

ORDINANCE NO. 18-04-19-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING ARTICLE 9.800 OF CHAPTER 9 OF THE LAGO VISTA CODE OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; SEVERABILITY CLAUSE; EFFECTIVE DATE, OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously established a Building Committee within Chapter 9, Article 9.800 of the Lago Vista Code of Ordinances; and

WHEREAS, the Building Committee currently consists of five regular members and two alternates; and

WHEREAS, the City Council finds that they would be better served by a Building Committee consisting of seven regular members.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. FINDINGS. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. MODIFICATION. The City Council of the City of Lago Vista, Texas, does hereby amend Chapter 9, Article 9.800, Code of Ordinances as shown in Exhibit "A."

SECTION 3. SAVINGS CLAUSE. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is 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.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 19th day of April, 2018.


Ed Tidwell, Mayor



ATTEST:


Sandra Barton, City Secretary

On a motion by Councilman Williams, seconded by Councilman Davila, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

CHAPTER 9

PERSONNEL

ARTICLE 9.800 BUILDING COMMITTEE

Sec. 9.801 Creation and Purpose

A building committee is hereby created and will have overall authority and responsibility to monitor, review and make recommendations to the city council concerning building, flood damage prevention, unsafe building, and sign construction standards, processes, and ordinances in the city. The building committee may also make recommendations to the city council concerning aesthetic guidelines or standards.

Sec. 9.802 Membership and Appointment

The building committee shall be composed of seven (7) members. The city council shall appoint the members by motion or resolution.

Sec. 9.803 Terms of Office

The terms of four (4) members shall expire on January of each odd-numbered year, and the terms of three (3) members shall expire on January of each even-numbered year. The members of the committee shall be identified by place numbers one (1) through seven (7). The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two years. Newly appointed members shall be installed at the first regular committee meeting after their appointment.

Sec. 9.804 Organization

- (a) Officers shall be elected annually from among the committee's membership at its first meeting in the new calendar year, with it being the first agenda item, and at such other times as these offices may become vacant. In the absence of both the chair and vice-chair, the committee shall elect a chair pro tem. The committee shall meet as needed and shall designate the time and place of its meetings. The committee shall adopt its own rules and procedures and keep a record of its proceedings consistent with the provisions of this article and the requirements of law.
- (b) Each committee member shall be required to meet qualifications within city charter Section 3.02.

Sec. 9.805 Duties and Powers

The building committee will have overall authority and responsibility to monitor, review and make recommendations to the city council concerning building, flood damage prevention, unsafe building, and sign construction standards, processes, and ordinances. The building committee may also make recommendations to the city council concerning aesthetic guidelines or standards.

Sec. 9.806 Meeting and Quorum

- (a) A motion may be made by any member other than the presiding officer.
- (b) A motion to approve any matter before the committee or to recommend approval of any request requiring city council action shall require four (4) favorable votes of the members present. When fewer than all members are present for the voting and when all motions to recommend on a request for a variance fail to carry by four (4) votes, consideration of the variance shall be continued to the next regular meeting or a special called meeting upon motion carried by a majority of those present. Provided further that no request or application for a variance shall be continued under this rule beyond the next regular meeting; failure of the committee to secure four (4) concurring votes to approve or recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposed variance under this rule. If the committee is considering a recommendation to the city council at the city council's request, and the committee does not make a recommendation at two consecutive regular meetings, the committee may send the matter to the council without a recommendation, upon motion of the majority of the members present.

Sec. 9.807 Disqualification From Voting

- (a) A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in any project brought before the committee or that he will be directly affected by the decisions made by the committee.
- (b) A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the vote of the member on his application, other than in a public hearing.