

Supplemental Memorandum Regarding Amended Council Bill No. 2024-29.

Background:

At the City Council's September 10, 2024, regular meeting, Council Bill No. 2024-29 (the "Bill") was presented by staff and had its first reading by the Council. Mayor Giddens has requested that staff prepare an amendment to the Bill to delay its effective date to January 1, 2025.

In the interim period between the Bill's first and second reading, staff have prepared Amended Council Bill No. 2024-29 (the "Amended Bill").

Analysis:

The Amended Bill modifies Section 5 of the Bill, appearing between lines 69 and 17. The modification simply states that the effective date for the provisions of the Bill will be effective on January 1, 2025.

The intent is to delay the effective date of the planned changes to the Planning Commission's meeting calendar until after the City has completed its budget approval for the 2025 municipal budget. City Council conducts multiple special meetings during this time of the year. To avoid any conflicts between Council's calendar and the Planning Commission's calendar, the request was made by the Mayor to prepare the Amended Bill for Council's consideration.

Recommendation:

Staff have prepared a motion to amend Council Bill No. 2024-29. The effect of this motion will be to amend the original Council Bill.

MEMO SUBMITTED BY:

Nick Woodman | City Attorney

Attachments:

Amendment No. 1 (Motion to amend); and
Amended Council Bill No. 2024-29.

AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE CITY'S REGULATIONS AS THEY RELATE TO THE SCHEDULING OF THE PLANNING & ZONING COMMISSION MEETINGS IN SECTION 101-72

Background:

At the July 8, 2024, meeting of Nixa City Council, Council discussed allowing for flexibility of council meetings and an adjustment to the days and times of said meetings. This discussion led to planning staff inquiring about the possibility of amending city code to allow for flexibility for Planning & Zoning Commission meetings as well. A brief discussion at the August 5th Planning & Zoning meeting concerning the want to amend the code language of section 101-72.

Analysis:

The proposed code amendment would dispatch the language requiring a meeting on the 1st Monday of every month at 7pm. However, meetings will still be held on a regular schedule as consistently as possible. This amendment would also allow for the scheduling of Special Meetings without a majority vote from the commission. As the code is currently written the commission is required to meet and vote on scheduling a special meeting.

Planning and Zoning Commission:

A public hearing for this item was held at the September 3rd Planning and Zoning Commission meeting. No one approached the Commission to speak on this item. The P&Z Commission voted unanimously (6-0) to recommend approval to the Nixa City Council.

Recommendation:

Allowing for pliability when scheduling Planning & Zoning commission meetings will help to ensure a consistent quorum. Staff recommends approval of this code amendment.

MEMO SUBMITTED BY:

Brendan Justin | Planner I
bjustin@nixa.com | 417-725-5850

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER
2 101, ARTICLE II, DIVISION 2, SECTION 101-72 OF THE NIXA CITY CODE FOR THE
3 PURPOSE OF ALLOWING THE PLANNING & ZONING COMMISSION FLEXIBILITY
4 IN SCHEDULING REGULAR MEETINGS.

5
6 WHEREAS the current Code requires the Planning & Zoning Commission to meet
7 monthly and mandates the day and time of the meetings; and

8
9 WHEREAS the City Council recently discussed allowing for flexibility of scheduling
10 Council meetings and changing the days and times of their meeting according to the
11 Code; and

12
13 WHEREAS the Planning & Zoning Commission has affirmed that they would like
14 to have similar flexibility in scheduling the days and times of their meetings; and

15
16 WHEREAS this Council Bill, if approved, would modify the City Code to allow the
17 Planning & Zoning Commission flexibility in when they conduct their regular meetings.

18
19 WHEREAS the City Council desires to modify the City Code as set forth herein.

20
21 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
22 NIXA, AS FOLLOWS, THAT:

23
24 SECTION 1: Chapter 101, Article II, Division 2, Section 101-72 of the Nixa City
25 Code is hereby amended by repealing said Section in its entirety and adopting in lieu
26 thereof a new Section 101-72, which said Section shall read as follows (Explanation:
27 Language in bold-face type (e.g., **thus**) is language to be to be added. Language in bold-
28 faced brackets (e.g., **[thus]**) is not enacted and is intended to be omitted or deleted.):

29
30 Sec. 101-72. Meetings.

31
32 (a) The ~~[commission's]~~ **commission shall hold at least one regular meeting per**
33 **month** ~~[regular meetings will occur on the first Monday of each month at 7:00 p.m.]~~.
34 The regularly scheduled meetings are for the purpose of convening public hearings,
35 making recommendations to the city council, conducting business which requires **the**
36 vote of the commission, conducting long-range planning functions, and other official
37 business. **Regular meetings may be cancelled by the Director of Planning and**
38 **Development when there are no agenda items requiring a regular meeting of the**
39 **commission or in the event of inclement weather that would result in unsafe**
40 **traveling conditions for the public, commissioners, and city staff. In the case of**
41 **cancellation by the Director of Planning and Development, the commission shall**
42 **not be required to hold a replacement meeting for that month.**

43
44 (b) From time to time, special meetings may be called in order to process significant
45 caseloads, to review works in progress, such as comprehensive plan updates or
46 Municipal Code revisions, or to undertake a retreat or strategic planning session,

47 either amongst itself or in the company of the city council. [~~Special meetings can be~~
48 ~~proposed by any commission member or at the request of the development~~
49 ~~department director, yet must be approved by a majority vote of the commission.]~~
50

51 **SECTION 2:** The City Attorney, when codifying the provisions of this Ordinance, is
52 authorized to provide for different section numbers, subsection numbers, and different
53 internal citation references than those provided herein when such section numbers,
54 subsection numbers, or internal citation references are in error or are contrary to the intent
55 of this Ordinance.
56

57 **SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to
58 affect any suit or proceeding now pending in any court or any rights acquired, or liability
59 incurred nor any cause or causes of action occurred or existing, under any act or
60 ordinance repealed hereby.
61

62 **SECTION 4:** Severability Clause. If any section, subsection, sentence, clause, or
63 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect
64 the validity of the remaining portions of this Ordinance. The Council hereby declares that
65 it would have adopted the Ordinance and each section, subsection, sentence, clause, or
66 phrase thereof, irrespective of the fact that any one or more sections, subsections,
67 sentences, clauses, or phrases be declared invalid.
68

69 **SECTION 5:** This Ordinance shall be in full force and effect from and after its final
70 passage by the City Council and its approval by the Mayor, subject to the provisions of
71 section 3.11(g) of the City Charter.
72

73
74 **ADOPTED BY THE COUNCIL THIS 24th DAY OF SEPTEMBER 2024.**
75

76 ATTEST:
77
78 _____
79 PRESIDING OFFICER CITY CLERK
80

81
82 **APPROVED BY THE MAYOR THIS _____ DAY OF SEPTEMBER 2024.**
83

84 ATTEST:
85
86 _____
87 MAYOR CITY CLERK
88

89 APPROVED AS TO FORM:
90
91 _____
92 CITY ATTORNEY

AMENDMENT NO. 1 TO COUNCIL BILL NO. 2024-29

A MOTION:

To amend Council Bill No. 2024-29 by striking out the following language appearing between lines 69 and 71 of said Bill:

This Ordinance shall be in full force and effect from and after its final passage by the City Council and its approval by the Mayor, subject to the provides of section 3.11(g) of the City Charter.

and inserting in lieu thereof the following:

This Ordinance shall be in full force and effect on January 1, 2025, subject to the provisions of section 3.11(g) of the City Charter.

Said Motion was provided to the City Council for review prior to the September 24, 2024, Council meeting and was published as part of the agenda for the September 24, 2024, City Council meeting. Further, said Motion was adopted by the required majority of City Council on the 24th day of September 2024 and said Council Bill was therefore amended and modified as set forth herein.

PRESIDING OFFICER

ATTEST:

CITY CLERK

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7 monthly and mandates the day and time of the meetings; and

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10 Council meetings and changing the days and times of their meeting according to the
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13 **WHEREAS** the Planning & Zoning Commission has affirmed that they would like
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16 **WHEREAS** this Council Bill, if approved, would modify the City Code to allow the
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19 **WHEREAS** the City Council desires to modify the City Code as set forth herein.

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66 phrase thereof, irrespective of the fact that any one or more sections, subsections,
67 sentences, clauses, or phrases be declared invalid.
68

69 **SECTION 5:** This Ordinance shall be in full force and effect on January 1, 2025,
70 subject to the provisions of section 3.11(g) of the City Charter.
71

72
73 **ADOPTED BY THE COUNCIL THIS 24th DAY OF SEPTEMBER 2024.**
74

75 ATTEST:
76
77 _____
78 PRESIDING OFFICER CITY CLERK
79

80
81 **APPROVED BY THE MAYOR THIS _____ DAY OF SEPTEMBER 2024.**
82

83 ATTEST:
84
85 _____
86 MAYOR CITY CLERK
87

88 APPROVED AS TO FORM:
89
90 _____
91 CITY ATTORNEY