



Ordinance No. 139

AN ORDINANCE OF THE CITY OF PATTISON REPEALING ORDINANCE NO. 128 AND REPLACING SAID ORDINANCE WITH THIS ORDINANCE; ESTABLISHING A PLANNING COMMISSION PURSUANT TO CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE; ESTABLISHING APPOINTMENT, TERMS AND REMOVAL; ESTABLISHING DUTIES AND POWERS; DEFINING A QUORUM.

WHEREAS, Chapter 212 of the Texas Local Government Code requires a municipal authority to approve a plat or replat that is filed under Chapter 212 of the Local Government Code and satisfies all applicable regulations; and

WHEREAS, Chapter 212, "Municipal Regulation of Subdivisions and Property Development," of the Texas Local Government Code provides for the establishment of a City Planning Commission; and

WHEREAS, the City Council seeks by the establishment of a Planning Commission to protect the health, safety, and welfare of the citizens of the City of Pattison, Texas by providing an orderly process for the review of plats and applicable regulations.

WHEREAS, it is the City Council's intention with this ordinance to repeal Ordinance No 128 and replace said Ordinance with this Ordinance which deletes from Ordinance No. 128 section 6 paragraph (4) pertaining to parks.

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

Findings. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and are adopted as part of this Ordinance for all purposes.

Sec. 1. Repeal of ordinances.

Ordinance 128 is hereby repealed in entirety and replaced with this ordinance.

Sec. 2. Established and Membership.

There is established a Planning Commission for the City.

The Planning Commission shall be composed of a minimum of three (3) but not more than seven (7) voting members, each of whom shall be, at the time of appointment and at all other times while serving as a member of such commission, resident property owners and or owners of real property within the incorporated limits of the city. Further, the City Council, may from time to time appoint additional ex officio members to the commission. This position may participate in debate but may not vote on issues before the commission. To be eligible for an ex officio position on the commission the member shall be a resident of the city or own land within the incorporated limits of the city.

Sec. 3. Appointment and term of office.

The Mayor shall nominate, and with the approval of the City Council, shall appoint and may remove at any time the members of the Planning Commission. Each member shall serve for a term of two years; three (3) members to be appointed in every odd-numbered year and four (4) members to be appointed in every even numbered year. Planning Commission members so appointed and approved may be reappointed, subject to approval by City Council, following each term of service. Vacancies for unexpired terms of any member whose position becomes vacant shall be filled by appointment by the Mayor, subject to approval by the City Council. Newly selected members shall be duly sworn and installed at the earliest possible City Council meeting.

Sec. 4. Compensation, removal.

- (a) Members of the Planning Commission shall serve without compensation.
- (b) Members shall serve at the pleasure of the Mayor and are subject to removal by the Mayor at any time, with or without cause, subject to a concurrence by a majority vote of the City Council. Members shall have no expectation of continued service either in the position or on the Planning Commission. A member who is absent from three consecutive meetings of the Planning Commission may be subject to removal.

Sec. 5. Meetings.

The Planning Commission shall meet monthly as business shall require and shall designate the date, time, and place of its meetings. It shall hold such special meetings as shall be called by the chair or a majority of its members.

Sec. 6. Duties of Planning Commission.

At the direction of City Council, and consistent with the laws of the state, the Planning Commission shall have the duty and responsibility to:

- (1) Make studies and project plans for the improvement of the city with a view to its future development and possible extension to ensure orderly growth of the city with equitable interest to both the private and public sectors and make recommendations on such findings to the City Council.
- (2) Act with and assist the City Council in formulating and executing proper plans of the development of the City.
- (3) Investigate, consider, and recommend to the City Council prior to approval of same all of the preliminary and final plats of new subdivisions within the city or its extraterritorial jurisdiction, and to perform all duties imposed upon the Planning Commission by state statutes.
- (4) Investigate and consider the issues stemming from possible annexation and disannexation as may be required by City Council and make recommendations to the City Council on issues of annexation or disannexation.
- (5) Make recommendations to City Council concerning traffic regulation and control.
- (6) Generally investigate, consider and recommend to the City Council all matters for the development and advancement of the city's physical layout and appearance.
- (7) Perform such other duties as may from time to time be delegated to the Planning Commission by the City Council.

Sec. 7. Procedures.

- (a) *Quorum and vote.* Each Planning Commission member in attendance at a duly called and noticed meeting may vote. All matters to be heard by the Planning Commission shall be considered by a minimum of three (3) members, which shall be the quorum necessary for conducting a meeting. The concurring vote of a majority of the members in attendance shall be necessary for the passage of any motion.
- (b) *Organization.* The Mayor shall appoint a chair and vice chair of the Planning Commission from its membership. The Planning Commission shall elect a secretary from among its members. These members shall serve in such capacities concurrent with their period of service.
- (c) *Rules.* In addition to statutory requirements, the following rules shall govern the Planning Commission:
 - (1) The Planning Commission shall comply with the applicable open meetings and open records laws and shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be promptly filed in the office of the city secretary.
 - (2) The Planning Commission shall report to City Council annually and from time to time as directed by the Mayor.
 - (3) The member of the Commission shall disqualify themselves from discussion and voting whenever they find that they have a personal or monetary interest in any matter before the Commission. Said member shall make known in open meeting said personal or monetary interest.

Sec. 8. Fees.

Matters submitted for consideration to the Planning Commission shall not be accepted for filing unless the applicant shall have paid to the city the appropriate filing fee in an amount to be determined from time to time by the City Council.

Sec. 9. Severability.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Pattison, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Sec. 10. Repealing Conflict.


All provisions in conflict with the provision of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Sec. 11. Adoption and effective date of ordinance.

This ordinance shall become effective upon its approval by a majority vote of the City Council.

PASSED AND APPROVED and EFFECTIVE on the 2nd day of February 2021

APPROVED:



Joe Garcia, Mayor

ATTEST:



Lorene Hartfiel, City Secretary