

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2-1 OF THE CITY CODE RELATING TO CITY BOARDS AND COMMISSIONS; AMENDING CHAPTER 14-2 OF THE CITY CODE RELATING TO THE PEOPLE'S RENAISSANCE MARKET; REPEALING SECTION 2-1-106 OF THE CITY CODE RELATING TO THE AUSTIN AREA COMPREHENSIVE HIV PLANNING COUNCIL, SECTION 2-1-109 OF THE CITY CODE RELATING TO THE AUSTIN-TRAVIS COUNTY EMS ADVISORY BOARD, SECTION 2-1-149 OF THE CITY CODE RELATING TO THE IMPACT FEE ADVISORY COMMITTEE, SECTION 2-1-166 OF THE CITY CODE RELATING TO THE RENAISSANCE MARKET COMMISSION, SECTION 2-1-170 RELATING TO THE SIGN CONTROL BOARD, SECTION 2-1-184 RELATING TO THE URBAN RENEWAL AGENCY, AND SECTION 14-2-42 RELATING TO AN APPEAL BY AN APPLICANT OR LICENSEE TO SELL MERCHANDISE AT THE PEOPLE'S RENAISSANCE MARKET.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 2-1-3 (*Boards Established*) of the City Code is amended to add Subsection (D) to read:

- (D) To the extent not otherwise required by Texas Government Code, Chapter 551 or other state or federal law or rule, all temporary and permanent boards, commissions, and task forces not included in this chapter and that are established solely by council shall comply with Chapter 551 (Open Meetings Act).

PART 2. Section 2-1-6 (*Quorum and Action*) of the City Code is amended to add Subsection (C) to read:

- (C) All members necessary to provide a quorum must be physically present at a meeting to conduct business.

PART 3. Subsection (J) of Section 2-1-21 (*Eligibility Requirements and Removal*) of the City Code is amended to read:

- (J) A board member who becomes ineligible to serve under this chapter or federal or state regulation may not continue to serve even though a successor has not been appointed. A board member who was required to be a resident of the City when appointed and who moves his primary residence outside of

1 the City limits becomes ineligible to serve on the date he moves his
2 residence.

3 **PART 4.** Section 2-1-21 (*Eligibility Requirements and Removal*) of the City Code is
4 amended to add Subsection (L) to read:

5 (L) Unless otherwise provided by this Chapter, a City employee may not serve
6 as a member of a City board if:

- 7 (1) the employee is classified at the executive level;
- 8 (2) the employee is required to file an annual financial statement;
- 9 (3) the employee works for the Law Department, the Financial Services
10 Department, the Purchasing Department, or the Project Management
11 Division of the Public Works Department;
- 12 (4) the employee is a purchasing agent or has the authority to purchase or
13 contract for the City;
- 14 (5) the subject matter within the scope of the City department in which
15 the City employee is employed makes it likely that the board will
16 consider subject matter related to the City department; or
- 17 (6) the City department in which the City employee is employed
18 provides staff support to the board.

19 **PART 5.** Subsection (B) of Section 2-1-22 (*Membership and Term Limitation*) of the
20 City Code is amended to read:

21 (B) Except as provided by Subsection (C), a board member may serve not longer
22 than nine consecutive years on the same board. Service before July 31, 2008
23 ~~[December 10, 2007]~~ is excluded in determining the number of years served.
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25 **PART 6.** Subsection (A) of Section 2-1-26 (*Attendance Requirements and Automatic*
26 *Vacation*) of the City Code is amended to read:

27 (A) Except as provided in Subsection (B), a board member automatically vacates
28 the member's position if the member is absent for three consecutive regular
29 meetings or one-third of all regular meetings in a 12-month period.
30 Absences before December 31, 2007 are excluded in determining a
31 member's number of absences.

1 **PART 7.** Subsections (B) and (D) of Section 2-1-42 (*Officers And Committees*) of the
2 City Code are amended to read:

3 (B) A person may not serve as the chair of a board for more than two
4 consecutive years. Service before July 31, 2008 is excluded in determining
5 the number of years served.

6 (D) A meeting of a committee shall be posted under ~~{the Local}~~ Government
7 Code Chapter 551 (*Open Meetings Act*). All appointed and ex-officio
8 members of a standing committee and a special committee must be
9 physically present at a meeting to conduct business.

10 **PART 8.** Subsection (B) of Section 2-1-43 (*Meeting Requirements*) of the City Code
11 is amended to read:

12 (B) Each board shall comply with Government Code Chapter 551 (*Open*
13 *Meetings Act.*) All members necessary to provide a quorum must be
14 physically present at a meeting to conduct business.

15 **PART 9.** Section 2-1-44 (*Meeting Procedures*) of the City Code is amended to add
16 Subsection (D) to read:

17 (D) Boards may adopt special rules of procedure as required.

18 **PART 10.** Section 2-1-107 (*Austin Community Technology and Telecommunications*
19 *Commission*) of the City Code is amended to add Subsection (H) to read:

20 (H) The Commission may create a Grant Review Committee consisting of up to
21 seven members to review grant applications, conduct interviews, and
22 evaluate applications for the purpose of providing recommendations to the
23 Commission for grant awards under the City's Grant for Technology
24 Opportunities program. The Commission may appoint persons to the Grant
25 Review Committee who are not members of the Commission, but must
26 appoint one member of the Commission to the Grant Review Committee
27 who shall serve as ex-officio chair of the Grant Review Committee. All
28 members of the Grant Review Committee are subject to Article 4 of Chapter
29 2-7 of the Code (*Code of Ethics*).
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31 **PART 11.** Subsection (F) of Section 2-1-110 (*Board of Adjustment*) of the City Code is
32 amended to read:

33 (F) The board shall:
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35

- (1) hear and decide a request for a variance from the requirements of Chapter 25-2 (*Zoning*), except as otherwise provided by the Code;
- (2) hear and decide an appeal of an administrative action under Chapter 25-2 (*Zoning*) [~~Title 25 (*Land Development*); and~~];
- (3) hear and decide a request for a variance from the requirements of airport zoning regulations under Section 241.034, Local Government Code; and
- ~~[(3) —perform other duties prescribed by ordinance or state law.]~~
- (4) perform other duties prescribed by ordinance or state law.

PART 12. Subsection (A) of Section 2-1-121 (*Building and Fire Code Board of Appeals*) of the City code is amended to read:

- (A) The Building and Fire Code Board of Appeals members should be qualified by experience and training to consider matters relating to building construction and fire prevention. [;]Members may not be ~~[who are not]~~ City employees.

PART 13. Subsection (B) of Section 2-1-181 (*Sign Review Board*) of the City Code is amended to read:

(B) The board shall:

- (1) hear and decide a request for variance from the requirements of Chapter 25-10 (*Sign Regulations*);
- (2) exercise the powers to revoke or suspend a sign registration under Section 25-10-236 (*Revocation and Suspension*); and
- (3) advise the Council regarding Chapter 25-10 (*Sign Regulations*).
- ~~[(1) —advise the council concerning Chapter 25-10 (*Sign Regulations*); and]~~
- ~~[(2) —exercise the powers granted under Section 25-10-236 (*Revocation And Suspension*) and Section 25-10-41 (*Sign Review Board Powers*).]~~

PART 14. Subsection (D) of Section 2-1-185 (*Urban Transportation Commission*) of the City Code is amended to read:

1 (D) The commission shall review, study, and make recommendations to the
2 Planning Commission on;

3 (1) transportation-related projects proposed for inclusion in the
4 Capital Improvements Program; and

5 (2) plans and programs submitted by the Capital Area Metropolitan
6 Planning Organization [~~Austin Transportation Study Program~~].

7 **PART 15.** Subsection (A) of Section 2-1-186 (*Water and Wastewater Commission*) of
8 the City Code is amended to read:

9 (A) The Water and Wastewater members should reside [~~have resided within the~~
10 ~~city for at least six months before their appointment, but a member may~~
11 ~~reside outside the city if the member's residence is~~] inside the utility's
12 service area. Not more than two members should be involved in
13 development or development-related activities.

14 **PART 16.** Section 14-2-12 (*Licensure Authority*) of the City Code is amended to read:

15 § 14-2-12 LICENSURE AUTHORITY

16 The director of the Parks and Recreation Department or his designee
17 [~~Renaissance Market Commission~~] may approve, deny, revoke, or suspend a
18 license issued under this article and may establish procedures related to licensure.

19 **PART 17.** Subsection (C) of Section 14-2-19 (*Improvements and Promotional*
20 *Activities*) of the City Code is repealed.

21 **PART 18.** Subsection (A) of Section 14-2-34 (*Application Required*) of the City Code
22 is amended to read:

23 (A) A person seeking a license to sell merchandise in the People's Renaissance
24 Market must:

25 (1) file an application with the director of the Parks and Recreation
26 Department [~~on a form approved by the Renaissance Market~~
27 ~~Commission~~]; and

28 (2) except as provided in Section 14-2-32 (*Exemption from License Fee*),
29 pay the fee established by ordinance.

30 **PART 19.** Subsection (A) of Section 14-2-35 (*Application Requirements*) of the City
31 Code is amended to read:

32 (A) An application under this chapter shall include:

- 1 (1) the applicant's name, including any business or assumed name, mailing
2 address, phone number, and social security number;
- 3 (2) a state sales tax permit number, if applicable, or exemption certificate;
- 4 (3) a description of the merchandise the applicant intends to sell;
- 5 (4) a statement that the applicant has created or produced all merchandise
6 that the applicant intends to offer for sale at the people's Renaissance
7 Market; and
- 8 (5) a statement that, within seven days of receipt of a request from the
9 director of the Parks and Recreation Department or his designee
10 ~~[Renaissance Market Commission]~~, the applicant agrees to create an
11 example of the applicant's art or craft before the director or his designee
12 ~~[a representative of the commission]~~.

13 **PART 20.** Subsections (A) and (C) of Section 14-2-36 (*License Term and Renewal*) of
14 the City Code are amended to read:

- 15 (A) A license issued under this chapter is valid for one year from the date of
16 issuance ~~[from October 1 to September 30]~~.
- 17 (C) The director of the Parks and Recreation Department or his designee ~~[or the~~
18 ~~appropriate advisory board]~~ may automatically renew a person's license if
19 the person has held a license for two consecutive years immediately
20 preceding the renewal application, and has not been found to have violated
21 the terms of the license.

22 **PART 21.** Subsection (A) of Section 14-2-39 (*License Issuance*) of the City Code is
23 amended to read:

- 24 (A) The director of the Parks and Recreation Department shall issue a license
25 approved by the director or his designee ~~[Renaissance Market Commission]~~
26 under this article.

27 **PART 22.** Section 14-2-40 (*Restrictions on Issuance*) of the City Code is amended to
28 read:

29 § 14-2-40 RESTRICTIONS ON ISSUANCE

30 The director of the Parks and Recreation Department ~~[Renaissance Market~~
31 ~~Commission]~~ shall not approve a license unless the director or his designee ~~[commission]~~
32 determines that the applicant's art or craft complies with this article.

PART 23. Subsection (A) of Section 14-2-41 (*License Revocation*) of the City Code is amended to read:

(A) The director of the Parks and Recreation Department [~~Renaissance Market Commission~~] may revoke or suspend a license issued under this chapter for good cause, a violation of this chapter, or a public offense or violation by the licensee relating to the sale of merchandise at the People's Renaissance Market.

PART 24. Section 2-1-106 (*Austin Area Comprehensive HIV Planning Council*) of the City Code is repealed.

PART 25. The Austin Area Comprehensive HIV Planning Council is continued in existence and is governed by United States Code Title 42, Sections 300ff-11 et. seq. (*The Ryan White Care Act*), other applicable federal and state law, and the planning council bylaws. The planning council bylaws are required by the Ryan White Care Act, and the bylaws are not effective unless approved by the mayor.

PART 26. Section 2-1-109 (*Austin-Travis County EMS Advisory Board*) of the City Code is repealed.

PART 27. Section 2-1-149 (*Impact Fee Advisory Committee*) of the City Code is repealed.

PART 28. The Impact Fee Advisory Committee is continued in existence and is governed by the applicable provisions in Texas Local Government Code, Chapter 395.

PART 29. Section 2-1-166 (*Renaissance Market Commission*) of the City Code is repealed.

PART 30. The Renaissance Market Commission is dissolved.

PART 31. Section 2-1-170 (*Sign Control Board*) of the City Code is repealed.

PART 32. Section 2-1-184 (*Urban Renewal Agency*) of the City Code is repealed.

PART 33. The Urban Renewal Agency is continued in existence and is governed by applicable provisions in Texas Local Government Code, Chapter 374.

PART 34. Section 14-2-42 (*Appeal*) of the City Code is repealed.

PART 35. This ordinance takes effect on _____, 2008.

PASSED AND APPROVED

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_____, 2008

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

Draft