Pecan Grove), Darlene Oostermeyer, Leno Garza, Steve Nash, Michael and Mary Ellen Goff, Scott Streit (First Capital Bank)

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Packer called the meeting to order at 6:05 pm and announced the presence of a quorum.
2. **INVOCATION.** Councilmember Magerkurth gave the invocation.
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.** Councilmember Nash led the pledges.

4. **UPDATES, PRESENTATIONS AND RECOGNITIONS.** There were no updates, presentations, or recognitions.

5. **CITIZEN COMMENTS.** There were no citizen comments.

6. **CONSENT AGENDA.**

(a) **Approval of the minutes of the June 2, 2016 budget retreat and the June 7, 2016 regular meeting.** Councilmember Magerkurth made a motion to approve the consent agenda. Councilmember Nash seconded the motion. The motion carried by a vote of 5-0.

7. **REGULAR AGENDA.**

(a) **Public Hearing, Discussion and Action on the Second Reading of Ordinance 2016-O-06B, regarding a zoning text amendment to Sections 1030-1099 of the Landscape Ordinance, General Regulations, Appendix B Land Use Regulations, City of Marble Falls Code of Ordinances, to amend the Protected Trees regulations and to amend any conflicting regulations therein.** Mayor Packer opened the public hearing. Caleb Kraenzel, Assistant City Manager addressed Council. Mr. Kraenzel stated that Section 1035.B has been amended per Councilmembers Hurst's request relating to measuring the caliper of trees.

Citizens Darlene Oostermeyer, Mary Ellen Goff spoke in support of the proposed ordinance and the importance of tree preservation.

Builders Matt Fields, Dan Burdett and Steve Nash spoke against the proposed ordinance stating they agree that protecting heritage trees is important, but that the proposed ordinance amendment puts a burden on city staff and builders.

Staff stated that Planned Development Districts (PDD's) have their own tree regulations which are specific to the PDD.

Councilmember Nash stated that he feels that the city's current ordinance accomplishes what the proposed ordinance amendment would without the cost and burden to developers and city staff.

There being no further discussion, Mayor Packer closed the public hearing and read the ordinance caption. Councilmember Nash made a motion to deny approval of Ordinance 2016-O-06B. Councilmember Austin-Cook seconded the motion. The motion carried by a unanimous vote (5-0) of the Council present.

(b) **Discussion regarding possible increases on water and wastewater rates.** Margie Cardenas, Finance Director addressed Council with a presentation on possible water and wastewater rate increases. Council discussed proceeding with Option #1 as presented,

taking advantage of record low interest rates by issuing the entire amount of the bonds this fiscal year (FY 15/16). Discussion only. No action taken.

**(c) Discussion regarding the City's Board and Commission Ordinances.** City Manager Mike Hodge stated that after review of the proposed Charter Amendments for the upcoming election and not proceeding with board and commission residency requirements as a proposed amendment, staff has reviewed the city's board and commission ordinances and is proposing amendments to the Capital Improvement Plan Committee Ordinance. Christina McDonald, City Secretary addressed Council. Council requested adding two citizen members to the Committee in addition to the Planning and Zoning Commission. Discussion only. No action taken.

**(d) Discussion regarding Rules of Procedure and Order of Business Policy for the City Council.** Mike Hodge, City Manager addressed Council. Council discussed proceeding with approval of the policy on a future agenda. Discussion only. No action taken.

**8. CITY MANAGER'S REPORT.** City Manager Mike Hodge gave an update on phase two of the Wayfinding Sign Project and the recent completion of the City's Supervisor Training.

**9. EXECUTIVE SESSION**

**Close Open Session and Convene Executive Session Pursuant to §551.074 (*Deliberation Regarding the Appointment, Employment, Employment Evaluation, Reassignment, Duties, discipline or Dismissal of a Public Officer or Employee (or to Hear a Complaint or Charge Against an Officer or Employee)*) of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the following:**

- **City Manager Annual Evaluation**

**8:10 pm convened to Executive Session**

**9:30 pm returned to Open Session**

**10. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION.** Mayor Pro-Tem Hurst made a motion to increase the City Manager Mike Hodge's salary by 3% effective the next pay period. Councilmember Nash seconded the motion. The motion carried by a unanimous vote (5-0).

**11. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.** Items for the July 5 regular Council Meeting were reviewed.

**12. ADJOURNMENT.** There being no further business to discuss, Mayor Pro-Tem Hurst made a motion to adjourn. Councilmember Austin-Cook seconded the motion. The motion carried and the meeting was adjourned 9:40 pm.

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**John Packer, Mayor**

**ATTEST:**

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**Christina McDonald, TRMC  
City Secretary**

DRAFT

**July 5, 2016**

**6. CONSENT AGENDA**

(b) Approval of Resolution 2016-R-07B adopting Rules of Procedure and Order of Business Policy for the City Council. ***Christina McDonald, City Secretary***

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Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo**  
**July 5, 2016**

**Agenda Item No.: 6 (b)**  
**Presenter: Christina McDonald, City Secretary**  
**Department: Administration**  
**Legal Review:**

**AGENDA CAPTION**

Approval of Resolution 2016-R-07B adopting Rules of Procedure and Order of Business Policy for the City Council.

**BACKGROUND INFORMATION**

The attached Resolution approves the Council Rules of Procedure and Order of Business Policy as presented and discussed at the June 21 Council Meeting.

Please note that the procedures can be modified from time to time by the City Council.

**RESOLUTION NO. 2016-R-07B**

**A RESOLUTION ADOPTING RULES OF PROCEDURE AND ORDER OF BUSINESS FOR THE CITY COUNCIL**

**WHEREAS,** the Rules of Procedure and Order of Business represent an effort to clarify unwritten policies, to expedite matters needing Council attention and to streamline the agenda process;

**WHEREAS,** the Rules are intended to supplement state law, the existing Code of Ordinances and the City Charter by addressing areas either left unclear or not addressed at all;

**WHEREAS,** the City Council of the City of Marble Falls has previously reviewed a proposed draft of Rules of Procedure and Order of Business for the City Council;

**WHEREAS,** the City Council finds it to be in their best interest to adopt the Rules of Procedure and Order of Business.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY OF MARBLE FALLS TEXAS** that the City Council of the City of Marble Falls, Texas adopts ***Rules of Procedure and Order of Business for the City Council***, the provisions of which shall be substantially as set forth in **Exhibit A**, to be effective July 5, 2016.

**PASSED AND APPROVED THIS 5<sup>th</sup> DAY OF JULY, 2016.**

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**John Packer, Mayor**

**ATTEST:**

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**Christina McDonald, TRMC**  
**City Secretary**

## **EXHIBIT A**

### **CITY OF MARBLE FALLS CITY COUNCIL RULES OF PROCEDURE and ORDER OF BUSINESS**

#### **PROLOGUE**

These rules and procedures represent an effort to clarify unwritten policies, to expedite matters needing Council attention and to streamline agendas. They are intended to supplement state law, the existing Code of Ordinances and the City Charter by addressing areas either left unclear or not addressed at all. Unlike State Law, these rules and procedures can be modified to fit the needs of the City Council. It is the purpose of this document to present guidelines for the maintenance of decorum and presentation of a favorable impression to the public and press in attendance at the meetings of the City Council.

#### **1. AUTHORITY**

- 1.1 Charter.** The City Charter of Marble Falls, Texas provides in Article 3, Section 3.11 that “The Council shall determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.” Thus, the following set of rules shall be in effect upon their adoption by the Council, and until such time as they are amended or new rules adopted in the manner provided by these rules.

#### **2. GENERAL RULES**

- 2.1 Meetings to be Public.** All meetings of the Council shall be open to the public except as may be authorized by law and shall be held at the Marble Falls City Hall or other places which will permit the attendance of the general public.
- 2.2 Quorum.** A quorum of the City Council, as defined by State Law, is necessary before the commencement of any meeting of the City Council.
- 2.3 Minutes.** An account of all proceedings of the Council shall be kept by the City Secretary and shall be entered in a book constituting the official record of the Council.
- 2.4 Right of Floor.** Any member desiring to speak shall be recognized by the Mayor and shall confine his or her remarks to one subject under consideration or to be considered.
- 2.5 City Manager.** The 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.
- 2.6 City Attorney.** The City Attorney or his/her official designee shall attend all meetings of the Council unless excused and shall, upon request, give an opinion, either written or oral, on questions of the law. The City Attorney shall act as the Council’s parliamentarian.

- 2.7 **City Secretary.** The City Secretary or his/her designee shall attend all meetings of the Council unless excused and shall keep the official minutes and perform such other duties as may be requested by Council.
- 2.8 **Officers and Employees.** Department Heads of the City, when there is pertinent business from their departments on the Council agenda, shall attend such Council meetings. Department Heads are encouraged to attend all meetings of the City Council as information or their expertise may be required.
- 2.9 **Rules of Order.** “*Roberts Rules of Order Newly Revised*” shall govern the proceedings of the Council in all cases, unless they are in conflict with these rules.

### 3. **TYPES OF MEETINGS**

- 3.1 **Regular Meetings.** The City Council shall meet in regular session on each first and third Tuesday in each calendar month beginning at 6:00 pm. The City Council, by motion, according to Section 3.09 of the Charter, may forego one (1) regular meeting in a month if it determines that matters requiring Council consideration or action can be sufficiently addressed in one (1) regular meeting in that month. If a meeting falls on a holiday, it is automatically rescheduled for the following day, unless rescheduled by the City Council.
- 3.2 **Special Meetings.** Calling special meetings is governed by Section 3.09 of the Charter which currently provides: “Special meetings may be called by the City Secretary at the request of the Mayor or two (2) members of the Council. The City Manager shall be notified of all special meetings.”

The request for a special meeting shall be filed with the City Secretary or by announcement at any regular meeting at which a majority of the members are present. The request for a special meeting shall specify the day, the hour, and the location of the special meeting and shall list the subject or subjects to be considered. No special meeting shall be held until at least seventy-two (72) hours after the request. No item will be placed on the agenda unless submitted to the City Manager at least twenty-four (24) hours prior to the posting of the meeting agenda.

- 3.3 **Recessed Meetings.** Any meeting of the Council may be recessed by the Mayor for brief periods up to 30 minutes or as otherwise allowed by State Law.
- 3.4 **Emergency Meetings.** The City Council may hold meetings dealing with emergency conditions as provided by State Law.
- 3.5 **Work Sessions.** The Council may meet informally in Work Session (open to the public), at the call of the Mayor or of a majority of the Council, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Manager provided that all discussions and conclusions thereon shall be informal. On-site inspections of project sites and facilities by individual Councilmembers are strongly encouraged. In most cases, public comment will not be considered nor will Council take action on matters discussed at a workshop.

- 3.6 Executive Sessions.** Executive Sessions or closed meetings may be held in accordance with the provisions of State Law. The presiding officer is authorized to recess an item being considered on the agenda for executive session discussion in accordance with State Law.
- 3.7 Attendance of Media at Council Meetings.** All meetings of the City Council shall be open to the media, subject to recording by radio, televisions and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings. Exceptions to this rule will apply to executive sessions which are held in accordance with State Law.

#### **4. CONDUCT OF MEETINGS**

- 4.1 Presiding Officer.** The Mayor, if present, shall preside at all meetings of the City Council and enforce these rules and procedures during a meeting. 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 Council shall elect a presiding officer. The presiding officer shall make decisions on questions of procedure subject to review respectively by the City Council as a whole. Following a decision of the presiding officer on a question of procedure, any two (2) Councilmembers may be entitled to appeal the decision to the City Council as a whole by the making and the seconding of a motion of appeal. Once made, the appeal must be approved by an affirmative vote of a majority of the Councilmembers.
- 4.2 Call to Order.** The meetings of the Council shall be called to order by the presiding officer. In the absence of both the Mayor and Mayor Pro-Tem, the meeting shall be called to order by the City Secretary for the election of a temporary presiding officer.
- 4.3 Preservation of Order.** The presiding officer shall preserve order and decorum, prevent attacks on personalities or the impugning of Councilmembers' to occur and confine Councilmembers in debate to the question under discussion. The presiding officer shall request all speakers to keep comments brief and relevant to the question before Council.
- 4.4 Points of Order.** The presiding officer shall determine all points of order, subject to the right of any Councilmember to appeal to the City Council as set out in 4.1 above.
- 4.5 Motions to be Stated.** The presiding officer shall re-state a motion being considered prior to the vote, and announce the results.
- 4.6 Voting Required.** Each member of the Council present shall vote on every action taken by Council unless the action involves the member's own conduct or presents a possible conflict of interest.
- 4.7 Conflict of Interest.** A City Councilmember prevented from voting by a conflict of interest, shall step down from the dais, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence Council's deliberation of the matter in any way, shall not attend executive sessions regarding the matter, and shall otherwise comply with the state law and City ordinances concerning

conflicts of interest including Chapter 171 and Chapter 176 of the Local Government Code and the City's Ethics Ordinance.

- 4.8 **Amendments to the Minutes.** Amendments to the minutes are made by a motion during the item to consider approval of the minutes. The minutes provide the action taken by City Council. If a Councilmember desires that certain information be included in the minutes, the Councilmember shall indicate by stating, "For the record", prior to presenting the information. If it is a lengthy statement, a written copy shall be provided to the Secretary.
- 4.9 **Presiding Officer's Right to Speak Last.** The presiding officer has the right to speak last on any item.
- 4.10 **Closing Debate or Discussion.** Debate or discussion shall be closed on any item by the presiding officer with the concurrence of a majority of the Council present or by a Motion and second to "Call the Question". Debate on a Motion to Call the Question will not be allowed and if approved by a majority vote of the Council will end the debate and discussion on the item being discussed. However, a call for the vote from the presiding officer shall not close discussion if any member of the Council still wishes to be heard or the presiding officer determines the continued participation of others will be helpful to the Council.

## 5. **COUNCIL ACTION**

- 5.1 **Motion Required.** All action requiring a vote shall be moved and seconded by a member of the Council but not the Mayor.
- 5.2 **Separate Consideration.** Except as otherwise required by these rules each agenda item shall be voted upon separately and each separate vote shall be recorded by the City Secretary.
- 5.3 **Action on Consent Agenda.** Except as herein provided, the "Consent Agenda" shall be considered as a group (without separate discussion on each item). When the Consent Agenda is introduced, each Councilmember has the right to remove any item, in which case the item is handled under 7.2. After items are removed, the presiding officer shall ask the members to indicate their votes on the remaining Consent Agenda items.
- 5.4 **Consideration Out of Order.** The presiding officer may call for an item on the agenda to be considered out of order,
- 5.5 **Recording Names of Moving Members.** The City Secretary shall record the name of the Councilmember making each motion and seconding each motion.
- 5.6 **Reconsideration of an Item.** The presiding officer or a councilmember may call for an item that has already been voted on to be reconsidered in the event that an error occurred in the consideration of the item or in the event reconsideration is necessary to allow public participation that was not previously considered. A motion to reconsider shall be made and seconded and if approved by a majority of the Council, the agenda item may be reopened for discussion and a subsequent vote. If the subsequent vote differs from the previous vote on the item, the subsequent vote shall represent final

disposition of the item. Reconsideration is only available at the same meeting in which the matter was considered.

## **6. CITIZEN PARTICIPATION**

**6.1 Public Participation.** Comments and suggestions by the public are highly valued and encouraged during those parts of a meeting designated for public participation or public hearings. Persons addressing the Council shall complete a Registration Card prior to the Call to Order and present it to the City Secretary. Speakers should direct all remarks and questions to the Council. The presiding officer may refer a matter for investigation, response or other action. Public comments by a speaker relating to a non-agenda item shall be heard in conjunction with Citizen Comments. For comments relating to an agenda item, the speaker shall provide comments at the time that the subject agenda item is considered. The Mayor may request a staff report or comments on an agenda item before calling for public comments. The “Texas Open Meetings Act” requires the City to post a notice, in advance, listing every topic or subject to be considered by the Council. This law may prevent the Council from considering a subject raised by a member of the public during Citizen Comment or related to matters not posted as part of the agenda. In this case, the presiding officer may refer the matter, and the Council may direct that the matter be placed on the agenda for an upcoming meeting.

**6.2 Manner of Addressing Council – Time Limit.** Each person addressing the Council shall step up to the microphone, shall give his/her name and address for the record. Individual citizen presentations shall be limited to three (3) minutes. The presiding officer, at his/her discretion, may reasonably extend these limits. All remarks shall be addressed to the Council as a body, and not to any member thereof or to another member of the public. No person, other than members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Councilmembers, except through the presiding officer.

**6.3 Remarks to be Germane.** Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting.

## **7. ORDER OF BUSINESS AND AGENDA**

**7.1 Order of Business.** The general rule as to the order of business in regular meetings shall be as follows:

### AGENDA OF THE CITY COUNCIL

1. Call to Order and Announce Quorum is Present
2. Invocation

3. Pledges
4. Updates, Presentations and Recognitions
5. Citizen Comments
6. Consent Agenda
7. Regular Agenda
8. City Manager's Report
9. Executive Session
10. Reconvene into Open Session for Possible Action
11. Announcements and Future Agenda Items
12. Adjournment

- 7.2 Preparation of Agenda; Requests.** As a general rule the City Manager creates each City Council agenda in consultation with the Mayor. The City Secretary prepares, posts and distributes notices of meetings and assembles the agenda packet. The City Manager is responsible for approving each agenda packet before posting. The City Manager must place a subject on the agenda if the subject is requested by the Mayor or by two or more Councilmembers.
- 7.3 Consent Agenda.** In preparing an agenda the City Manager shall give consideration to the number and degree of complexity of items to be considered by the City Council for the purpose of conserving the City Council's time in meetings. Items which are anticipated to be routine and require no discussion by the City Council shall be listed under the agenda category "Consent Agenda". Prior to taking up the Consent Agenda, the presiding officer shall determine if there are any items thereon which should be removed from the Consent Agenda for discussion. Any Councilmember may, upon request, remove any item from the Consent Agenda for discussion and separate action. Thereafter, all remaining Consent Agenda items may be acted upon by a single motion approving the Consent Agenda. Items removed from the Consent Agenda shall be considered on Regular Agenda.
- 7.4 Agenda Deadlines.** All requests to place a subject on the agenda must be in writing, which shall include e-mail and provided to the City Secretary or City Manager by noon on the Thursday two weeks prior to next Council meeting. The agenda and agenda packet shall be available to members of the Council not later than Thursday prior to a regular City Council meeting.
- 7.5 Agenda Posting.** The City Secretary shall post notices of all City Council meetings in compliance with the Texas Open Meetings Act.
- 7.6 Requests to Include or Exclude Items.** Each request to include or exclude an agenda item shall be forwarded to all members of the Council at the time the request is submitted to the City Secretary. When a Councilmember will be absent from a meeting, the Councilmember may request that an item not be included.

- 7.7 Staff Withdrawal of Items.** The City Manager may withdraw an item on the agenda prior to the agenda posting deadline if the matter was placed on the agenda by the City Manager.
- 7.8 Council Action to Defer, Continue or Not Act.** A Councilmember 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. CONFIDENTIALITY**

- 8.1 Executive Session or Confidential Matters.** All matters discussed in Executive Session, as authorized by the Texas Open Meetings Act, or which may otherwise be confidential shall not be discussed or disclosed to third parties not authorized to receive such information. It shall be the policy of the City Council that the Mayor, individual Councilmembers, City Manager, City Attorney, City Secretary and others who are authorized to attend Executive Sessions shall not make selective disclosure of confidential matters where the information has not been released to the general public. The presiding officer may be authorized, or may authorize the City Manager or the City Attorney, to issue a statement regarding confidential matters upon approval of same by the City Council.

## **9. SUSPENSION AND AMENDMENT OF THESE RULES**

- 9.1 Suspension of these Rules.** Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended for a specific purpose, or any single meeting, by a vote of a majority of the Councilmembers present.
- 9.2 Amendment of these Rules.** These rules may be amended, or new rules adopted, by a majority vote of the Councilmembers present, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.
- 9.3 Conflicts with Ordinances/Laws.** To the extent there exists a conflict between these procedures and State Law or the City's Charter or Code of Ordinances, State Law, the Charter or Code of Ordinances, as applicable, shall govern.

**July 5, 2016**

**7. REGULAR AGENDA**

- (a) Public Hearing, Discussion and First Reading of Ordinance 2016-O-07A zoning for traffic and rate of speed therein, on RM 1431 in the city limits of the City of Marble Falls; defining speeding and fixing a penalty. ***Eric Belaj, City Engineer***

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Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo**  
**July 5, 2016**

**Agenda Item No.:** 7(a)  
**Presenter:** Eric Belaj, PE, CFM  
**Department:** Administration  
**Legal Review:**

**AGENDA CAPTION**

Public Hearing, Discussion and First Reading of Ordinance 2015-O-07A zoning for traffic and rate of speed on RM 1431 in the city limits of the City of Marble Falls; defining speeding and fixing a penalty therefore; declaring what may be a sufficient complaint in prosecutions hereunder; with a saving clause repealing conflicting laws and declaring an emergency.

**BACKGROUND INFORMATION**

Staff previously requested that TxDOT install a new traffic signal at the intersection of Blue Bonnet Drive and RM-1431 as a result of the Ave N realignment. Consequently, the existing school zone flashing sign at HEB driveway will be required to be relocated prior to the new signalized intersection at Bluebonnet Dr.

This agenda item is to address the relocation of the school zone sign from the old Ave N intersection to the new location at Bluebonnet Drive.

TxDOT requested that City staff review the speed zone documents and present to council for approval. Similarly to previous speed zone changes, City's law enforcement will enforce the new vehicle travel speed as done in other parts of the City.

Ordinance notice has been published in the paper twice, on Friday, June 17, 2016 and Tuesday, June 21, 2016.

This is the public hearing and first reading of the ordinance. Second reading, and approval is scheduled for July 19<sup>th</sup> council meeting.

Staff has reviewed the attached documents and recommend the approval of this ordinance.

[Exhibit](#)

## **ORDINANCE NO. 2016-O-07A**

**AN ORDINANCE OF THE CITY MARBLE FALLS, TEXAS, ESTABLISHING SPEED LIMITS ON PUBLIC ROADWAYS, TO WIT: RM 1431, WITHIN THE CITY LIMITS OF THE CITY OF MARBLE FALLS, PURSUANT TO SECTION 545.356, TEXAS TRANSPORTATION CODE; PROVIDING PENALTIES UP TO \$200.00; PROVIDING AN EFFECTIVE DATE, REPEALER, SEVERABILITY, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, Section 545.356 of the Texas Transportation Code provides that the governing body of a municipality has the same authority as the Texas Transportation Commission to alter by ordinance prima facie speed limits for highways within the municipality, based on the results of an engineering and traffic investigation; and

**WHEREAS**, the City of Marble Falls having conducted an engineering and traffic investigation, the City Council hereby finds that the prima facie maximum speed limit on certain portions of RM 1431 should be reduced in order to protect the health, welfare, and safety of the City of Marble Falls and its citizens; and

**WHEREAS**, the City Council finds that the speed limits established herein shall be effective permanently or until a future engineering and traffic investigation determines the prima facie maximum speed limits should be revised; and

**WHEREAS**, the City Council hereby requests that the Texas Department of Transportation, or its designee, erect signs marking the maximum speed limits established herein; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS: THAT**

### **SECTION I. PREAMBLE**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

### **SECTION II. AMENDMENTS**

Except as herein amended the Marble Falls Code of Ordinances shall remain in full force and effect.

Section 25-91 (“Maximum limits”), Division 1, Article III, Chapter 25 of the Code of Ordinances is hereby amended to provide a new subsection (6), which shall read as follows:

(6) The SCHOOL Speed Zones on RM 1431 shall be as follows:

FOR EASTBOUND TRAFFIC

From mile-point 11.087 to mile-point 11.396, a distance of 0.309 miles, a prima facie maximum speed limit of 25 miles per hour when flashing.

FOR WESTBOUND TRAFFIC

From mile-point 11.396 to mile-point 11.087, a distance of 0.309 miles, a prima facie maximum speed limit of 25 miles per hour when flashing.

**SECTION III. PENALTY**

Any person found to have violated the provisions of this ordinance shall be guilty of a Class C Misdemeanor, punishable by a fine not to exceed Two Hundred dollars (\$200.00).

**SECTION IV. REPEALER.**

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

**SECTION V. PROVIDING FOR SEVERABILITY.**

If any provision, section, sentence, clauses or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Marble Falls in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions or regulation.

**SECTION VI. EFFECTIVE DATE.**

This ordinance shall be in full force and effect upon and after its date of adoption.

**SECTION VII. PROPER NOTICE AND MEETING.**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PUBLIC HEARING AND FIRST READING OF THE ORDINANCE – July 5, 2016  
SECOND READING OF THE ORDINANCE – July 19, 2016

**PASSED, APPROVED AND ADOPTED ON THIS, THE 19<sup>th</sup> DAY OF JULY, 2016.**

**CITY OF MARBLE FALLS:**

---

John Packer, Mayor

**ATTEST:**

---

Christina McDonald, City Secretary  
(Seal)

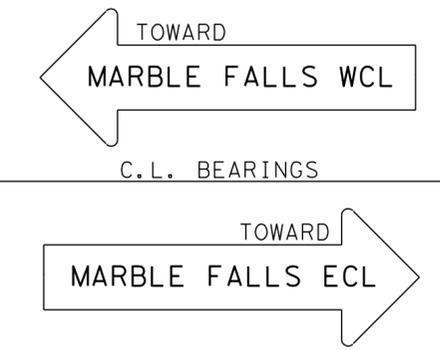
**APPROVED AS TO FORM:**

---

Patty Akers, City Attorney

DEVELOPMENT
RES. SIGHT DISTANCE
BALL BANK or ADVISORY SPEED
CURVES OVER 2°
GRADES OVER 3%
SURFACE WIDTH AND TYPE
R.O.W. AND RDBD. WIDTH
ACCIDENTS
ZONE LENGTHS MILE
ZONE SPEEDS MPH

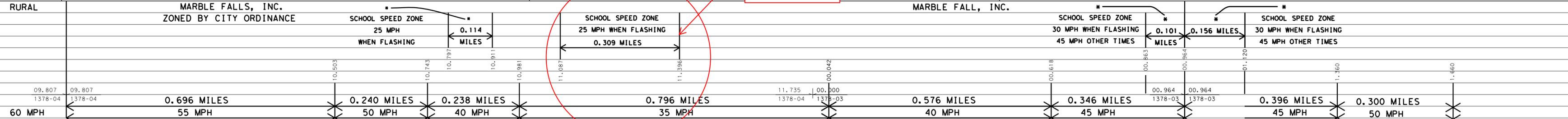
SEE BELOW



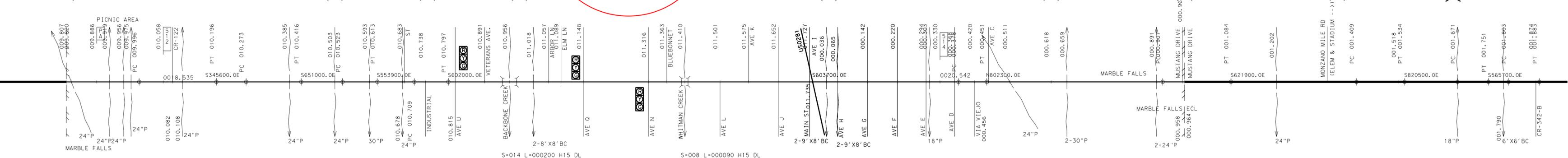
RM 1431

CONTROL & SECTIONS  
1378-04 & 1378-03

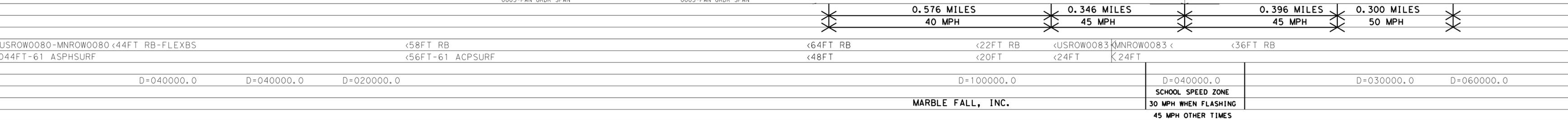
CITY ORDINANCE  
DATE



Propose to move  
Limit of Speed Zone  
from MP 11.377 to  
MP 11.396



ZONE SPEEDS MPH
ZONE LENGTHS MILE
ACCIDENTS
R.O.W. AND RDBD WIDTH
SURFACE WIDTH AND TYPE
GRADES OVER 3%
CURVES OVER 2°
BALL BANK or ADVISORY SPEED
RES. SIGHT DISTANCE
DEVELOPMENT



DIST. AUSTIN COUNTY BURNET  
HIGHWAY RM 1431 CITY MARBLE FALLS, INC.  
DATE OF SURVEY / / SCALE 1" = 800'

MINUTE NO.	DATE	/	/
REPLACES	DATE	/	/
REPLACED BY	DATE	/	/
CANCELED BY	DATE	/	/

LIMITS OF ZONE							
SECTION ONE				SECTION TWO			
BEGINS	STA. OR M.P.	CONT. & SECT.	PROJECT	BEGINS	STA. OR M.P.	CONT. & SECT.	PROJECT
ENDS	STA. OR M.P.	CONT. & SECT.	PROJECT	ENDS	STA. OR M.P.	CONT. & SECT.	PROJECT

- 42 85 PERCENTILE SPEED
- 62 TOP SPEED MEASURED
- 125 NUMBER OF CARS CHECKED

- FATAL ACCIDENT
- PERSONAL INJURY ACCIDENT
- PROPERTY DAMAGE ACCIDENT
- █ INDICATES SECTION ZONED BY COMMISSION MINUTE

# SPEED ZONE

**July 5, 2016**

**7. REGULAR AGENDA**

- (b) Discussion and Action on Resolution 2016-R-07B adopting Rules of Procedure and Order of Business Policy for the City Council. ***Christina McDonald, City Secretary***
- 

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo**  
**July 5, 2016**

**Agenda Item No.: 7 (b)**  
**Presenter: Christina McDonald, City Secretary**  
**Department: Administration**  
**Legal Review:**

**AGENDA CAPTION**

Discussion and Action on Resolution 2016-R-07B adopting Rules of Procedure and Order of Business Policy for the City Council.

**BACKGROUND INFORMATION**

The attached Resolution approves the Council Rules of Procedure and Order of Business Policy as presented and discussed at the June 21 Council Meeting.

Please note that the procedures can be modified from time to time by the City Council.

**RESOLUTION NO. 2016-R-07B**

**A RESOLUTION ADOPTING RULES OF PROCEDURE AND ORDER OF BUSINESS FOR  
THE CITY COUNCIL**

**WHEREAS,** the Rules of Procedure and Order of Business represent an effort to clarify unwritten policies, to expedite matters needing Council attention and to streamline the agenda process;

**WHEREAS,** the Rules are intended to supplement state law, the existing Code of Ordinances and the City Charter by addressing areas either left unclear or not addressed at all;

**WHEREAS,** the City Council finds it to be in their best interest to adopt the Rules of Procedure and Order of Business.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY OF MARBLE FALLS TEXAS** that the City Council of the City of Marble Falls, Texas adopts ***Rules of Procedure and Order of Business for the City Council***, the provisions of which shall be substantially as set forth in **Exhibit A**, to be effective July 5, 2016.

**PASSED AND APPROVED THIS 5<sup>th</sup> DAY OF JULY, 2016.**

\_\_\_\_\_  
**John Packer, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Christina McDonald, TRMC**  
**City Secretary**

## EXHIBIT A

### CITY OF MARBLE FALLS CITY COUNCIL RULES OF PROCEDURE and ORDER OF BUSINESS

#### PROLOGUE

These rules and procedures represent an effort to clarify unwritten policies, to expedite matters needing Council attention and to streamline agendas. They are intended to supplement state law, the existing Code of Ordinances and the City Charter by addressing areas either left unclear or not addressed at all. Unlike State Law, these rules and procedures can be modified to fit the needs of the City Council. It is the purpose of this document to present guidelines for the maintenance of decorum and presentation of a favorable impression to the public and press in attendance at the meetings of the City Council.

#### **1. AUTHORITY**

- 1.1 Charter.** The City Charter of Marble Falls, Texas provides in Article 3, Section 3.11 that “The Council shall determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.” Thus, the following set of rules shall be in effect upon their adoption by the Council, and until such time as they are amended or new rules adopted in the manner provided by these rules.

#### **2. GENERAL RULES**

- 2.1 Meetings to be Public.** All meetings of the Council shall be open to the public except as may be authorized by law and shall be held at the Marble Falls City Hall or other places which will permit the attendance of the general public.
- 2.2 Quorum.** A quorum of the City Council, as defined by State Law, is necessary before the commencement of any meeting of the City Council.
- 2.3 Minutes.** An account of all proceedings of the Council shall be kept by the City Secretary and shall be entered in a book constituting the official record of the Council.
- 2.4 Right of Floor.** Any member desiring to speak shall be recognized by the Mayor and shall confine his or her remarks to one subject under consideration or to be considered.
- 2.5 City Manager.** The 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.
- 2.6 City Attorney.** The City Attorney or his/her official designee shall attend all meetings of the Council unless excused and shall, upon request, give an opinion, either written or oral, on questions of the law. The City Attorney shall act as the Council’s parliamentarian.

- 2.7 **City Secretary.** The City Secretary or his/her designee shall attend all meetings of the Council unless excused and shall keep the official minutes and perform such other duties as may be requested by Council.
- 2.8 **Officers and Employees.** Department Heads of the City, when there is pertinent business from their departments on the Council agenda, shall attend such Council meetings. Department Heads are encouraged to attend all meetings of the City Council as information or their expertise may be required.
- 2.9 **Rules of Order.** “*Roberts Rules of Order Newly Revised*” shall govern the proceedings of the Council in all cases, unless they are in conflict with these rules.

### 3. **TYPES OF MEETINGS**

- 3.1 **Regular Meetings.** The City Council shall meet in regular session on each first and third Tuesday in each calendar month beginning at 6:00 pm. The City Council, by motion, according to Section 3.09 of the Charter, may forego one (1) regular meeting in a month if it determines that matters requiring Council consideration or action can be sufficiently addressed in one (1) regular meeting in that month. If a meeting falls on a holiday, it is automatically rescheduled for the following day, unless rescheduled by the City Council.
- 3.2 **Special Meetings.** Calling special meetings is governed by Section 3.09 of the Charter which currently provides: “Special meetings may be called by the City Secretary at the request of the Mayor or two (2) members of the Council. The City Manager shall be notified of all special meetings.”

The request for a special meeting shall be filed with the City Secretary or by announcement at any regular meeting at which a majority of the members are present. The request for a special meeting shall specify the day, the hour, and the location of the special meeting and shall list the subject or subjects to be considered. No special meeting shall be held until at least seventy-two (72) hours after the request. No item will be placed on the agenda unless submitted to the City Manager at least twenty-four (24) hours prior to the posting of the meeting agenda.

- 3.3 **Recessed Meetings.** Any meeting of the Council may be recessed by the Mayor for brief periods up to 30 minutes or as otherwise allowed by State Law.
- 3.4 **Emergency Meetings.** The City Council may hold meetings dealing with emergency conditions as provided by State Law.
- 3.5 **Work Sessions.** The Council may meet informally in Work Session (open to the public), at the call of the Mayor or of a majority of the Council, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Manager provided that all discussions and conclusions thereon shall be informal. On-site inspections of project sites and facilities by individual Councilmembers are strongly encouraged. In most cases, public comment will not be considered nor will Council take action on matters discussed at a workshop.

- 3.6 Executive Sessions.** Executive Sessions or closed meetings may be held in accordance with the provisions of State Law. The presiding officer is authorized to recess an item being considered on the agenda for executive session discussion in accordance with State Law.
- 3.7 Attendance of Media at Council Meetings.** All meetings of the City Council shall be open to the media, subject to recording by radio, televisions and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings. Exceptions to this rule will apply to executive sessions which are held in accordance with State Law.

#### **4. CONDUCT OF MEETINGS**

- 4.1 Presiding Officer.** The Mayor, if present, shall preside at all meetings of the City Council and enforce these rules and procedures during a meeting. 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 Council shall elect a presiding officer. The presiding officer shall make decisions on questions of procedure subject to review respectively by the City Council as a whole. Following a decision of the presiding officer on a question of procedure, any two (2) Councilmembers may be entitled to appeal the decision to the City Council as a whole by the making and the seconding of a motion of appeal. Once made, the appeal must be approved by an affirmative vote of a majority of the Councilmembers.
- 4.2 Call to Order.** The meetings of the Council shall be called to order by the presiding officer. In the absence of both the Mayor and Mayor Pro-Tem, the meeting shall be called to order by the City Secretary for the election of a temporary presiding officer.
- 4.3 Preservation of Order.** The presiding officer shall preserve order and decorum, prevent attacks on personalities or the impugning of Councilmembers' to occur and confine Councilmembers in debate to the question under discussion. The presiding officer shall request all speakers to keep comments brief and relevant to the question before Council.
- 4.4 Points of Order.** The presiding officer shall determine all points of order, subject to the right of any Councilmember to appeal to the City Council as set out in 4.1 above.
- 4.5 Motions to be Stated.** The presiding officer shall re-state a motion being considered prior to the vote, and announce the results.
- 4.6 Voting Required.** Each member of the Council present shall vote on every action taken by Council unless the action involves the member's own conduct or presents a possible conflict of interest.
- 4.7 Conflict of Interest.** A City Councilmember prevented from voting by a conflict of interest, shall step down from the dais, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence Council's deliberation of the matter in any way, shall not attend executive sessions regarding the matter, and shall otherwise comply with the state law and City ordinances concerning

conflicts of interest including Chapter 171 and Chapter 176 of the Local Government Code and the City's Ethics Ordinance.

- 4.8 **Amendments to the Minutes.** Amendments to the minutes are made by a motion during the item to consider approval of the minutes. The minutes provide the action taken by City Council. If a Councilmember desires that certain information be included in the minutes, the Councilmember shall indicate by stating, "For the record", prior to presenting the information. If it is a lengthy statement, a written copy shall be provided to the Secretary.
- 4.9 **Presiding Officer's Right to Speak Last.** The presiding officer has the right to speak last on any item.
- 4.10 **Closing Debate or Discussion.** Debate or discussion shall be closed on any item by the presiding officer with the concurrence of a majority of the Council present or by a Motion and second to "Call the Question". Debate on a Motion to Call the Question will not be allowed and if approved by a majority vote of the Council will end the debate and discussion on the item being discussed. However, a call for the vote from the presiding officer shall not close discussion if any member of the Council still wishes to be heard or the presiding officer determines the continued participation of others will be helpful to the Council.

## 5. **COUNCIL ACTION**

- 5.1 **Motion Required.** All action requiring a vote shall be moved and seconded by a member of the Council but not the Mayor.
- 5.2 **Separate Consideration.** Except as otherwise required by these rules each agenda item shall be voted upon separately and each separate vote shall be recorded by the City Secretary.
- 5.3 **Action on Consent Agenda.** Except as herein provided, the "Consent Agenda" shall be considered as a group (without separate discussion on each item). When the Consent Agenda is introduced, each Councilmember has the right to remove any item, in which case the item is handled under 7.2. After items are removed, the presiding officer shall ask the members to indicate their votes on the remaining Consent Agenda items.
- 5.4 **Consideration Out of Order.** The presiding officer may call for an item on the agenda to be considered out of order,
- 5.5 **Recording Names of Moving Members.** The City Secretary shall record the name of the Councilmember making each motion and seconding each motion.
- 5.6 **Reconsideration of an Item.** The presiding officer or a councilmember may call for an item that has already been voted on to be reconsidered in the event that an error occurred in the consideration of the item or in the event reconsideration is necessary to allow public participation that was not previously considered. A motion to reconsider shall be made and seconded and if approved by a majority of the Council, the agenda item may be reopened for discussion and a subsequent vote. If the subsequent vote differs from the previous vote on the item, the subsequent vote shall represent final

disposition of the item. Reconsideration is only available at the same meeting in which the matter was considered.

## **6. CITIZEN PARTICIPATION**

**6.1 Public Participation.** Comments and suggestions by the public are highly valued and encouraged during those parts of a meeting designated for public participation or public hearings. Persons addressing the Council shall complete a Registration Card prior to the Call to Order and present it to the City Secretary. Speakers should direct all remarks and questions to the Council. The presiding officer may refer a matter for investigation, response or other action. Public comments by a speaker relating to a non-agenda item shall be heard in conjunction with Citizen Comments. For comments relating to an agenda item, the speaker shall provide comments at the time that the subject agenda item is considered. The Mayor may request a staff report or comments on an agenda item before calling for public comments. The “Texas Open Meetings Act” requires the City to post a notice, in advance, listing every topic or subject to be considered by the Council. This law may prevent the Council from considering a subject raised by a member of the public during Citizen Comment or related to matters not posted as part of the agenda. In this case, the presiding officer may refer the matter, and the Council may direct that the matter be placed on the agenda for an upcoming meeting.

**6.2 Manner of Addressing Council – Time Limit.** Each person addressing the Council shall step up to the microphone, shall give his/her name and address for the record. Individual citizen presentations shall be limited to three (3) minutes. The presiding officer, at his/her discretion, may reasonably extend these limits. All remarks shall be addressed to the Council as a body, and not to any member thereof or to another member of the public. No person, other than members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Councilmembers, except through the presiding officer.

**6.3 Remarks to be Germane.** Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting.

## **7. ORDER OF BUSINESS AND AGENDA**

**7.1 Order of Business.** The general rule as to the order of business in regular meetings shall be as follows:

### AGENDA OF THE CITY COUNCIL

1. Call to Order and Announce Quorum is Present
2. Invocation

3. Pledges
4. Updates, Presentations and Recognitions
5. Citizen Comments
6. Consent Agenda
7. Regular Agenda
8. City Manager's Report
9. Executive Session
10. Reconvene into Open Session for Possible Action
11. Announcements and Future Agenda Items
12. Adjournment

- 7.2 Preparation of Agenda; Requests.** As a general rule the City Manager creates each City Council agenda in consultation with the Mayor. The City Secretary prepares, posts and distributes notices of meetings and assembles the agenda packet. The City Manager is responsible for approving each agenda packet before posting. The City Manager must place a subject on the agenda if the subject is requested by the Mayor or by two or more Councilmembers.
- 7.3 Consent Agenda.** In preparing an agenda the City Manager shall give consideration to the number and degree of complexity of items to be considered by the City Council for the purpose of conserving the City Council's time in meetings. Items which are anticipated to be routine and require no discussion by the City Council shall be listed under the agenda category "Consent Agenda". Prior to taking up the Consent Agenda, the presiding officer shall determine if there are any items thereon which should be removed from the Consent Agenda for discussion. Any Councilmember may, upon request, remove any item from the Consent Agenda for discussion and separate action. Thereafter, all remaining Consent Agenda items may be acted upon by a single motion approving the Consent Agenda. Items removed from the Consent Agenda shall be considered on Regular Agenda.
- 7.4 Agenda Deadlines.** All requests to place a subject on the agenda must be in writing, which shall include e-mail and provided to the City Secretary or City Manager by noon on the Thursday two weeks prior to next Council meeting. The agenda and agenda packet shall be available to members of the Council not later than Thursday prior to a regular City Council meeting.
- 7.5 Agenda Posting.** The City Secretary shall post notices of all City Council meetings in compliance with the Texas Open Meetings Act.
- 7.6 Requests to Include or Exclude Items.** Each request to include or exclude an agenda item shall be forwarded to all members of the Council at the time the request is submitted to the City Secretary. When a Councilmember will be absent from a meeting, the Councilmember may request that an item not be included.

- 7.7 Staff Withdrawal of Items.** The City Manager may withdraw an item on the agenda prior to the agenda posting deadline if the matter was placed on the agenda by the City Manager.
- 7.8 Council Action to Defer, Continue or Not Act.** A Councilmember 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. CONFIDENTIALITY**

- 8.1 Executive Session or Confidential Matters.** All matters discussed in Executive Session, as authorized by the Texas Open Meetings Act, or which may otherwise be confidential shall not be discussed or disclosed to third parties not authorized to receive such information. It shall be the policy of the City Council that the Mayor, individual Councilmembers, City Manager, City Attorney, City Secretary and others who are authorized to attend Executive Sessions shall not make selective disclosure of confidential matters where the information has not been released to the general public. The presiding officer may be authorized, or may authorize the City Manager or the City Attorney, to issue a statement regarding confidential matters upon approval of same by the City Council.

## **9. SUSPENSION AND AMENDMENT OF THESE RULES**

- 9.1 Suspension of these Rules.** Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended for a specific purpose, or any single meeting, by a vote of a majority of the Councilmembers present.
- 9.2 Amendment of these Rules.** These rules may be amended, or new rules adopted, by a majority vote of the Councilmembers present, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.
- 9.3 Conflicts with Ordinances/Laws.** To the extent there exists a conflict between these procedures and State Law or the City's Charter or Code of Ordinances, State Law, the Charter or Code of Ordinances, as applicable, shall govern.

**July 5, 2016**

**7. REGULAR AGENDA**

- (c) Discussion and Action on the First Reading of Ordinance 2016-O-07D repealing Section 2-16 – Council Meetings of the Code of Ordinances of the City of Marble Falls, Article II – City Council and waiving the second reading. ***Christina McDonald, City Secretary***
- 

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo**  
**July 5, 2016**

**Agenda Item No.: 7 (c)**  
**Presenter: Christina McDonald, City Secretary**  
**Department: Administration**  
**Legal Review:**

**AGENDA CAPTION**

Discussion and Action on the First Reading of Ordinance 2016-O-07D repealing Section 2-16 – Council Meetings of the Code of Ordinances of the City of Marble Falls, Article II – City Council and waiving the second reading.

**BACKGROUND INFORMATION**

The attached Ordinance repeals Section 2-16 – Council Meetings of the Code of Ordinances which pertains to Council Meeting and Agendas.

Since meetings and agendas is outlined in the newly adopted Rules of Procedure and Order of Business it is not necessary to also have the rules outlined in the Code of Ordinances.

**ORDINANCE 2016-O-07D**

**AN ORDINANCE REPEALING SECTION 2-16 (COUNCIL MEETINGS), CHAPTER 2 (ADMINISTRATION) ARTICLE II (CITY COUNCIL) OF THE CODE OF ORDINANCE OF THE CITY OF MARBLE FALLS, TEXAS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City Charter of the City of Marble Falls, Texas provides that the Council shall determine its own rules and order of business; and

**WHEREAS,** the City Council of the City of Marble Falls seeks to establish rules, procedures and order of business to clarify unwritten policies and to expedite matters needing Council attention; and

**WHEREAS,** the City Council has adopted Rules of Procedure and Order of Business by Resolution; and

**WHEREAS,** the City Council of the City of Marble Falls, Texas has recommended repealing Section 2-16, Chapter 2, Article II; and

**WHEREAS,** the City Council may amend or adopt new rules by a majority vote of the Councilmembers present; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, THAT:**

**SECTION I. PREAMBLE.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION II. AMENDMENTS.**

- A. Sec. 2-16 (Council Meetings) of the City of Marble Falls Code of Ordinances is hereby repealed.
- B. Sec 2-16 is reserved.

**SECTION III. REPEALER.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

**SECTION IV. PROVIDING FOR SEVERABILITY.** If any provision, section, sentence, clauses or phrase of this Ordinance or application of same to any persons or set of circumstances is for any

reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Marble Falls in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions or regulation.

**SECTION V. EFFECTIVE DATE.** This ordinance shall be in full force and effect from its date of approval.

**SECTION VI. PROPER NOTICE AND MEETING.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**EFFECTIVE DATE.** This Ordinance shall take effect and be in force on July 5, 2016.

**READ, PASSED AND APPROVED ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**SECOND READING WAIVED.**

**CITY OF MARBLE FALLS:**

\_\_\_\_\_  
John Packer, Mayor

**ATTEST:**

\_\_\_\_\_  
Christina McDonald, City Secretary

(Seal)

**APPROVED TO FORM:**

\_\_\_\_\_  
Patty L. Akers, City Attorney



**City of Marble Falls, Texas  
Council Agenda Item Cover Memo  
July 5, 2016**

**Agenda Item: Executive Session  
Prepared By: Christina McDonald, City Secretary  
Department: Administration  
Submitted By: Christina McDonald, City Secretary**

**AGENDA CAPTION**

**EXECUTIVE SESSION**

**CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (*Private Consultation between the Council and its Attorney*), Pursuant to §551.087 (*Deliberation Regarding Economic Development Negotiations*), Pursuant to §551.072 (*Deliberation Regarding the Purchase, Exchange, Lease or Value of Real Property*), and Pursuant to §551.074 (*Deliberation Regarding the Appointment, Employment, Employment Evaluation, Reassignment, Duties, discipline or Dismissal of a Public Officer or Employee (or to Hear a Complaint or Charge Against an Officer or Employee)*) of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the following:**

- Discussion regarding economic development projects associated with development of EDC owned and City owned property, including public right-of-way and easements.
- Municipal Judge Annual Evaluation

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**CERTIFICATION:**

I hereby certify that I have reviewed the proposed topic for the Executive Session described herein and in my opinion, the Texas Open Meetings Act authorizes the Marble Falls City Council to meet in Executive Session and to deliberate regarding the subject matter contained in this cover memo.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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City Attorney