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# THE CITY OF WOODCREEK

## ORDINANCE NO. 24-330

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**AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE III (“ADMINISTRATION”), CHAPTER 30 (“PLANNING AND ZONING COMMISSION”); PROVIDING FOR AMENDMENTS TO THE OPERATION AND STRUCTURE OF THE PLANNING AND ZONING COMMISSION.**

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**WHEREAS**, the City of Woodcreek (“City”) is a Texas General Law Municipality operating under the laws of the State of Texas; and

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**WHEREAS**, Chapter 211, Texas Local Government Code authorizes a general law municipality to appoint a zoning commission; and

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**WHEREAS**, City Council has previously created a Planning and Zoning Commission the purpose of which is to: (1) advise and make recommendations to the City Council on amendments to the municipal Comprehensive Plan, changes of zoning, zoning ordinance amendments and zoning to be given to newly annexed areas, and shall consider approval of plats of subdivisions as may be submitted to it for review and other planning related matters; (2) secure public input in this process; and (3) promote transparency in the process of amendments to the municipal Comprehensive Plan, changes of zoning, zoning ordinance amendments and zoning to be given to newly annexed areas, and shall consider approval of plats of subdivisions as may be submitted to it for review and other planning related matters; and

**WHEREAS**, the City Council finds and determines it in the best interests of the City to revise the operations and structure of the Planning and Zoning Commission; and

**WHEREAS**, the City Council of the City of Woodcreek, Texas finds that these amendments to the Code of Ordinances are in compliance with state law.

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

**Section 1.** The foregoing recitals are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**Section 2.** The City Code of Ordinances Title III, Chapter 30 (the “Code”), is hereby amended as follows with underlines being additions to the Code and ~~striketroughs~~ being deletions from the code:

**§ 30.38 CREATION; MEMBERSHIP; OFFICERS; RULES AND BYLAWS.**

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(B) Commission members shall reside within the City Limits.

(C) Each of Woodcreek's five Councilmembers shall make one regular member appointment to the Planning and Zoning Commission. The Mayor will make two regular member appointments to the Planning and Zoning Commission. All appointments shall be confirmed by a majority vote of the City Council. In the event any Councilmembers or the Mayor fails or refuses to make an appointment, the vacancy may be filled by the majority vote of the remaining members of the City Council.

(1) The terms of each regular member of the Planning and Zoning commission shall coincide with the term of the appointing officer and shall expire upon the end of the appointing Officer's term of office. One year, the three newly elected members of council shall make recommendation for a regular member of the Planning and Zoning commission. The next year, the two newly elected members of council shall make a recommendation for a regular member of the commission, and the newly elected Mayor shall make recommendation for two regular voting members.

(2) In order to be considered for appointment to the Commission, a Volunteer Application shall be filled out and submitted to the City Records Management Officer. City staff shall present all volunteer applications to City Council for their consideration.

(D) Any member of the Commission may resign by submitting written notice to the City Secretary, [the] City Records Management Officer. Resignation will be effective when received. Upon receipt of written notice of resignation, the City Secretary shall, as administratively possible, send such resignation to the Mayor, the Chair of Planning and Zoning and the Commission liaison.

(E) If a vacancy occurs on the Planning and Zoning Commission, that vacancy shall be filled by a recommendation from the Council member who appointed the resigning member. Upon confirmation by a simple majority vote of council, the newly appointed member shall fulfill the unexpired term of that Planning and Zoning Commission seat. All members may serve until their successor is properly appointed.

(F) Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full City Council either upon its own motion or upon recommendation of the Commission. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family, or if the Commission or Council approves the absence(s) as

92 excused. A vote to remove a Commission member shall be placed on the  
93 appropriate agenda as a regular item, and shall be voted upon accordingly.  
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95 (G) The members of the Commission shall regularly attend meetings and public  
96 hearings of the Commission, shall serve without compensation and shall not hold  
97 any other office within, or serve as an employee of, the City while serving on the  
98 Commission. Appointments to non-voting commissions and/or boards seats shall  
99 be permitted. The Commission shall meet a minimum of twice per year at a time  
100 established by the Planning and Zoning Chairperson.  
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102 H) The Commission shall elect a Chairperson and a Vice-Chairperson from  
103 among the Commission membership.  
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105 (1) Chairpersons shall be elected for terms of one year by simple majority  
106 vote of its membership present, or until replaced by a two-thirds vote of the full  
107 Commission. Chairpersons shall include Chairperson and Vice-Chairperson.  
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109 (2) The Chairperson's sole duty shall be to preside over all meetings in  
110 accordance with any rules the Commission may establish. If the Chairperson fails  
111 or refuses to act, the Vice-Chairperson shall perform the duties of the Chairperson.  
112 If the Chairperson and Vice-Chairperson are absent, any committee member may  
113 be appointed by the committee to preside over the meeting.  
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115 (3) Chairpersons retain all rights given to them as regular voting members.  
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117 (I) The Commission shall have the power to make rules, regulations and  
118 bylaws for its own governance, which shall conform with those set forth by the City  
119 Council, and such rules, regulations and bylaws shall be subject to approval by the  
120 City Council. Such rules and bylaws shall include, among other items, provisions  
121 for the following:  
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123 (1) Regular and special meetings, open to the public;  
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125 (2) A record of its proceedings, to be open for inspection by the public;  
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127 (3) Reporting to the City Council and the public, from time to time and  
128 annually; and  
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130 (4) Reviewing the City's municipal Comprehensive Plan on a biennial  
131 basis.  
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133 (J) The City Manager's/Administrator's designee shall serve as Secretary to the  
134 Commission and shall keep minutes of all meetings held by the Commission as well  
135 as the full record of all recommendations made by the Commission to the City  
136 Council.  
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138 **§ 30.39 PARLIAMENTARY PROCEDURE; QUORUM; VOTING.**

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140 The Commission will follow the parliamentary procedure adopted by the City  
141 Council, and procedures shall not be in conflict with the laws applicable to the  
142 Commission on the following.

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144 (A) *Quorum.* A quorum shall consist of a majority of the membership of the  
145 Commission, and any issue to be voted upon shall be resolved by a majority of  
146 those members present.

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148 (B) *Voting.* All Commission members, including the Chairperson, shall be  
149 entitled to one vote each upon any question, upon a quorum being present. Voting  
150 procedures shall be in accordance with the parliamentary procedures adopted by  
151 the City Council.

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153 **Section 3.** If any provision of this Ordinance is illegal, invalid, or unenforceable  
154 under present or future laws, the remainder of this Ordinance will not be affected and, in  
155 lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to  
156 the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and  
157 enforceable will be added to this Ordinance.

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159 **Section 4.** This Ordinance shall be cumulative of all provisions of ordinances of the City  
160 except where the provisions of the Ordinance are in direct conflict with the provisions of such  
161 ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

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163 **Section 5.** This Ordinance shall be construed and enforced in accordance with the laws of  
164 the state of Texas and the United States of America.

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166 **Section 6.** It is officially found, determined, and declared that the meeting at which this  
167 Ordinance is adopted was open to the public as required and that public notice of the time, place,  
168 and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551,  
169 Texas Government Code, as amended.

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171 **Section 7.** This Ordinance shall be in full force and effect after its final passage and  
172 approval by the City Council, as duly attested by the Mayor and City Secretary, and any publication  
173 required by law.

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175 **PASSED AND APPROVED** this 28<sup>th</sup> day of February, 2024, by a vote of 5 ayes  
176 to 0 nays to 0 abstentions of the City Council of Woodcreek, Texas.



CITY OF WOODCREEK, TEXAS

By:

  
Jeff Rasco, Mayor

185 ATTEST:

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188 *Suzanne Mac Kenzie, City Secretary*

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190 **APPROVED AS TO FORM:**

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193 *City Attorney's Office*  
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