



Wylie City Council

NOTICE OF MEETING

Work Session Agenda

September 10, 2019

6:30 p.m.

(or immediately following City Council Meeting)

Wylie Municipal Complex

Council Chambers/Council Conference Room

300 Country Club Road, Building #100

Wylie, Texas 75098

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|-----------------------------|----------------|
| Eric Hogue..... | Mayor |
| David R. Duke..... | Place 1 |
| Matthew Porter..... | Place 2 |
| Jeff Forrester..... | Mayor Pro Tem |
| Candy Arrington..... | Place 4 |
| Timothy T. Wallis, DVM..... | Place 5 |
| David Dahl..... | Place 6 |
| Chris Holsted..... | City Manager |
| Richard Abernathy..... | City Attorney |
| Stephanie Storm..... | City Secretary |

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at the Wylie Municipal Complex, distributed to the appropriate news media, and posted on the City website: www.wylietexas.gov within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Wylie website: www.wylietexas.gov.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The Wylie Municipal Complex is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972.516.6020.

Hearing impaired devices are available from the City Secretary prior to each meeting.

CALL TO ORDER

Announce the presence of a Quorum.

WORK SESSION

- **Discuss amending Resolution No. 2003-20(R); City Council Rules of Procedures.** (C. Holsted, City Manager)

EXECUTIVE SESSION

If during the course of the meeting covered by this notice, the City Council should determine that a closed or executive meeting or session of the City Council or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meetings Act, Texas Government Code § 551.001 et. seq., will be held by the City Council at the date, hour and place given in this notice as the City Council may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sanctions and purposes:

Texas Government Code Section:

§ 551.071 – Private consultation with an attorney for the City.

§ 551.072 – Discussing purchase, exchange, lease or value of real property.

§ 551.074 – Discussing personnel or to hear complaints against personnel.

§ 551.087 – Discussing certain economic development matters.

§ 551.073 – Discussing prospective gift or donation to the City.

§ 551.076 – Discussing deployment of security personnel or devices or security audit.

Recess into Closed Session in compliance with Section 551.001, et.seq. Texas Government Code, to wit:

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this 6th day of September, 2019 at 5:00 p.m. as required by law in accordance with Section 551.042 of the Texas Government Code and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of Wylie website: www.wylietexas.gov.

Stephanie Storm, City Secretary

Date Notice Removed



Wylie City Council

AGENDA REPORT

| | | | |
|-----------------------|---------------------------|----------------------|---|
| Meeting Date: | <u>September 10, 2019</u> | Item Number: | <u>WS 1</u> <i>(City Secretary's Use Only)</i> |
| Department: | <u>City Manager</u> | Account Code: | <u></u> |
| Prepared By: | <u>Stephanie Storm</u> | Exhibits: | <u>2</u> |
| Date Prepared: | <u>August 19, 2019</u> | | |

Subject

Discuss amending Resolution No. 2003-20(R); City Council Rules of Procedures.

Recommendation

Direction

Discussion

The City Council's Rules of Procedures were last updated in 2003. Attached are the current City Council Rules of Procedures, and a working copy of an amending Resolution addressing Rules 1, 3, 9, and 11 of the current Rules of Procedures.

RESOLUTION NO. _____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING RESOLUTION NO. 2003-20 (R) AND MODIFYING CERTAIN RULES OF PROCEDURE FOR THE CONDUCT OF CITY COUNCIL MEETINGS; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, in 2003, the City Council of the City of Wylie, Texas (“City Council”) adopted Resolution No. 2003-20 to establish rules of procedure to govern all meetings and proceedings of the City Council; and

WHEREAS, the Texas Legislature recently approved House Bill 2840, amending the Texas Open Meetings Act (the “Act”) to establish the right of members of the public to address a governmental body subject to the Act regarding “an item on an agenda for an open meeting of the body”; and

WHEREAS, the City Council has long provided an opportunity for members of the public to address the City Council, as reflected in its adopted rules of procedure, in recognition of the need for governmental transparency and accountability; and

WHEREAS, House Bill 2840 authorizes the City Council to adopt reasonable rules regarding the public’s right to address the City Council, including rules that limit the total amount of time that a member of the public may address the City Council on a given item; and

WHEREAS, the City Council desires to amend certain provisions of the rules of procedure to conform to the language set forth in House Bill 2840 and to make other modifications that are in the best interests of the City of Wylie, Texas (“Wylie”) and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2: Amendment to Resolution No. 2003-20. The City Council hereby amends Section 1 of Resolution No. 2003-20 as follows:

“... ”

Rule 1. Meetings, Regular and Special

- (A) The City Council shall meet in the Council chambers of the City hall on the second and fourth Tuesdays of each month, commencing at 6:00 p.m.; provided, however, the City Council may, in its sole discretion, vote to cancel up to two (2) regular meetings each calendar year. In the event a Tuesday falls on a holiday, the meeting

for that day shall be rescheduled as determined by Council. Any meeting of Council may be recessed from hour to hour for a period of time not to exceed 24 hours, by an affirmative vote of 4 or more members of Council present at such meeting, and such recessed meeting shall be held without further posted notice.

...

Rule 3. Conduct of Mayor and Councilmembers

Any member of the Council, including the Mayor, who fails to observe decorous and orderly behavior during a meeting, or who disturbs a meeting of Council with such disorderly conduct, is subject to ~~being expelled~~reprimand from such meeting upon motion passed by 2/3 vote of the Council present at the meeting. Any Council member reprimanded ~~by motion or expelled from a meeting by motion~~ who thereafter commits another breach of decorous and disorderly behavior during a subsequent meeting shall be subject to the same power of Council to reprimand him/her, ~~expel him/her from the meeting~~, or subject such Council member to complaint, investigation, and conviction of official misconduct pursuant to applicable law.

...

Rule 9. Citizens' Right to be Heard

Any citizen-member of the public shall have a reasonable opportunity to be heard at any and all ~~regular~~ meetings of the City Council in regard to any and all matters to be considered at any such meeting, or such other matters as citizens members of the public may wish to bring to Council's attention; provided, however, any matter not posted on the agenda may not be discussed by Council, nor shall any action be taken by Council, except to provide a statement of specific factual information given in response to an inquiry, to recite existing policy in response to an inquiry or to indicate that the matter may be placed on a later agenda. A time shall be set aside during each Council meeting for the Council to hear from the public, such designated time not to exceed three (3) minutes per person, or six (6) minutes if the individual represents a group; provided, however, that a member of the public who addresses the body through a translator shall be entitled to speak for up to six (6) minutes, or twelve (12) minutes if the individual represents a group, in order to ensure that non-English speakers receive the same opportunity to address the body. The ~~Mayor-presiding officer~~ shall retain the discretion to further limit or increase this time for public comments on agenda items. Citizen-comments Comments from members of the public on agenda items will be heard during the discussion of those agenda items. Citizen comments pertaining to non-~~e~~ agenda items will be heard during the Citizen-public Participation-participation portion of the meeting. Any written information brought by a citizen-member of the public

pertaining to agenda items or other issues must be presented to the City Secretary's Office by the Monday of, the week preceding the week of the Council ~~Meeting~~ meeting so that staff and ~~council~~-Council may review the materials. Citizens Members of the public attending ~~any regularly scheduled~~scheduled Council meeting may speak before Council by completing a form and presenting it to the City Secretary prior to the beginning of such meeting. ~~Citizens~~-Members of the public may also request to be placed on the agenda to appear before Council by making a request to the City Secretary prior to any regularly scheduled meeting. Such request must be received by the City not later than two o'clock (2:00) p.m. on the Monday of the week preceding the week of the next scheduled Council meeting. In addition, ~~citizens~~-members of the public may request a Council member to place an item on the agenda.

It is the Council's goal that citizens resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that citizens may from time to time believe it is necessary to speak to Council on matters of concern.

In view of that, Council expects any citizen-member of the public to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending. ~~Any citizen requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.~~ Personal attacks made publicly toward any citizen-member of the public or city-City employee that are prohibited by law are not allowed. ~~Citizens~~-Members of the public are encouraged to bring their complaints regarding employee performance through the supervisory chain of command in accordance with the City's Personnel Policies. ~~Complaints regarding an employee's performance of duty will not be heard unless it has first been submitted in writing, a written response has been received within a reasonable period of time, and the citizen is still not satisfied with the response. Complaints regarding any matter pending before federal, state, county or municipal court as a result of an enforcement action by a city employee or in a civil suit will not be heard.~~Notwithstanding anything to the contrary herein, nothing in these rules of procedure is intended or shall be interpreted to prohibit public criticism of the Council, including criticism of any act, omission, policy, procedure, program or service. The Council or president officer may, however, disallow public criticism that is prohibited by law.

No member of the public shall be heard until recognized by the presiding officer. Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing City Council, shall be deemed guilty of disrupting a meeting (section 42.5, Penal Code, Class B, Misdemeanor) and, at the direction of the presiding officer, shall be removed from Council chambers by the sergeant-at-arms or other agent designated by City Council. Any citizen shall be entitled to visit City hall, during regular business

hours, and inspect all past Council meeting minutes, City audits, and the agenda to be considered by the Council in advance of the meeting and inform himself or herself as to the matters to be considered.

...

Rule 11. Rules of Procedure

Except where in conflict with any state law, City charter, City ordinance or the rules of procedure adopted by this resolution, the rules of procedure laid down in *Robert's Rules of Order*, 10th Edition, shall govern the proceedings of the City Council."

SECTION 3: Severability. Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. The City Council hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 4: Savings/Repealing. Resolution No. 2003-20 shall remain in full force and effect, save and except as amended by this or any other resolution or ordinance. All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict. Any remaining portions of said resolution shall remain in full force and effect.

SECTION 5: Effective Date. This Resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS on this ___ day of _____, 2019.

Eric Hogue, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**

Stephanie Storm, City Secretary

RESOLUTION NO. 2003-20 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, ADOPTING RULES OF PROCEDURE FOR THE CONDUCT OF ITS MEETINGS; AND REPEALING ALL OTHER RESOLUTIONS OR PARTS OF RESOLUTIONS INCONSISTENT OR IN CONFLICT HEREWITH.

* * * * *

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY WYLIE, TEXAS:

Section 1. The following rules of procedure shall govern all meetings and proceedings of the City Council of the City of Wylie, and the conduct of all members and other persons in attendance at such meetings.

Rule 1. **Meetings, Regular and Special**

- (A) The City Council shall meet in the Council chambers of the City hall on the second and fourth Tuesdays of each month, commencing at 6:00 p.m. In the event a Tuesday falls on a holiday, the meeting for that day shall be rescheduled as determined by Council. Any meeting of Council may be recessed from hour to hour for a period of time not to exceed 24 hours, by an affirmative vote of 4 or more members of Council present at such meeting, and such recessed meeting shall be held without further posted notice.
- (B) Other special meetings shall be held on the call of the Mayor or of four (4) or more Councilmembers. The agenda for such meetings shall be established at the discretion of those calling the meeting.
- (C) Items may be added to an agenda at the request of two (2) or more Councilmembers.

Rule 2. **Chairman and Call to Order**

The Mayor, or in his/her absence the Mayor Pro-Tem, shall preside at all meetings of the Council. If the Mayor and the Mayor Pro-Tem are absent, any Councilmember may be appointed by the Mayor or a majority of the Council to preside. At the hour of the meeting, the Mayor shall call the Council to order, and the City Secretary shall record the roll.

Rule 3. **Conduct of Mayor and Councilmembers**

Any member of the Council, including the Mayor, who fails to observe decorous and orderly behavior during a meeting, or who disturbs a meeting of Council with such disorderly conduct, is subject to being expelled from such meeting upon motion passed by 2/3 vote of the Council present at the meeting. Any member reprimanded by motion or expelled from a

meeting by motion who thereafter commits another breach of decorous and disorderly behavior during a subsequent meeting shall be subject to the same power of Council to reprimand him/her, expel him/her from the meeting, or subject such member to complaint, investigation, and conviction of official misconduct.

Rule 4. **Handling of Question of Order**

All questions of order shall be decided by the presiding officer with the right of appeal of his/her decision by the City Council, and a majority of the Councilmembers present may over-rule the decision of the chair. When the chair makes a ruling on a point of order and one of the Councilmembers states, "I appeal the ruling of the chair," or words to such effect, no other business shall be transacted until the question, "shall the ruling of the chair be sustained?" is voted on. The presiding officer shall immediately put such question to vote without debate, and, if he/she fails to do so immediately, any member of the City Council may put the question to a vote.

Rule 5. **Procedure for Submitting Agenda Items**

Any and all ordinances, resolutions or other matters, including all written data, except emergency items, to be brought before the City Council for its consideration by the Mayor or by two (2) or more members of the Council, shall be submitted to the City Secretary not later than 2:00 p.m. of the Monday, the week preceding the meeting at which the same is to be considered.

Rule 6. **Motion to Table**

Since the Council has regularly scheduled meetings, a motion to table, when carried, does not permanently defeat an ordinance, resolution, motion, or other measure. If such ordinance, resolution, motion, or other measure is tabled by a majority vote of the Council, such ordinance, resolution, motion, or other measure, if not sooner removed from the table, must be removed at the third meeting, and acted upon, even if only to place the item on the table again.

Rule 7. **Closing of Debate**

If, during debate upon any ordinance, resolution, motion or other matter before the Council, any member moves that the subject under discussion be put to a vote without further debate (and such a motion need not be seconded), the presiding officer shall immediately ask the Council, "is there any objection to proceeding to a vote on the ordinance, resolution, motion, or other measure before the Council being taken immediately?" If any member objects, the presiding officer shall immediately and without debate put the question, "shall the subject being discussed be put to a vote, without debate?" To a vote of the Council, and if a majority of the Councilmembers present vote in favor of ordering the vote, debate on the question shall be closed and a vote on the ordinance, resolution, motion or other measure taken immediately.

Rule 8.

Reducing Motion to Writing

All oral motions must be seconded before being put to vote by the chair (except where otherwise provided in these rules), and upon request of any other member of the Council, or Mayor, the party making any such oral motion (except a motion to order a vote on a subject being considered per rule 10 or to table, or other such procedural matter) shall reduce the same to writing, or request the City Secretary to do the same. If a motion be made by any member of the Council in writing and filed with the presiding office, it shall still require a second.

Rule 9.

Citizens' Right to be Heard

Any citizen shall have a reasonable opportunity to be heard at any and all regular meetings of the City Council in regard to any and all matters to be considered at any such meeting, or such other matters as citizens may wish to bring to Council's attention; provided, however, any matter not posted on the agenda may not be discussed by Council, nor shall any action be taken by Council, except to indicate that the matter may be placed on a later agenda. A time shall be set aside during each Council meeting for the Council to hear from the public, such designated time not to exceed three (3) minutes per person, or six (6) minutes if the individual represents a group. The Mayor shall retain the discretion to further limit or increase this time for public comments on agenda items. Citizen comments on agenda items will be heard during the discussion of those agenda items. Citizen comments pertaining to none agenda items will be heard during the Citizen Participation portion of the meeting. Any written information brought by a citizen pertaining to agenda items or other issues must be presented to the City Secretary's Office by the Monday, the week preceding the Council Meeting so that staff and council may review the materials. Citizens attending any regularly scheduled meeting may speak before Council by completing a form and presenting it to the City Secretary prior to the beginning of such meeting. Citizens may also request to be placed on the agenda to appear before Council by making a request to the City Secretary prior to any regularly scheduled meeting. Such request must be received by the City not later than two o'clock (2:00) p.m. on the Monday preceding the next scheduled Council meeting. In addition, citizens may request a Council member to place an item on the agenda.

It is the Council's goal that citizens resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that citizens may from time to time believe it is necessary to speak to Council on matters of concern.

In view of that, Council expects any citizen to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending. Any citizen requesting to speak shall limit him or herself to matters of fact regarding the issue of concern. Personal attacks made publicly toward any citizen or city employee are not allowed. Citizens are encouraged to bring their complaints regarding employee performance through the supervisory chain of command in accordance with the City's Personnel Policies. Complaints regarding an employee's performance of duty will not be heard unless it has first been submitted in writing, a written response has been received within a reasonable period of time, and the citizen is still not satisfied with the response. Complaints regarding any matter

pending before federal, state, county or municipal court as a result of an enforcement action by a city employee or in a civil suit will not be heard.

No member of the public shall be heard until recognized by the presiding officer. Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing City Council, shall be deemed guilty of disrupting a meeting (section 42.5, Penal Code, Class B, Misdemeanor) and, at the direction of the presiding officer, shall be removed from Council chambers by the sergeant-at-arms or other agent designated by City Council. Any citizen shall be entitled to visit City hall, during regular business hours, and inspect all past Council meeting minutes, City audits, and the agenda to be considered by the Council in advance of the meeting and inform himself or herself as to the matters to be considered.

Rule 10. Suspension of Rules of Procedure

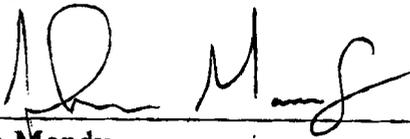
Any one or all of these rules of procedure may be suspended in order to allow a particular consideration of a matter, provided that it does not violate the state law or home rule charter, and provided that not less than two-thirds Councilmembers vote in favor of such suspension. Where any rule embodies a provision of state law, identically or in substance, such rule may not be suspended.

Rule 11. Rules of Procedure

Except where in conflict with any state law, City charter, City ordinance or the rules of procedure adopted by this resolution, the rules of procedure laid down in *Robert's Rules of Order*, 10th Edition, shall govern the proceedings of the City Council.

Section 2. City of Wylie, Collin/Dallas/Rockwall Counties, Texas, all other resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED, APPROVED, AND RESOLVED by the City Council of the City of Wylie, Texas on this the 11th day of November, 2003.



John Mondy

Mayor

ATTEST



Carole Ehrlich, TRMC

City Secretary

