



**NOTICE OF MEETING
OF THE
CITY COUNCIL OF
BUDA, TEXAS**

*An agenda information packet is available for public inspection
In the Buda Public Library.*

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Special Parks and Recreation Commission Meeting** of the City of Buda, Texas, will be held on **Wednesday, February 23, 2011 at 6:30 PM.** in the City Hall Council Chambers at 121 Main Street, Buda, Texas 78610, at which time the following subjects will be discussed:

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENTS At this time, comments will be taken from the audience on non-agenda related topics for a length of time not to exceed three minutes per person. To address the Parks and Recreation Commission, please submit a Citizen's Comment Form to City Staff or the Chair **prior** to the start of the meeting. *No action may be taken by the Parks and Recreation Commission during Public Comments.*

D. WORKSHOP

1. Presentation from City Attorney Ross Fischer with Denton, Navarro, Rocha & Bernal, P.C. and discussion regarding a legal overview of the Parks and Recreation Commission.
2. Review and discuss the Toons and Tunes summer movie and concert program at City Park.
3. Review and discuss the Red, White and Buda Independence Day Children's Parade and Fireworks show to be held on July 4.

E. CONSENT AGENDA All matters listed under this item are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

1. Approval of the Parks and Recreation Commission Meeting Minutes, dated January 26, 2011.

F. REGULAR AGENDA ITEMS

- 1. Deliberation and possible recommended action for City Council consideration of revised Parks and Recreation Commission By-Laws.

G. STAFF REPORTS

- 1. Review and discuss the Parks and Recreation Project Status Report.

H. PARKS AND RECREATION COMMISSION REQUESTS FOR FUTURE AGENDA ITEMS

No deliberation or discussion may take place by the Parks and Recreation Commission during this agenda item.

I. ADJOURNMENT

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations must be made 48 hours prior to the meeting. Please contact the City Secretary at (512) 312-0084, or FAX (512) 312-1889 for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the City of Buda, was posted on the bulletin board in front of Buda City Hall, which is readily accessible to the public at all times, by 6:30 p.m. on Friday, February 18 , 2011.

Toni Milam, City Secretary, TRMC

I hereby certify that the above shown notice was removed from the posting location at the Buda City Hall, 121 Main Street, Buda, Texas 78610, at _____ on the _____ day of _____ 2011 and satisfies the 72-hour posting requirement.

Toni Milam, TRMC
City Secretary

CITY OF BUDA
PARKS & RECREATION
COMMISSION

Ross Fischer, City Attorney

Parks and Recreation Commission

- **Created by City Ordinance**
 - Seven members
 - Appointed by Mayor with consent of Council
 - Two- year terms

Parks and Recreation Commission

- **Serves in advisory capacity to City Council**
- **General Powers and Duties**
 - Recommend policies on the operation of Buda parks
 - Provide advisory oversight of public playgrounds, athletic fields, and other city recreational activities

Parks and Recreation Commission

- Commission may solicit and accept:
 - Gifts, money, personal property, or other donations for playgrounds or recreational purposes
- Cooperation with other agencies
 - May work with other departments or governmental entities to acquire, establish, operate, improve, or maintain park property & recreational facilities

Parks and Recreation Commission

- U.D.C. authorizes Parks & Rec to make recommendations to P&Z and Council regarding:
 - Park Land Dedication Requirements (including cash-in-lieu)
 - Parks and recreation improvements and amenities included with the Park Land Dedication
- Commission shall review application and staff report, and base recommendation on comprehensive park plan

Parkland Dedication Requirement

- **Applies to residential subdivisions**
 - 1 acre of park for every 50 dwelling units
 - Exempts subdivision with less than 10 single family units, or less than 5 multifamily units

Parkland Dedication Requirement

- ❑ **Encourages cash-in-lieu option in order to support existing parks**
 - ❑ If parkland required is less than 5 acres, cash-in-lieu is mandatory.
 - ❑ If parkland required is more than 5 acres, City – at its discretion – may accept the parkland, a combination of land and cash, or cash-in-lieu.
 - ❑ In the ETJ, cash-in-lieu is default, unless City wants to accept dedication of *private* parkland.

Parkland Dedication Requirement

- ❑ **Cash-in-lieu**
 - ❑ \$500 per dwelling unit
 - ❑ Fees kept separately from other City funds
 - ❑ Fees may be used for acquisition and improvement of parkland. Fees must be spent within 10 years of receipt.
 - ❑ Commission shall periodically make recommendations to Council regarding amount of fees and park design standards.

Organization and Meetings

- ❑ **Bylaws approved by City Council**
 - ❑ Council currently standardizing bylaws for all City boards and commissions
 - ❑ Likely to include new attendance requirement, conflicts standards, and rules of decorum
- ❑ **Current Bylaws**
 - ❑ Must comply with Open Meetings Act
 - ❑ Elect Chair annually

Subject to City Ethics Ordinance

- ❑ Cannot solicit or accept from any source a gift, favor, service or thing of value – including a promise of employment – in consideration of your exercise of an official duty
- ❑ Cannot use city property or personnel for private financial gain
- ❑ Cannot be an interested party in a contract with the City; if so, must **disclose and abstain**
- ❑ Cannot represent party adverse to City

Texas Open Meetings Act

- ❑ **Goal:** For public business to be conducted as openly as possible
- ❑ **General rule:** Every meeting is open to the public.
- ❑ Residents have the right to observe deliberations and votes:
 - ❑ No right to dictate the subject of meetings
 - ❑ No right to speak, although most meetings designate a time – & duration – for public comments.

Texas Open Meetings Act

- ❑ **Meeting** = deliberation between a quorum of members during which public business over which the Commission has supervision is discussed...
- ❑ **Quorum** = majority of the Commission
- ❑ **Meeting does NOT include:**
 - ❑ Social function
 - ❑ Seminar or conference
 - ❑ Ceremonial event or press conference
 - ❑ Provided that discussions are incidental & no action

Texas Open Meetings Act

- **Notice of Meeting**
 - Who, what, where, when and why
 - Notice of meeting posted 72 hours prior to meeting
 - Notice at City Hall and on city website
 - Notice must specify subjects to be discussed
 - Notice of closed sessions to be held
 - Location of meeting must be accessible to the public

Texas Open Meetings Act

- **Minutes**
 - Commission must keep certified copy of written minutes or a tape recording for all meetings
 - A brief summary is all that is required
 - Matter discussed
 - Action taken
 - A verbatim transcript is not necessary

Texas Open Meetings Act

- **Executive Sessions**
 - Real Property Deliberations
 - Security Measures
 - Receipt of Gifts
 - Consultation with Attorney
 - Personnel Matters
 - Economic Development Negotiations

TOMA Violations

- Conspiracy to violate TOMA – Class B misdemeanor
- Calling or participating in an illegal closed session – Class B misdemeanor
- Closed meeting without either a certified agenda or a tape recording – Class C misdemeanor
- Disclosure of certified agenda or tape recording of a closed meeting – Class B misdemeanor + civil damages

TOMA Violations

- **Consequences:**
 - Jail
 - Criminal fines
 - Civil liability
 - Actions taken are voidable
- **Defenses:**
 - Acted in reasonable reliance on a court order or written interpretation by a court of record, the attorney general, or the attorney for a governmental body

Parliamentary Procedure

- **Goals:**
 - For all action of the Commission to be governed by the general will of the whole body -- in other words, the right of the deliberative majority to decide things.
 - To provide for orderly meetings.
 - To keep "procedural" issues from dominating the business of the Commission.

Parliamentary Procedure

- Order of Business:
 - Call the Meeting to Order
 - Religious or Patriotic Exercise
 - Roll Call, Establish a Quorum
 - Reading & Approval of Minutes
 - Reports from Officers or Committees
 - Unfinished Business
 - New Business
 - Executive Session matters

Parliamentary Procedure

- **Role of the Chair**
 - Run the meeting
 - Recognize commissioners for motions and debate
 - Decide procedural issues
 - Chair may make motions, debate and vote

Parliamentary Procedure

- **Four types of Motions**
 - Main Motions (to take action)
 - Subsidiary Motions (to amend or modify main motions)
 - Privileged Motions (to raise urgent matters unrelated to pending business)
 - Incidental Motions (to raise questions of procedure)
 - Restorative Motions (to bring a subject back)

Parliamentary Procedure

- To Take Action:
 - Motion, Second, Restatement, Debate, Vote, Result
- Most votes require simply majority
- Other require 2/3 majority
 - Amend governing rules
 - Extend debate
 - Suspend the Rules
 - Take up an Item out of order

Parliamentary Procedure

- Commissioner 1: "I move that we..."
- Commissioner 2: "I second that motion."
- Chair: "There is a motion & second. Debate?"
 - Orderly, respectful debate ensues...
- Commissioner 3: "Wait – I move to amend the motion by..."
- Commissioner 4: "Me too – I second the motion to amend the motion."

Parliamentary Procedure

- Chair: "There is a motion and second to amend the motion. Debate?"
 - Orderly, respectful debate ensues on the motion to amend the underlying motion.
- Vote on the amendment to the motion first.
 - Announce the result
- Chair: "Motion to amend passes; is there more debate on the original motion?"
 - Even more orderly, respectful debate ensues...
- Then vote on the original motion, as amended.
 - Announce the result



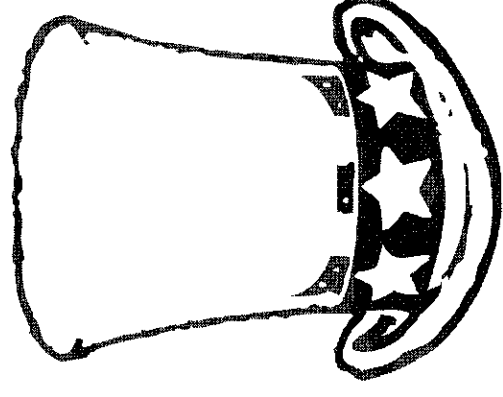
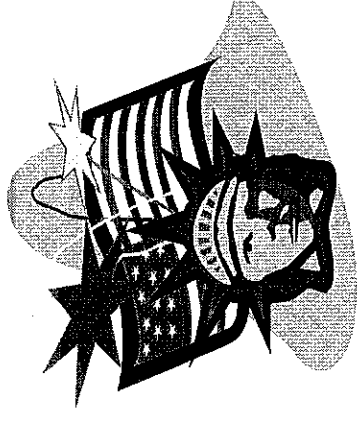
Tunes and Toons Summer Series

The Toons and Tunes Summer Series kicks off on June 3 and runs every Friday evening through August 5 at City Park in downtown Buda. The series is free to the public and sponsored by the City of Buda with other sponsors yet to be determined. Bring your lawn chairs, blankets and snacks. Concessions may be provided by the Buda Lions Club. The summer schedule is as follows:

- **June 3 (Music) – Concert TBA at 7 p.m.**
- **June 10 (Movie) – Karate Kid (PG) at 9 p.m.**
- **June 17 (Movie) – Shrek Forever (PG) at 9 p.m.**
- **June 24 (Movie) – Furry Vengeance (PG) at 9 p.m.**
- **July 8 (Movie) – Classic movie: Breakfast at Tiffany's at 9 p.m.**
- **July 15 (Movie) – The Last Airbender (PG) at 9 p.m.**
- **July 22 (Movie) – Despicable Me (PG) at 9 p.m.**
- **July 29 (Movie) – Yogi Bear (PG) at 9 p.m.**
- **August 5 (Music) – Concert TBA at 7 p.m.**

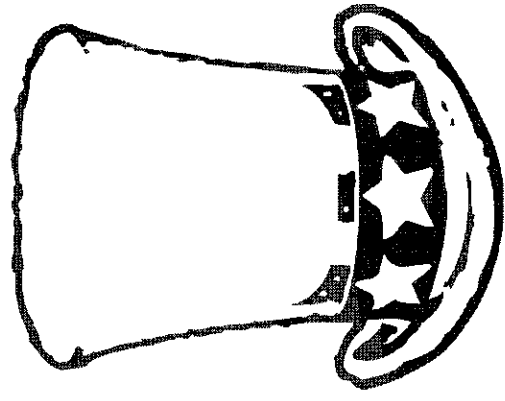
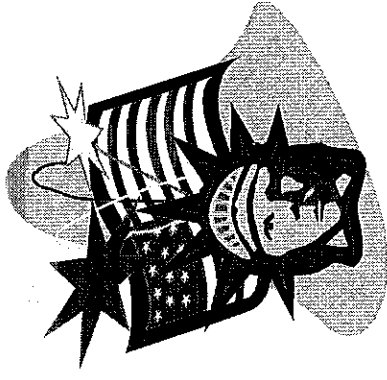
RED, WHITE AND BUDA INDEPENDENCE DAY CHILDREN'S PARADE

The Children's Parade will take place on Monday, July 4th at 11:00 a.m. Line up begins at 10:30 a.m. at the Buda Public Library parking lot. Decorated bikes, trikes, wagons, scooters, and strollers will take a short parade route to City Park where free hot dogs, drinks, and entertainment await.



RED, WHITE AND BUDA INDEPENDENCE DAY CONCERT AND FIREWORKS SHOW

The concert and fireworks show will take place on Monday, July 4th at City Park. The park opens at 7 p.m. with a concert and the fireworks show will go off at 9:30 p.m. Concessions will be available. The concert and fireworks show are free.





**Parks and Recreation Commission
MINUTES
Special Meeting
January 26, 2011**

The following represents the actions taken by the Buda Parks and Recreation Commission in the order they occurred during the meeting. While the minutes may not be in sequential order, all agenda items were discussed. The Parks and Recreation Commission of Buda, Texas, convened in a regular called meeting on Wednesday, January 26, 2011 in City Hall, 121 Main St., Buda, TX.

A. CALL TO ORDER

Call to order at 6:56 p.m.

B. ROLL CALL

Debbie Dulski – Present
Alicia Hill - Present
Janice Kearley – Present
Vincent Lecca - Present
Pam Lombardo – Present
Shirley Malone – Present
Jennielle Strother – Present

C. ELECTION OF CO-CHAIR

Motion made by Commissioner Kearley to nominate Commissioner Dulski as Co-Chair, seconded by Commissioner Lecca.

Motion passed 7 – 0.

D. PUBLIC COMMENTS

No public comments were received.

E. WORKSHOP

1. Review and discuss Parks and Recreation Commission appointments.
Parks and Recreation Director Jack Jones reviewed the current commission members' term expirations and discussed new appointments to the Commission.
2. Review and discuss the new Parks and Recreation Commission Resource Guide
Parks and Recreation Director Jack Jones gave an overview of the resource guide given to each member. Draft copies of proposed revised Parks and Recreation Commission By-Laws were included in the agenda packet and members were asked to review before the next meeting. He and Co-Chair Dulski explained the Parkland Dedication vs. Cash in-lieu-of Parkland options for new developments and emphasized the importance to the community. He mentioned the Parks Master

Plan is 10 years old and outdated. Most needs on the priority list have been accomplished. \$50,000 will be spent to update the plan.

F. CONSENT AGENDA

All matters listed under this item are considered to be routine by the Parks and Recreation Commission and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

1. Approval of the Parks and Recreation Commission Meeting Minutes, dated August 18, 2010.
2. Approval of the Parks and Recreation Commission Meeting Minutes, dated October 14, 2010.
Motion to approve minutes from August 18, 2010 and October 14, 2010 made by Commissioner Kearley, seconded by Commissioner Lecca.
Motion passed 7 – 0.

G. REGULAR AGENDA ITEMS

None.

H. STAFF REPORTS

1. Review and discuss the Parks and Recreation Project Status Report.
Parks and Recreation Director, Jack Jones briefed Commissioners on the Antioch Historical Marker event and Trail of Lights success.

I. FUTURE AGENDA ITEMS REQUEST

1. Review and discuss Open Meetings Act policy.
2. Review and discuss Parks By-Laws.
3. Discuss upcoming Toons and Tunes summer program.
4. Discuss 2011 Red, White and Buda fireworks event.

J. ADJOURNMENT at 8:38pm

Motion by Commissioner Dulski, seconded by Commissioner Kearley to adjourn.
Motion passed 7 – 0.

Toni Milam, City Secretary



Parks and Recreation Commission Agenda Item Report

February 23, 2011

Agenda Item No. 1

**Contact – Jack Jones, 512-312-0084
jjones@ci.buda.tx.us**

SUBJECT: Deliberation and possible recommended action for City Council consideration of the revised Parks and Recreation Commission By-Laws.

1. BACKGROUND/HISTORY

The Parks and Recreation Commission By-Laws were last updated in 2005. At the time when these by-laws were created, there was no Parks and Recreation Department. At that time, the Parks and Recreation Commission was tasked to carry out several city staff like functions such as budgeting, creating recreational programs, etc. Since that time, a full-time Parks and Recreation Director has been hired to administer the department and additional staff was hired to maintain the parks.

2. FINDINGS/CURRENT ACTIVITY

In the fall of 2010, the City Council requested that all city board and commission by-laws be updated and consistent as compared to other board and commission by-laws in Buda. Currently, the Parks and Recreation Commission By-Laws are different than most of the other boards and commissions by-laws. The City Council has given staff direction as to what should be included in each boards and commissions by-laws. The proposed enabling ordinance and by-laws are attached for review in addition to the current enabling ordinance and by-laws.

3. FINANCIAL IMPACT

N/A

4. ACTION OPTIONS/RECOMMENDATION

Staff recommends approval of the revised Parks and Recreation Commission By-Laws and will forward any comments received by Commissioners at the meeting to the City Council for their consideration.

Current Enabling Ordinance

(b) Any person who shall violate this section by conducting any drilling operations within the limits of any of the lands above designated shall be guilty of a misdemeanor and upon conviction be assessed a fine not to exceed one hundred and no/100 dollars (\$100.00), and each day that any person, firm or corporation shall act contrary to the provisions of this section shall be a separate offense.

(Ordinance 781219-2, secs. 1, 2, adopted 12/19/78)

Secs. 18.02.002--18.02.030 Reserved

Division 2. Park and Recreation Commission

Sec. 18.02.031 Established; membership; chairman

- (a) There is hereby established a park and recreation commission for the city.
- (b) The commission shall consist of seven members serving without pay, who shall be appointed by the mayor with the consent of the city council. The term of office of members of the commission shall be two years or until their successors are appointed and qualified.
- (c) The chairman of the commission will be the director of parks and recreation, who shall be a sitting councilmember and shall be appointed by the mayor with consent of the city council. The director of parks and recreation will be a nonvoting member in addition to the seven voting members.

(Ordinance 020903, sec. 1, adopted 9/3/02)

Sec. 18.02.032 Organization; adoption of rules and regulations

Immediately after the members of the commission are first appointed, the commission shall elect and install such officers as may be necessary. The commission shall promulgate bylaws, rules, and regulations for the proper conduct of public recreation for the city, and submit them to the city council for approval. Such rules shall not become effective until they are approved by the city council. (Ordinance 020903, sec. 2, adopted 9/3/02)

Sec. 18.02.033 Duties

- (a) The commission shall be responsible for providing the city council with advice and recommendations on all policies, rules, and regulations relating to the administration of a public park and recreation program.
- (b) The commission shall provide advisory oversight of public playgrounds, athletic fields, recreation centers, and other facilities and activities on any of the properties owned or controlled by the city, or on other properties with the consent of the owners and authorities thereof. It shall have the power to conduct any form of recreation activity that will employ the leisure time of the people in a constructive and wholesome manner.
- (c) The commission shall submit a proposed budget to the city council each year.

(d) The commission shall make complete annual and other required reports to the city council.

(Ordinance 020903, sec. 3, adopted 9/3/02)

Sec. 18.02.034 Gifts and donations

The commission is authorized to solicit or receive any gifts or bequests of money or personal property, or any donations to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreational purposes. (Ordinance 020903, sec. 4, adopted 9/3/02)

Sec. 18.02.035 Cooperation with other agencies

The commission is authorized to work jointly with other municipal departments and/or political subdivisions to provide and establish, operate, conduct, and maintain a supervised recreation system and to acquire, operate, improve, and maintain property, both real and personal, for parks, playgrounds, recreation centers, and other recreation facilities and activities. (Ordinance 020903, sec. 5, adopted 9/3/02)

Secs. 18.02.036–18.02.060 Reserved

Division 3. Use Regulations

Sec. 18.02.061 Definitions

City park. All parks in the corporate limits of the city that have been dedicated to the public, including all such parks that are subsequently annexed into the city limits or dedicated to the public in the city corporate limits. The term also includes the greenbelt area that is owned by the city adjacent to the Missouri Pacific Railroad line and the gazebo constructed therein, but it does not include city hall, the Basil Anthony Moreau Library, nor the parking lots used in connection with city hall and the Basil Anthony Moreau Library.

Community event. An event in the city that is open to the public in general and that enjoys widespread support, not only from the citizens of the city, but also from the surrounding area.

(Ordinance 031104-2, sec. 1, adopted 11/4/03)


Sec. 18.02.062 Authority to adopt additional rules

The city manager is hereby authorized to interpret the city parks policy and to adopt rules that in the administrator's opinion are consistent with the parks policy or that are not covered by the parks policy. These rules shall be in writing, and a copy delivered to the mayor. (Ordinance 031104-2, sec. 8, adopted 11/4/03)

Sec. 18.02.063 General policies

City parks are owned and operated by the city. The council retains overall control of the parks and park policies, but the council may delegate the implementation of parks policy to the city parks and recreation commission, the city manager, and other representatives of the city. The city parks, gazebos and greenbelt areas are intended for the general public use, but, upon request and approval, a city park or its related facilities may be made available for the exclusive use of specific persons for a specific period of time, as may be permitted by the appropriate authority.

- (i) **Initiation**
Initiation of an HPC review process may be made upon application by the property owner of the affected property or its authorized agent, or the occupant, to the City Manager.
- (ii) **Application**
Application must be submitted in a format consistent with requirements determined by the City Manager. Applications must include all materials determined necessary by the City Manager. Format requirements and submittal materials required for the application will be made available by the City Manager in advance of any application.
- (iii) **Completeness Determination**
Upon submission of an application, the City Manager will determine whether the application is complete, as described in Chapter 3.
- (iv) **Staff Review**
Once a procedure has been initiated and the application deemed complete, the City Manager will review the application, considering any applicable criteria for approval and prepare a report to the HPC.
 1. The City Manager may establish procedures for administrative review necessary to facilitate compliance with this Code and state statutes.
 2. The Manager may assign staff to review the application and make a preliminary report to the Manager.
 3. The Manager's report may include a recommendation for final action.
- e. **HPC Final Action**
The HPC is responsible for taking final action on the following procedures described in this Code and according to the specific criteria for each procedure as described in the Code.
 - (i) **Certificate of Design Compliance**
The HPC will review the application and the Manager's report, conduct a hearing in accordance with the HPC's established procedures and state law, and approve or deny the application. An application before the HPC will be considered approved by a simple majority.
- f. **Criteria for Recommendation for Approval**
 - (i) The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action.
 - (ii) Specific criteria for granting a certificate of design compliance are provided in Chapter 3.

 (4) **Parks and Recreation Commission**

- a. **General**
The regulations and restrictions of the Parks and Recreation Commission for the City of Buda will be pursuant to the enabling ordinance establishing the Parks and Recreation Commission.
- b. **Powers and Duties**
The Parks and Recreation Commission shall be an advisory body to the Planning and Zoning Commission and City Council on policies, programs, public and private parks within new developments in Buda's jurisdictional area, and park and recreation facilities that serve the citizens of Buda. The Parks and Recreation Commission shall be responsible for maintaining the Park and Open Space Plan.

c. Membership and By-Laws

The Parks and Recreation Commission will be constituted and conduct all activities in accordance with this Code and all other applicable codes, and any adopted By-Laws. The proposed bylaws shall be submitted to the City Council for review approval before the Parks and Recreation Commission becomes effective.

d. Parks and Recreation Commission Review Process

The Parks and Recreation Commission shall be responsible for hearing and making recommendations to the Planning and Zoning Commission and City Council on the following:

- (i) Park Land Dedication Requirements (including fee in lieu of)
- (ii) Parks and Recreation Improvements and Amenities included with Park Land Dedications

e. Criteria for Recommendation for Approval by City Council

The Parks and Recreation Commission will review the application or park-related project or policy, the Manager's report, and make recommendations to the Planning and Zoning Commission and City Council based on the Parks and Recreation Plan set forth in the Comprehensive Plan, or other subsequent plans that are developed related to parks and recreation.

(5) Board of Adjustment (BOA or Board)

a. General

The regulations and restrictions of the Board of Adjustment (BOA) for the City of Buda will be pursuant to the provisions of applicable statutory requirements of the State of Texas. No BOA action may govern if in conflict with specific provisions of this Code.

b. Powers and Duties

The BOA has the powers and duties of a BOA in accordance with the Texas Local Government Code §211.008. The BOA's jurisdiction extends to and includes the following final actions:

- (i) Appeal of an Administrative Decision
- (ii) Administrative Exception
- (iii) Judicial Variance
- (iv) Nonconforming Use

c. Membership and By-Laws

The BOA will be constituted and conduct all activities in accordance with the Code and all other applicable Codes, and any adopted By-Laws.

d. BOA Review Process

The BOA review process will be required for any permit or application that requires final action from the BOA, as described in this Code.

(i) Initiation

Initiation of a BOA process may be made upon:

1. Application by the property owner of the affected property or its authorized agent.
2. An administrative exception may only be requested by the City Manager.
3. Appeal of an administrative decision may be initiated by any person aggrieved by the administrative decision, in compliance with §211.010 of the Texas Local Government Code.

(ii) Application

Current by-laws

**BY-LAWS OF THE CITY OF BUDA'S
PARKS AND RECREATION
COMMISSION**

These By-Laws govern the City of Buda's Park and Recreation Commission, a commission appointed by the City Council of the City of Buda.

**ARTICLE 1
ORGANIZATION**

- 1.01 The Commission shall consist of seven (7) voting members and one (1) Chairman, all serving without pay, who shall be appointed by the Mayor with the consent of the Council. At least six members of this Commission shall be City residents and no more than one member may be a resident of the City's extraterritorial jurisdiction.
- 1.02 The term of office of each member of the Commission shall be two (2) years or until their successors are appointed and qualified. The Commission shall set up staggered terms for those appointed so that continuity among the Commission will be maintained.
- 1.03 The Chairman of the Commission will be the Director of Parks and Recreation who shall be a sitting council member and shall be appointed by the Mayor with consent of the Council. The Chairman will be a non-voting member of the Commission until such time as a paid Parks Director is hired. At that time the paid Parks Director will become the Chairman of the Commission.

**ARTICLE 2
OFFICERS**

- 2.01 The Commission shall elect and install officers as may be necessary. The Commission's officers will be a chairman, co-chairman and secretary. The Commission may define the authority and duties of each such position, and elect or appoint persons to fill the positions.
- 2.02 The Commission's officers will be appointed annually by the Commission and will remain in office until their successor has been appointed and qualified as per Ordinance #020820 creating the Parks and Recreation Commission. An officer may be appointed to succeed himself or herself in the same office.
- 2.03 Any officer elected or appointed by the Commission may be removed by the Commission with good cause by majority vote of its members.
- 2.04 The Commission may select a person to fill a vacancy in any office for the unexpired portion of the officer's term.
- 2.05 **Chairman** – The Chairman is the Commission's chief executive officer. He or she will supervise and control all of the Commission's business and affairs and will preside at all meetings of the members and of the Commission.

- 2.06 **Co-Chairman** – When the Chairman is absent, cannot act, or refuses to act, a co-chairman will perform the chairman’s duties. When acting in the chairman’s place, the co-chairman has all the powers of, and is subject to all the restrictions on the chairman. A co-chairman will perform other duties as assigned by the chairman or Commission.
- 2.07 **Secretary** – The Secretary will;
- a. Give all notices as provided by the By-Laws or as required by law.
 - b. Take minutes of the meetings of the members and the Commission and keep the minutes and part of the commission records.
 - c. Maintain custody of the Commission records.
 - d. Perform duties as assigned by the chairman or the Commission.
 - e. Perform all duties incident to the office of secretary.
 - f. Comply in all respects with the Texas Open Records and Public Information Act.

ARTICLE 3

MEETINGS

- 3.01 The Commission will meet from time to time, but at least once a calendar quarter to carry out its duties. The Commission may provide for regular meetings by resolution stating the time and place of such meetings. All meetings shall be held in accordance with the Texas Open Meetings Act.
- 3.02 Written or printed notice of any meeting will delivered to each director not less than three nor more than 30 days before the date of the meeting. The notice will state the place, day, and time of the meeting and the purpose or purposes for which it is called. Notice of meetings will be posted according to the Texas Open Meetings Act.
- 3.03 A majority of the number of Commission members then in office constitutes a quorum for transacting business at any Commission meeting. The members present at a duly called or held meeting at which a quorum is present may continue to transact business even if enough directors leave the meeting so that less than a quorum remains. However, no action may be approved without the vote of at least a majority of the number of members required for a quorum. A quorum constitutes members physically present or present through conference call capabilities.

ARTICLE 4

VOTING

- 4.01 In regards to any item that must be approved by the Commission, each member of the voting members (7) are entitled to one (1) vote on any given issue. The Chairman is a non-voting member of the commission.
- 4.02 A member may not vote by proxy.

ARTICLE 5
DUTIES, RESPONSIBILITIES

- 5.01 The Commission shall act in an advisory capacity to the City Council and the Planning and Zoning Commission with advice and recommendations on all policies, rules and regulations relating to the administration of a public park and recreation program.
- 5.02 The Commission shall provide advisory oversight of public playgrounds, athletic fields, recreation centers and other facilities and activities on any of the properties owned or controlled by the City or on other properties with the consent of the owners and authorities.
- 5.03 Commission shall have the power to conduct any form of recreation activity that will employ the leisure time of the people in a constructive and wholesome manner.
- 5.04 The Commission shall submit a proposed budget to the City Council each year.
- 5.05 Commission shall make a complete annual report and other required reports to the City Council.
- 5.06 The Commission will act in an advisory capacity with other municipal departments and/or political subdivisions to provide and establish, operate, conduct, and maintain a supervised recreation system and to acquire, operate, improve and maintain property, both real and personal, for parks, playgrounds, recreation centers, and other recreation facilities and activities.
- 5.07 The Commission will follow the directive of the Parks Master Plan as set forth by the City of Buda's Comprehensive Plan 2002 -2012.

ARTICLE 6
ABSENCES

- 6.01 If a Commission member misses three (3) consecutive meetings or a total of four (4) meetings in any one year the member will be considered as resigning their appointment and the City Council will appoint a replacement to serve out the unexpired term.

ARTICLE 7
VACANCIES

- 7.01 The Commission will notify the City Council of any vacancy occurring on the Commission, and the vacancy will be filled by the City Council.

ARTICLE 8
AMENDING THE BY-LAWS

- 8.01 These By-Laws may be altered, amended, or repealed and new by-laws may be adopted with the recommendation of the Commission and the approval of the Buda City Council.

Proposed enabling ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BUDA, TEXAS AMENDING CHAPTER EIGHTEEN, ARTICLE 18.02, DIVISION 2., CHANGING THE REQUIREMENTS FOR SERVING ON THE PARKS AND RECREATION COMMISSION; CONTAINING A PROVISION RELATED TO CONFLICTS; AND CONTAINING A SEVERABILITY CLAUSE AND EFFECTIVE DATE.

WHEREAS, The City adopted Ordinance Numbers 020903 creating the Parks and Recreation Commission; and

WHEREAS, the requirements for serving on Parks and Recreation Commission need to be congruent with revisions to the City's Master Plans and development regulations ; and

WHEREAS, this Ordinance was adopted at the regularly scheduled city Council meeting held in strict compliance with the Texas Open Meetings Action, at which a quorum of the City Council was present and voting.

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

SECTION 1. Chapter 18, *Street and Public Places*, Article 18.02, *Parks*, Division 2. *Parks and Recreation Commission*, of the City of Buda Code of Ordinances is hereby repealed and replaced in its entirety as follows:

Division 2. Parks and Recreation Commission

Section 18.02.031 Created; appointment of members; terms

- (a) This division creates the Parks and Recreation Commission ("Commission") appointed by the City Council. The Commission shall consist of seven (7) members who shall reside either in the City of Buda incorporated city limits or its extraterritorial jurisdiction.
- (b) The members of the Commission shall serve two (2) -year staggered terms, with four (4) members being appointed in April of even numbered

Reappointments in April on odd and even years

years and three (3) members being appointed in April of odd numbered years.

(c) The initial Commission, four (4) of the members shall be appointed for one (1)-year terms and three (3) members shall be appointed for two (2)-year terms. Thereafter, all terms shall be two (2)-year terms.

(d) Unless otherwise approved by the City Council, members of the Commission shall serve a maximum of two (2) consecutive terms and ~~shall become re-eligible after being removed of not less than one (1) year from the end of his/her second consecutive term.~~ An appointment to fill a vacancy shall be for the unexpired term. A member serving to fill an unexpired term shall be eligible for reappointment to serve two (2) full two-year terms.

2 year term limits. Eliminated the re-eligibility clause.

(e) Unless otherwise required by state law, all members serve at the pleasure of the City Council and may be removed at any time with or without cause.

Serve at the pleasure of Council

Sec. 18.02.102 Qualifications of members

(a) Unless otherwise determined by City Council, at least six (6) of the members of this Commission shall be City residents and no more than one (1) members shall be residents of the City's extraterritorial jurisdiction.

Provides flexibility for Council to maintain 4 residents

(b) If a City resident member of the Commission ceases to reside in the City and his or her relocation reduces the number of City resident Commission members below six (6), that person may be deemed to have resigned, upon approval by the City Council, from the Commission as of the date his or her residence changed, and, if approved by Council, the City Council shall appoint a resident Commission member to fill the remainder of the resigning member's term. The temporary lack of six (6) resident members created by the vacancy shall not impair the ability of the Commission to perform its duties nor the actions taken by the Commission. If a resident Commission member moves to the City's extraterritorial jurisdiction and the relocation leaves at least six (6) resident members on the Commission, the relocated member shall continue to hold his or her place on the Commission.

Provides for additional qualifications for Council to consider

(c) The City Council may take into consideration an applicant's history on delinquency in payment of any city taxes, utility bills, citations, municipal court judgments and assessments and so forth in qualifying the applicant.

(d) Notwithstanding any city ad hoc committees or except where duplicate appointments are authorized by ordinance, City Charter or by state law, a person may not be appointed as a member of the Parks and Recreation

An applicant cannot serve on another Board or Commission

Commission if he or she is currently serving on the City Zoning Board of Adjustment, Planning & Zoning Commission, Historic Preservation Commission, Library Commission, Economic Development Corporation Board of Directors, Local Government Corporation or any other permanent City Board or Commission.

Sec. 1.02.103 Officers; rules; meetings; quorum; record; conflict of interest

- (a) The Commission shall have a Chairperson and a Vice-Chairperson elected from its membership to serve for a one (1) year term. Officers shall be elected annually by the Commission.
- (b) The Chairperson shall preside over the Commission and shall have the right to vote on all items before the Commission. The Vice-Chairperson shall fulfill the duties of the Chairperson when the Chairperson is not available for any reason.
- (c) The City Manager or his or her designee shall be an ex officio member of the Commission.
- (d) The Commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the City Council.
- (e) The Commission shall meet at least monthly, if there is business at hand, at a time and place established by the Commission. Special meetings may be called by the Chairperson or Interim Chairperson of the Commission, City Manager or his or her designee or upon the request of any three (3) Commission members. All meetings of the Commission shall be open to the public and shall conform with the Texas Open Meetings Act, Section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the members of the Commission except that when a vacancy exists, a quorum shall consist of a majority of the members without regard to the vacancy. Once a quorum is established, a meeting may continue if one or more members depart. The concurring vote of a majority of members present is necessary to make a valid motion, decision, or recommendation of the Commission.
- (g) The Commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.
- (h) A Commission member shall be required to complete any State-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member

Added a time limit on any training

Requires for state-mandated training

may be eligible for reimbursement by the City subject to the City's Travel and Training Policy.

Conflict of interest section

- (i) A commission member having any potential conflict of interest on any policy, decision, or determination before the Commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the Commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in the City's Code of Ordinances.

Sec. 1.02.104 Powers and duties

The Commission shall have the following purposes and duties:

The Commission shall serve in an advisory capacity to the Mayor and City Council and shall have the following purposes and duties, as well as other duties as assigned by the City Council, as necessary to perform the business of the Commission:

- (a) The Commission shall act in an advisory capacity to the City Council and the Planning and Zoning Commission with advice and recommendations on all policies, rules and regulations relating to the administration of a public park and recreation program.
- (b) The Commission shall provide advisory oversight of public playgrounds, athletic fields, recreation centers and other facilities and activities on any of the properties owned or controlled by the City or on other properties with the consent of the owners and authorities.
- (c) Commission shall have the power to conduct any form of recreation activity that will employ the leisure time of the people in a constructive and wholesome manner.
- (d) At the request of the City Council, the Commission shall make a complete annual report and other required reports to the City Council.
- (e) The Commission will act in an advisory capacity with other municipal departments and/or political subdivisions to provide and establish, operate, conduct, and maintain a supervised recreation system and to acquire, operate, improve and maintain property, both real and personal, for parks, playgrounds, recreation centers, and other recreation facilities and activities.
- (f) The Commission will follow the directive of the Parks Master Plan as set forth by the City of Buda's Comprehensive Plan.

(g) ~~The Commission shall submit a proposed budget to the City Council each year.~~

Section 2. This ordinance shall be cumulative of all other ordinances of the City of Buda, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Buda except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section 3. The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 4. This Ordinance shall be effective immediately from and after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

PASSED AND APPROVED on first reading by the City Council of the City of Buda on this the ____ day of _____, 2011.

PASSED, APPROVED AND ADOPTED on second reading by the City Council of the City of Buda on this the _____ day of _____, 2011.

APPROVED:

Bobby Lane, Mayor

ATTEST:

Toni Milam, City Secretary

Proposed by-law

These Bylaws govern Parks and Recreation Commission of the City of Buda.

**ARTICLE ONE
ORGANIZATION**

~~1. A. The Parks and Recreation Commission (Commission) shall consist of seven (7) members in accordance with the enabling ordinance adopted by the City of Buda, as it may be amended from time to time. Unless the enabling ordinance specifically provides otherwise, all members of the Commission shall be residents of the City of Buda or its extraterritorial jurisdiction. At least six (6) members of this Commission shall be residents and no more than one (1) member shall be a resident of the City's extraterritorial jurisdiction. Should a member change his/her residence during their term, that member shall give notice of such fact, and a vacancy will be created on the board or commission as of the date of the change of residence. While the vacancy exists, that position shall not be considered in determining whether a quorum exists.~~

Deleted due to avoid redundancy as such area is currently stated in the enabling ord.

~~B. If the enabling ordinance sets specific residency requirements, then those requirements must be observed, provided that if a vacancy occurs as a result of the death, incapacity, resignation, or change of residency of a member (as provided above), the Commission may continue its functions in the interim during the process of filling the vacancy. The vacant position shall not be considered in determining whether a quorum exists.~~

Deleted due to avoid redundancy as such area is currently stated in the enabling ord.

~~2. A quorum shall consist of a majority of the members of the Commission except that when a vacancy exists, a quorum shall consist of a majority of the members without regard to the vacancy. Once a quorum is established, a meeting may continue if one or more members depart.~~

~~3. Unless otherwise required by ordinance or other applicable law, all matters shall be decided by a majority vote of the members present and voting. Proxy voting shall not be permitted.~~

~~4. The members of the Commission shall serve two (2) year staggered terms, with four (4) members being appointed in April of even numbered years and three (3) members being appointed in April of odd numbered years. Unless otherwise provided for by the enabling ordinance, members of the Commission shall serve a maximum of two (2) consecutive terms and shall become re-eligible after being removed of not less than one (1) year from the end of his/her second consecutive term. An appointment to fill a vacancy shall be for the unexpired term. A member serving to fill an~~

Deleted due to avoid redundancy as such area is currently stated in the enabling ord.

Deleted due to avoid redundancy as such area is currently stated in the enabling ord.

~~unexpired term shall be eligible for reappointment to serve two (2) full two-year terms.~~

- ~~5. The City Manager or his or her designee shall be an ex officio member of the Commission.~~
- ~~6. Unless otherwise required by the enabling ordinance or state law, all members serve at the pleasure of the City Council and may be removed at any time with or without cause.~~

Deleted due to avoid redundancy as such area is currently stated in the enabling ord.

ARTICLE TWO PURPOSES, DUTIES

~~—The Commission shall have the following purposes and duties:~~

~~The Commission shall serve in an advisory capacity to the Mayor and City Council and shall have the following purposes and duties, as well as other duties as assigned by the City Council, as necessary to perform the business of the Commission:~~

- ~~(a) The Commission shall act in an advisory capacity to the City Council and the Planning and Zoning Commission with advice and recommendations on all policies, rules and regulations relating to the administration of a public park and recreation program.~~
- ~~(b) The Commission shall provide advisory oversight of public playgrounds, athletic fields, recreation centers and other facilities and activities on any of the properties owned or controlled by the City or on other properties with the consent of the owners and authorities.~~
- ~~(c) Commission shall have the power to conduct any form of recreation activity that will employ the leisure time of the people in a constructive and wholesome manner.~~
- ~~(d) At the request of the City Council, the Commission shall make a complete annual report and other required reports to the City Council.~~
- ~~(e) The Commission will act in an advisory capacity with other municipal departments and/or political subdivisions to provide and establish, operate, conduct, and maintain a supervised recreation system and to acquire, operate, improve and maintain property, both real and personal, for parks, playgrounds, recreation centers, and other recreation facilities and activities.~~
- ~~(f) The Commission will follow the directive of the Parks Master Plan as set forth by the City of Buda's Comprehensive Plan.~~
- ~~(g) The Commission shall submit a proposed budget to the City Council each year.~~

**ARTICLE TWO
MEETINGS**

1. All meetings of the Commission shall be conducted in strict compliance with the Texas Open Meetings Act. All members shall attend and complete a state approved Open Meetings Act training program.
2. A. The Commission shall establish a date and time for its regular meetings. It shall not be required to give notice of regularly scheduled meetings to members, other than compliance with the Open Meetings Act.

B. Special meetings of the Commission may be called by:

- (1) The Chairperson or interim Chairperson of the Commission;
- (2) The City Manager or his or her designee; or
- (3) Three (3) Commission members.

Added interim Chairperson and his or her designee for the City Manager

Deleted paragraph due to certified mail too cumbersome

Unless otherwise required by the enabling ordinance, UDC or state law, not less than three (3) days' notice shall be given by the City Manager or his or her designee of special meetings. ~~The notice shall be in writing and delivered in person, by certified mail, return receipt requested, email, or fax to the last known address, fax phone number, or email address of the member. The notice shall state in reasonable detail the topics to be discussed at the meeting.~~

C. Emergency meetings may be called in accordance with the Texas Open Meetings Act.

3. A member, who attends a meeting for any purpose other than objecting to the meeting because of lack of required notice, waives any objection to the meeting.

Expanded upon conflict of interest

4. *Conflict of Interest.* A Commission member having any potential conflict of interest, as defined by the City Code of Ordinances or State law, on any policy, decision, or determination before the Commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the Commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure

shall be recorded in the Commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in the City's Code of Ordinances.

- (1) Any member of the Commission who does not legally have a conflict of interest but would like to avoid the appearance of a conflict of interest may elect to follow the procedure established in Section 4.
- (2) Members shall have an obligation to vote on all matters coming before the Commission unless the provisions of this Section.
- (3) Members shall not represent themselves or any other person, group or interest before the Historic Preservation Commission, the Zoning Board of Adjustments and Appeals, Planning and Zoning Commission, Parks and Recreation Commission, Library Commission or the City Council on any matter involving parks and recreation matters. This provision shall not preclude a member from representing an interest in his or her homestead. Members may represent an interest in their own property before the Zoning Board of Adjustments and Appeals, Planning and Zoning Commission, Parks and Recreation Commission, Library Commission or the City Council. Members may represent the Parks and Recreation Commission in reporting on the activities or decisions made of the Commission to the Zoning Board of Adjustments and Appeals, Planning and Zoning Commission, Historic Preservation Commission, Library Commission or the City Council.

**ARTICLE THREE
OFFICERS**

Unless otherwise required by the enabling ordinance or state statute, the following provisions shall control the officers of the Commission:

Revised to elected within membership a Chair and Vice.

1. The Commission shall have a Chairperson and a Vice-Chairperson elected from its membership to serve for a one (1) year term. Officers shall be elected annually by the Commission. ~~The Commission shall elect from its membership a president who shall serve for a term of one year and shall be eligible for reelection.~~

Revised to where Chair cannot vote on absences.

2. The Chairperson shall preside over the Commission and shall have the right to vote on all items before the Commission. ~~only in order to break a tie vote of the Commission members.~~ Unless otherwise specified herein, ~~the City Manager or his or her designee shall prepare a recommendation to~~

~~the Chairperson to where he or she shall determine whether member absences are excused or non-excused.~~

3. The Vice-Chairperson shall fulfill the duties of the Chairperson when the Chairperson is not available for any reason.

ARTICLE FOUR ATTENDANCE POLICY

Recognizing that members serve voluntarily and that the business of the Commission is advisory in nature, and keeping a proper balance between those principles and the important nature of the public business entrusted to the Commission, the following attendance policy shall apply to all members of the Commission:

Revised
sections A-F
on attendance

- A. The voluntary absence of a Commissioner from three (3) consecutive regular meetings of the Commission will result in automatic resignation of the member from the Commission.
- B. The voluntary absence of a Commissioner from more than twenty-five (25) percent of the Commission's regular meetings during a calendar year will result in automatic resignation of the member from the Commission.

However, in no case shall a Commissioner, regardless of whether excused or voluntary, be absent from more than fifty (50) percent of the Commission's regular meetings during a calendar year. Such absenteeism will result in an automatic resignation of the member from the Commission.

- C. In this section:
 - (1) *Regular meeting* includes only regularly scheduled meetings, and does not include special meetings, workshops, or committee meetings of a board or commission.
 - (2) *Excused absence* means an absence that results from, including but not limited to:
 - a medical reason of a board or commission member or a relative of the member,
 - child care for a newly born or newly adopted child during the first eight weeks of the child's life,
 - death of a family member,
 - a scheduled vacation
 - More than one (1) scheduled vacation will be deemed a voluntary absence.
 - business travel,

- school, or
- from an unexpected factor beyond the control of the commissioner.

The City Manager or his or her designee shall be responsible for determining whether an absence is excused.

(3) *Voluntary absence* means an absence other than an excused absence.

- D. Members shall strive to notify the City Manager or his or her designee in advance of any known or planned absence to enable the City Manager or his or her designee to determine if a quorum will be present. Failure to give reasonable notice may be considered when determining whether an absence shall be excused.
- E. In the event where there is an automatic resignation, the City Manager or his or her designee shall coordinate with the City Secretary to provide a list of eligible candidates to the City Council for consideration of replacement for such vacancy.
- F. The City Manager or his or her designee shall keep abreast the City Council on such voluntary absences.

ARTICLE FIVE PROCEDURE

The Commission may adopt rules of procedure to govern their meetings, which shall be reasonable and consistently applied. The Chairperson shall ensure that all meetings are held in a peaceful and orderly manner, that all members are given a fair opportunity to be heard on issues before the Commission, and shall not tolerate rude and abusive discussion, personal attacks, or other behavior that impairs the ability of the Commission to function properly. Members shall maintain collegial decorum in all proceedings. The Chairperson shall not permit a single member or bloc of members to dominate or “filibuster” an issue under consideration. Public comment will be permitted in accordance with the procedures adopted by the Commission. Any written rules of procedure to be adopted by the Commission shall be submitted first to the City Council for approval before they are effective.

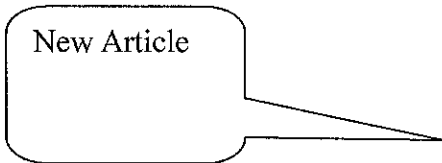
**ARTICLE SIX
RECORDS**

All records of the Commission are public records. All such records shall be in the custody of the City Secretary but available to the members in the due course of their proceedings. The City Manager or his or her designee shall be responsible for the care and custody of the records while in the Commission's use.

All secretarial duties of the Commission shall be performed by City staff with the aid and assistance of the Chairperson.

**ARTICLE SEVEN
REGULATIONS**

The Commission is not a regulatory body and has no authority to adopt regulations governing persons or properties, nor does it have authority to adopt rules implementing City policies. Should the Commission determine rules or regulations would provide a public benefit, those rules or regulations shall be submitted to the City Council for review and adoption.



**ARTICLE EIGHT
RULES OF DECORUM**

1. A. The purposes of these rules are as follows:
 - (1) To ensure that meetings of the city boards and commissions are conducted in a way that allows the business of the city to be effectively conducted.
 - (2) To ensure that members of the public who attend meetings of the city council and of city boards and commissions can be heard in a fair, impartial and respectful manner.
 - (3) To ensure that meetings of the city boards and commissions are conducted in a way that is open to all viewpoints, yet free from abusive, distracting or intimidating behavior.
 - (4) To ensure that the rules governing decorum at meetings of the city boards and commissions are understood by persons attending the meetings.
- B. This section applies to meetings of boards and commissions whose membership is wholly appointed by the city council.
- C. Members of the public may address the city board or commission at the following times during a meeting:
 - (1) During citizen comment period, if such a period is on the agenda for the meeting;

- (2) During a public hearing on an agenda item; or
 - (3) At other times with the permission of the presiding officer.
- D. Members of the public who wish to address a board or commission at any time during a meeting must complete a sign-in form prior to the meeting at the office of the staff liaison, for a board or commission meeting. Speakers must state their name and place of residence, and must limit their remarks to the specified time limit on the agenda unless otherwise determined by the presiding officer. The allotted time will commence from the beginning of the speaker's remarks and will include any time spent in discussion between the speaker and board or commission members. Issues taking longer to communicate can be addressed outside the meeting to the city staff or to individual members of a board or commission, or submitted in writing.
- E. All comments and questions by members of the public at a meeting will be directed to the presiding officer.
- F. During a citizen comment period, members of the public will be given an opportunity to speak, and they must observe the specified time-limit, unless otherwise determined by the presiding officer, under subsection D.
- G. The presiding officer and members of boards and commissions, will endeavor to ensure that meetings are conducted in a courteous manner, and in an atmosphere free of defamation, intimidation, personal affronts, profanity, or threats of violence.
- H. Members of the public shall not engage in any of the following in the meeting room during a board or commission meeting:
- (1) Shouting, unruly behavior, distracting side conversations, or speaking out when another person is talking.
 - (2) Defamation, intimidation, personal affronts, profanity, or threats of violence.
 - (3) Audible use of phones, pagers, radios, computers or other electronic equipment notwithstanding the use during presentation purposes before a board or commission.
 - (4) Booing, hissing, foot stomping, parading, singing or other similar behavior that impedes or disrupts the orderly conduct of the meeting.
- I. The rules in this section shall be enforced in the following manner:
- (1) The presiding officer will request that a person who is violating a rule cease the violation.
 - (2) If the violation continues, the presiding officer will warn the person that he or she will be required to leave the meeting room if the violation continues.
 - (3) If the violation continues, the presiding officer will order the person to leave the meeting room.

- (4) If the person does not leave the meeting room, the presiding officer may order any peace officer at the meeting to remove the person from the meeting room.
- J. It is unlawful for any person to intentionally or knowingly resist removal from a meeting room by a peace officer under subsection I of this Article.

**ARTICLE NINE
AMENDMENTS TO BYLAWS**

These Bylaws may be amended only by the City Council. Requests for amendment may be submitted to the City Council by any member of the Commission.

APPROVED AND ADOPTED by the City Council on _____,
201__.

CITY OF BUDA, TEXAS

Mayor

ATTEST:

City Secretary

City of Buda
Project Status Report
February 2011

Parks and Recreation Department

Stagecoach Park

Phase I Litigation – There has been no substantial change in the status of the ongoing litigation with the bonding company representing the contractor that went bankrupt. The city is seeking approximately \$120,000 to fix everything that was submitted on the punch list. Staff is holding approximately \$80,000 in retainage so the attorney is seeking an additional \$40,000 from the bonding company to complete the work. A new attorney (Geoff Barr) from Denton, Navarro, Rocha & Bernal has been assigned to handle the litigation. Staff met with Mr. Barr on January 25, 2011 to discuss the issues and toured Stagecoach Park. Mr. Barr is contacting former Buda Parks and Recreation Director Danny Zincke to ask him questions related to the litigation. It appears that the Mr. Barr is working diligently to resolve the litigation as expeditiously as possible.

Historic Stagecoach House and Onion Creek Post Office buildings – The current architectural agreement with Carter Design Associates (CDA) to design, complete construction documents, and provide construction administration was amended by City Council on June 15, 2010. CDA submitted 90% construction plans and a project timeline for staff to review on October 28 and 100% plans on December 30. The project will go out to bid in February as staff is working to finalize the bid documents. Once the bid has been awarded, the contractor will have 180 days to complete the project

At the City Council meeting on November 4, 2010, Council Members requested that City Staff decide the best use of the house. At the City Council meeting on December 7, staff presented the following uses for the house:

- Museum with displays
- Tourism information center with displays
- Small conference room
- Tourism staff and volunteer office
- Parks and Recreation staff office with a receptionist

As currently designed, the house can support these uses. The City Council had no objections to the proposed uses as presented on December 7.

Under the provisions of the current agreement with CDA, the total compensation for CDA is \$70,000. CDA has already been paid \$18,900 for services related to design and construction documents for the exterior stabilization (foundation repair) and exterior renovation work (weather proofing). This leaves \$51,100 available in the current agreement for the remainder of the design and construction administration. CDA has submitted invoices for \$28,112.50 and \$3,442.50 related to the design.

CDA's construction cost estimate for the exterior and interior work is approximately \$398,190 including a 15% contingency (\$51,938). The matching grant from Hays County for Phase II of Stagecoach Park and the Historic House and Onion Creek Post Office is \$775,000. There is \$403,869.93 remaining in the grant to fund the Stagecoach House and Onion Creek Post Office buildings as the city received a check from Hays County in the amount of \$371,130.07 for all of the expenses that were submitted for reimbursement on September 29, 2010 for the work completed on Stagecoach Park Phase II. In addition, \$50,000 has been budgeted from the Hotel Occupancy Tax (HOT) Fund is available for the project if needed.

Parks and Recreation Commission

The Commission held a special meeting on October 14, 2010 to discuss the permanent location of Clint's Cabin. Commission members unanimously recommended approval of the permanent location of Clint's Cabin at Stagecoach Park as this was the location approved by a subcommittee and City Council approximately five years ago.

Three Commissioner terms expired in June including Beth Hagan, Rebecca Parker-Weber, and Keith McLemore. Mr. McLemore and Ms. Parker-Weber have completed their terms and do not wish to be reappointed. John Sanchez and Kelli Daniels have resigned from the Commission and their terms do not end until June of 2011. Currently there are five vacancies to be filled by the City Council with three terms expiring in June of 2012 and two terms expiring in June of 2011.

At the City Council meeting on November 4, 2010, Council members appointed Vincent Lecca, Shirley Malone, and Jennielle Strother to full terms expiring in June 2012 and Pam Lombardo and Alicia Hill to partial terms expiring in June 2011.

The Parks and Recreation Commission held their first meeting on January 26, 2011 and all Commissioners were in attendance. At the meeting, staff served pizza, subway sandwiches, and drinks so everyone had a chance to meet and greet each other in an informal setting before the meeting began. At the meeting, staff conducted a detailed orientation for Commission members and Commissioner's elected Debbie Dulski as their Co-Chair. Ms. Dulski will lead the meetings.

Park Maintenance

Staff closed one of the four recreational fields at the Sportsplex on October 18, 2010 to plant winter rye grass. The field was opened for use on November 15. The other three recreational fields were closed on November 15 to plant winter rye grass. The fields were reopened on December 4. All four recreational fields are in much better shape this winter as compared to last winter.

Parks Maintenance Facility

The previous Parks and Recreation Director looked at three locations for the Parks Maintenance Building including Stagecoach Park, City Park near the Public Works facility (standalone facility), and the Sportsplex. The budget is approximately \$300,000.

Staff proposes to construct the building to the south of the existing Public Works facility. The facility and associated budget has been included in the 2010/2011 fiscal year budget in the Capital Improvement Program (CIP).

Parks, Recreation and Open Space Master Plan

Staff is working on creating a Request for Proposal (RFP) document soliciting an architectural and landscape firm to provide services related to creating a detailed Parks, Recreation and Open Space Master Plan. The parks master plan was last updated in 2002 and needs to be updated every 10 years so the city can be in position to take advantage of county, state, and federal grants and provides a roadmap for future park development. A budget of \$50,000 has been included in the 2010/2011 fiscal year budget in the cities Capital Improvement Program (CIP).

Sportsplex Field Usage Agreements

The City of Buda does not sponsor, support, or subsidize any organizations that play league games at the Sportsplex. Per city ordinances, staff requires that all youth and adult sports leagues playing league games on city property have an approved Facility Use Agreement with the city. The agreement outlines use of the fields, payment of field usage fees (\$15 per field, per hour in accordance with ordinances), and the overall responsibilities of each league as it relates to using the fields. The city requires all league providers to supply a Certificate of Liability Insurance naming the City of Buda as additional insured that includes comprehensive general (public) liability or its equivalent with minimum combined single limits of \$500,000 per person, \$1,000,000 per occurrence, \$1,000,000 Products/Completed Operations Aggregate and \$1,000,000 general aggregate per occurrence. In addition, each league must mark/stripe the fields they have been assigned for league play. This requirement saves the city both staff time and money in painting and chalking sports fields. Individual team practices are excluded from these new requirements. Organizations that have executed agreements with the city and scheduled to play games this spring include the following:

- Hays Communities Family Branch of the YMCA of Austin – Youth Recreational Soccer League, Adult Soccer League, and Youth Flag Football League
- Austin Texans Soccer Club – Youth Select Soccer League
- Armadillo Texas Soccer League – Adult Hispanic Soccer League
- I9 Sports – Youth Flag Football League
- Neighborhood Sports – Youth Flag Football League
- Kyle City Select Youth Sports dba Buda Youth Sports – Youth Recreational Baseball and Softball League (New facility rental)
 - The organization is advertising that the Buda Sportsplex is their home facility for games.
 - Since this is a new recreational league to the Buda area, some of the other area youth recreational baseball and softball leagues such as the Hays Youth Baseball/Softball Association (HYBSA) and the Manchaca Optimist Youth Sports Complex (MOYSC) have raised concerns regarding

competition since all of the leagues are Protect Our Nation's Youth (PONY) sanctioned.

- It is anticipated that the organization will schedule numerous league games and practices which could limit the practice times available for those teams that have used the Sportsplex in the past for practices.

Parks and Recreation Revenue

All youth and adult league games and practices at the Sportsplex in January generated approximately \$1,000 in revenue. In addition, park and pavilion rentals in January generated approximately \$100 in revenue for the city.

Antioch School Historical Marker

City Council approved the design of the site for the historical marker on October 7, 2009. Staff met with Eagle Scout candidate Grant Garcia and his father Vic Garcia regarding Grant taking on this project during the summer of 2010. Staff also met onsite at the Antioch Church with Mary Giberson and the Garcia's to discuss the project further. Grant received a donation of 42 tons of rock base from Centex to use for the driveway on city property that will be constructed by Public Works. The city was issued a Permit to Construct Access Driveway Facilities on County Road Right-of-Way from Hays County on September 15, 2010. On October 25, Public Works cleared the site of the piles of dirt and debris. Work on the driveway was completed on November 12. Grant and other volunteers worked on installing a crushed granite walkway, planting xeriscape landscaping, installed a park bench and decorative trashcan, and installed the historical sign on December 11 and December 18 with additional work to be done on January 15. Mary Giberson donated approximately \$3,900 in funds from the old historical society towards the landscaping, bench, and trashcan for the historical marker. Staff received the historical marker from the State of Texas on September 2.

The official unveiling and dedication of the historical marker took place onsite on Old Black Colony Road just west of Cole Springs Road on January 22 at 10 a.m. with a reception at City Hall afterwards. Approximately 200 folks were in attendance for the unveiling and dedication. The Hays County Historical Commission coordinated the unveiling and dedication and served the refreshments at City Hall.

Parks and Recreation Webpage

Staff began working with the city's contracted webmaster in September 2010 to update the Parks and Recreation webpage with new and updated information. The goal was to place all parks and recreation related information, special events, and forms on the webpage so citizens and visitors can find the information they need quickly at anytime. The updates to the webpage were completed on December 1.

Hays County Grant

Hays County completed accepting proposals for expenditures of the remaining \$3.25 million in parks and open space bond money approved by voters in 2007 on October 1, 2010. Staff presented the City's top three grant projects in priority order as approved by City Council (skate park, trail project, and off-leash park) to the county's Parks and

Open Space Advisory Board (POSAB) on October 6. Both the skate park and trail project were well received by Board members. Of the 12 projects submitted to Hays County for grant funding, the trail project was ranked third and the skate park was ranked fourth by the POSAB.

The Park Bond Project Rankings list was presented to the Hays County Commissioners Court on November 23. There is enough bond money remaining to fund the top four projects fully and the fifth project partially. At the meeting, Commissioners approved \$1.7 million in grant funding for the City of Dripping Springs' Harrison Ranch Park project as there was Court consensus regarding this project. This left approximately \$1.55 million remaining for the other grant projects. Commissioners were split as to what other projects would be awarded grant funding and no further action was taken on this item. There was some discussion as to whether the remaining top ranked projects would accept less money to help partially fund the Hays County Youth Sports Athletic Association's request for improvements to the Hays Youth Sports Complex off of FM 2770.

As part of the grant application, the City Council approved a one to one grant match from the Parks Capital Fund. If County Commissioners approved the trails project (total cost is \$668,400) and skate park (total cost is \$300,000) for funding, the city would be responsible for funding half of the cost of each project and the county would fund the other half.

Hays County Commissioners discussed the remaining \$1.55 million in grant funding on December 7. Commissioners approved \$310,000 in grant funding for the trails project and \$140,000 for the skate park. As proposed with the City match, the budget for the trails project will be \$610,000 and the budget for the skate park will be \$280,000. The Hays Youth Sports Association received \$447,000 in grant funding for safety related improvements to the Hays Youth Sports Complex.

Before the grant projects can begin, an interlocal agreement will need to be approved by the City Council and the Commissioners Court. The agreement will be written by attorneys for Hays County. It is anticipated that this will occur in February or March.

Trail of Lights

The inaugural Trail of Lights event was held in December of 2009 at Stagecoach Park. The event was a success with approximately 3,000-5,000 visitors enjoying the lights in the park. The event was held near the front of the park along the roadway entering the park as the remainder of the park was still under construction. There were 18 businesses/organizations that participated in the event by setting up displays.

The 2010 Trail of Lights was held on December 16-22 from 6-10 p.m. at Stagecoach Park. The event was free to the public. There was a new layout of the event this year with the opening of the trail and parking lot in the back of the park going to the pond. The entire event was held along the trail creating a true Trail of Lights. The 1 kilometer (.62 mile) trail loop was lined with LED lights with business/organization displays

positioned around the trail. The windmill was decorated with lights to resemble a Christmas tree. Christmas music was played and heard all along the trail. In addition, there was a Santa's Village with Santa Claus. The Santa Cruz Catholic School provided concessions at the pavilion. All parking was at Cabela's and visitors were shuttled to the park similar to last year. There was a special senior citizen night on December 15 with pie and hot chocolate served at City Hall to approximately 37 seniors and travel to the Trail of Lights provided in shuttle buses.

Marketing efforts went beyond Buda this year reaching Austin since the city had canceled their annual lights display. There were approximately 11,000 visitors to see the Trail of Lights with some of those visiting the downtown area as the downtown merchants had activities December 16-18 in conjunction with the Trail of Lights increasing sales tax revenue for Buda. All shuttle busses stopped in downtown during these dates.

Doggie Waste Stations and Signage

Staff ordered two doggie waste stations including biodegradable baggies that were placed at the Sportsplex along the trail. On the waste stations is signage indicating for pet owners to leash and pick up pet waste along with the ordinance number for enforcement purposes. The stations were installed on November 10, 2010.

Engineered Wood Fiber for Playscapes

All city-owned playscapes (10 total) have engineered wood fiber on the ground for safety surfacing in the fall zones. Some playscapes are in need of additional wood fiber as the material degrades over time. Wood fiber will be ordered and delivered to Green Meadows Park, Bonita Vista Park, and Stagecoach Park and spread-out giving those playscapes additional safety surfacing in September.

Downtown Christmas Lights

The Parks and Recreation staff took down the Christmas lights and banners in the downtown area and along Loop 4 the week of January 3.

Louisiana Swamp Thing and Crawfish Festival on April 9 from 11 a.m. – 11 p.m. at City Park (not a city organized event)

This Louisiana themed event features the best in Louisiana music and cuisine prepared by concessionaires from Louisiana and Texas and attendees will enjoy an extensive menu of Cajun seafood for purchase. The musical lineup includes George Clinton & Parliament Funkadelic, Doug Kershaw, Papa Grows Funk, Dog Hill Stompers, Jeffery Broussard & The Creole Cowboys, J J Caillier & The Zydeco Knockouts, Dr. Zog, and others to be announced. Paid admission is \$20 per adult and children 8 and under are free with an adult. Admission includes live music, kids' activities, 7,000 pounds of free crawfish (while supplies last), and other bayou favorites. Music includes Cajun, Zydeco, Funk, Brass Bands, Blues, Rock, and Jazz. On February 1, the City Council approved the extension of park hours to 11 p.m.

Easter Egg Hunt on April 23 from 9 – 11:30 a.m. at the Sportsplex

Festivities will include an egg hunt, bouncy castles, face paintings, arts and crafts, trackless train ride, petting zoo, and rock climbing. This event is a joint effort with the City of Buda Parks and Recreation Department, YMCA, and Fellowship Church.

Buda Lions Country Fair and Wiener Dog Races on April 30 and May 1 at City Park (not a city organized event)

TBA

Spring Cleanup on May 7 from 9 a.m. – 12 noon at City Park

Texas Disposal Systems will provide roll-off dumpsters and staff for the annual clean-up. Buda residents are allowed to dump and drop off any unwanted/non-hazardous materials free of charge. A City of Buda utility bill along with a Texas driver's license with a Buda local address must be shown in order to drop off trash at the clean-up site. No tires or hazardous materials can be dropped off.

Summer Tunes and Toons Music and Concert Series at City Park (musical performances start at 7 p.m. and movies start at 9 p.m.)

June 3 – Concert TBA

June 10 – Karate Kid-PG

June 17 – Shrek Forever After-PG

June 24 – Furry Vengeance-PG

July 8 – Classic movie night: Breakfast at Tiffany's

July 15 – The Last Airbender-PG

July 22 – Despicable Me-PG

July 29 – Yogi Bear-PG

August 5 – Concert TBA

Brew-B-Que is tentatively scheduled for July 2 at City Park (not a city organized event)

TBA

Red, White, n Buda Independence Day Children's Parade and Fireworks Show on July 4 at City Park

Staff proposes to host a children's parade at City Park in the morning with free children's entertainment, hot dogs, and drinks. In the evening at City Park there would be a concert, concessions, and a bigger fireworks show.

Fall Cleanup on October 8 from 9 a.m. – 12 noon at City Park

Texas Disposal Systems will provide roll-off dumpsters and staff for the annual clean-up. Buda residents are allowed to dump and drop off any unwanted/non-hazardous materials free of charge. A City of Buda utility bill along with a Texas driver's license with a Buda local address must be shown in order to drop off trash at the clean-up site. No tires or hazardous materials can be dropped off.

Firefest on September 30 and October 1 at City Park (not a city organized event)

TBA

Buda Fine Arts Festival on October 23 and October 24 at City Park (not a city organized event)

New date and location. TBA

Boo-Da Halloween on October 27 from 6-8 p.m. in Downtown and on the Greenbelt

TBA

Budafest on December 3 and December 4 in Downtown, Greenbelt and City Park (not a city organized event)

TBA

Buda Trail of Lights on December 14-21 at Historic Stagecoach Park

TBA