



**NOTICE OF MEETING OF THE
CITY COUNCIL
OF
BUDA, TX
5:30 PM - Monday, February 22, 2021
VIDEO CONFERENCE
Buda, TX 78610**

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Regular City Council Meeting** of the City of Buda, TX, will be held at which time the following subjects will be discussed and may be acted upon.

A. VIDEO CONFERENCE

Please register to attend the online Buda City Council Meeting - February 22, 2021 at 5:30 PM CDT at:

<https://attendee.gotowebinar.com/register/1372094167516652558> Webinar ID 935-231-243

- After registering, you will receive a confirmation email containing information about joining the meeting.

- Attendees may call in to listen only:

CALL-IN NUMBER (LONG DISTANCE) +1 (562) 247-8321 - ATTENDEE ID-muted 398-677-674

OPPORTUNITY FOR PUBLIC COMMENT OR PUBLIC TESTIMONY:

Public Comment and Public Testimony will be recognized upon the Mayor's announcement. When recognized, please state your name and address for the record.

An attendee has three options:

1) Access the webinar and use the "raise the hand" feature during the meeting.

2) Complete the online form for Virtual Public Comment / Public Testimony.

3) Use the email option at comments@ci.buda.tx.us. Please include the Council, or which Board/Commission name, and meeting date in subject line.

B. CALL TO ORDER

Please turn off your cell phone when you approach the podium.

C. ROLL CALL

D. ITEMS OF COMMUNITY INTEREST

E. PROCLAMATION

- E.1. [Hays-Caldwell Women's Center Dating Violence Awareness Month Proclamation, February 2021, to be received by Representatives of Hays-Caldwell Women's Center](#)**

[TDVAM Proclamation Buda 2021.pdf](#)

F. PUBLIC COMMENTS

Members of the public who wish to participate in Public Comment must complete a sign-in form and turn it into the City Clerk before the period provided for Public Comment is called for consideration by the presiding officer.

Members of the public who wish to participate during the Public Testimony period provided for any item on the

agenda must complete a sign-in form and turn it into the City Clerk before the item they wish to participate in is called for consideration by the presiding officer.

G. CONSENT AGENDA [PUBLIC TESTIMONY]

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 by any Council Member on any item, that item will be removed from the consent agenda and will be considered separately.

G.1. Approval of the February 2, 2021 City Council Minutes (City Clerk Alicia Ramirez)

[2021-0202 DRAFT Minutes.pdf](#)

G.2. Adoption of a Resolution authorizing the City Manager to execute the Third Amendment to the License Use Agreement with the VFW Post #12161, related to the use of the city facility located at 100 Houston Street (Deputy City Manager Micah Grau)

[g2 Resolution - VFW License Use Amendment 3 2.16.21.pdf](#)
[g2 100 Houston St - License Agreement 3rd Amendment.pdf](#)

G.3. Acceptance of the City's Investment Report for the quarter ending December 31, 2020 (Finance Director June Ellis)

[December Quarterly Investment Report.pdf](#)

G.4. Submittal of the Fiscal Year 2021 First Quarter Financial Update (Finance Director June Ellis)

[FY 2021 First Quarter Financial Update.pptx](#)

G.5. Adoption of a Resolution expressing support for possible legislation to enable the Texas Water Development Board (TWDB) to fund nature-based infrastructure improvements as part of the Clean Water State Revolving Fund (CWSRF) program, based on a recommendation from the Sustainability Commission (Deputy City Manager Micah Grau)

[Water Resource Restoration Program - Open Letter.pdf](#)
[Funding for Nature-based Infrastructure.pdf](#)
[g5 Resolution - City support of Nature-based Infrastructure Initiative.pdf](#)

G.6. Adoption of a Resolution authorizing the City Manager to execute an Interlocal Cooperation Agreement with South Buda Water Control and Improvement District (WCID) No. 1, related to plumbing inspections within the Meadows of Buda located in the City of Buda's Extra Territorial Jurisdiction (ETJ) (Planning Director Melissa McCollum)

[g6 Res Approving ILA Plumbing Inspections 111320.pdf](#)
[g6 SB-ILA.pdf](#)

G.7. Ratification and Adoption of a Resolution of the City Council of the City of Buda, Texas providing for the submission of a grant application to the Office of the Texas Governor for funding of a Drone Program, and to authorize the acceptance of funds, if awarded (Police Chief Bo Kidd)

[g7 PD Resolution for Drone Funding.pdf](#)

H. PRESENTATIONS

- H.1. Presentation and possible action regarding 1) options for the continuation of COVID19 testing; and 2) the Abbott BinaxNow COVID19 Rapid Tests with Ken Bell, Unit Chief, Disaster Recovery Task Force, Texas Division of Emergency Management (Human Resources Director Vicki Fuchs) [PUBLIC TESTIMONY]**

[Abbott BinaxNow Rapid Test.pdf](#)
[CDC Report on Abbot BinaxNow Rapid test.pdf](#)
[DRAFT Reopen COVID19 Plan January 2021 - Draft.docx](#)
[How to do Abbott BinaxNow test.pdf](#)

- H.2. Presentation and discussion on the Racial Profiling Statistic Data from 2020 (Police Chief Bo Kidd)**

[Racial Profiling Report \(1\).pdf](#)
[TCOLE Report.pdf](#)

I. REGULAR AGENDA

- I.1. Deliberation and possible action to consider an Ordinance on first and final reading and to adopt said Ordinance amending Appendix A Fee Schedule for activities related to the Parks and Recreation Department (Parks & Recreation Director Greg Olmer) [PUBLIC TESTIMONY]**

[i1 Ordinance Budget Amendment 6-16-20 \(2\) GO EDIT.pdf](#)
[i1 Exhibit B - Fiscal Year 2021 Fee Schedule.pdf](#)

- I.2. Deliberation and possible action to consider attendance limitations on special events at Buda City Park during the COVID-19 pandemic (Parks and Recreation Director Greg Olmer) [PUBLIC TESTIMONY]**

[OpenTexas-Checklist-Outdoor-Events.pdf](#)
[OpenTexas-Checklist-Employers.pdf](#)
[i3 City Park Amp.pdf](#)

- I.3. Deliberation and possible action to approve the Buda Economic Development Corporation (BEDC) Budget Amendment #3 related to BEDC Staff Salary Adjustment for a possible new office manager position (BEDC Executive Director Traci Anderson) [PUBLIC TESTIMONY]**

[EDC 2.16.21 City of Buda Agenda Item FY20-21 Budget Amendment 3 - Staff Report.pdf](#)
[EDC FY 2020-2021 - Budget Amendment 3 Board approved 2.8.21.pdf](#)

- I.4. Mayor's report on Emergency Management Director activities related to the declared state of disaster regarding COVID-19 and discuss and consider any action or direction considered appropriate and necessary by the City Council to respond to the current State of Disaster as renewed by the Texas Governor; and the local disaster declaration regarding the February 2021 Winter Storm URI and discuss and consider any action or direction considered appropriate and necessary by the City Council to respond to the current State of Disaster**

J. EXECUTIVE SESSION

- J.1. Council will recess regular session and convene into executive session pursuant Texas Government Code Chapter 551, Section 551.071 to deliberate, seek legal advice, and direct the City Manager and City Attorney regarding 1) anticipated litigation for contractual non-compliance with the Barr Company in**

connection with the construction and completion of Proposition 5 City Park; 2) the Garlic Creek Commons Administrative Vesting Rights Determination; and 3) State and local zoning and land use regulations in connection with a pending site development application affecting 2550 FM 967.

K. RECONVENE INTO REGULAR SESSION AND TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION.

- K.1. Deliberation and possible action to consider a motion declaring Barr Co. in breach of its construction agreement with the City of Buda for Proposition 5 City Park improvements; to authorize the City Manager to call the performance bond, seek performance bond holder's authority to complete the Park project, and to engage in any City Attorney recommended alternative dispute resolution method, arbitration or court proceeding as the city's corporate representative as necessary; and, to authorize the City Attorney to negotiate any proposed resolution of the dispute with opposing counsel and to take all legal action necessary to protect and preserve the rights, entitlements, assets, and immunities of the city (City Attorney George Hyde) [PUBLIC TESTIMONY]**

L. CITY MANAGER'S REPORT

2021 ERI Winter Storm, COVID-19, 2014 & 2021 Bond Program, Capital Improvement Projects, Developments, Drainage Projects, Engineering Department, Finance Department, General/Special Election, Grant Related Projects, Human Resources, Law Enforcement, Legislative Update, Library Projects, Main Street Program, Parks & Recreation Department, Planning Department, Road Projects, Status-Future Agenda Request, Special Projects, Tourism Projects, Transportation, Wastewater Projects, and Water Projects (City Manager Kenneth Williams)

M. CITY COUNCIL'S BOARD AND COMMITTEE REPORTS

*Alliance Regional Water Authority (Urbanovsky)
Buda Economic Development Corporation (Bryant & Davidson)
Capital Area Council of Governments General Assembly (Urbanovsky)
Capital Area Council of Governments Clean Air Coalition (Ture)
Combined Emergency Communication Center (Urbanovsky)
Dupre Local Government Corporation (Davidson, Smith, & Urbanovsky)
Greater San Marcos Partnership (Urbanovsky)*

*City of Buda Audit Committee (Cummings, Davidson, & Ture)
City of Buda Information Technology Committee (Bryant, Daugereau, & Smith)
City of Buda Board & Commission Nomination Committee (Bryant, Cummings, & Daugereau)
City of Buda City Park Planning/Programming Ad-Hoc Committee (Daugereau, Smith, & Ture)
City of Buda Planning Mobile Food Vendor Ad-hoc Committee (Davidson)
City of Buda Water/Wastewater Committee (Davidson, Daugereau, & Urbanovsky)*

N. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

- N.1. Update on Pending Items requested by City Council**

[Pending Items.pdf](#)

O. ADJOURNMENT

Requests for accommodations must be made 48 hours prior to the meeting. Please contact the City Clerk at (512) 523-1014, or FAX (512) 641-5817 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 5:30 pm on February 19, 2021.

/s/ 
Alicia Ramirez
City Clerk

Meetings scheduled in the Council Chambers are set up to publicly broadcast meetings. You may be audio and video recorded while in this facility. Meetings scheduled in other City Facilities are set up to publicly audio record meetings. You may be audio recorded in the other City Facilities.

In accordance with Article III, Section 3.10, of the Official Code of the City of Buda, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on Council meetings may be obtained from the City Clerk's Office, or video of the entire meeting may be downloaded from the website. (Portions of the Supplemental Minute Record video tape recording may be distorted due to equipment malfunction or other uncontrollable factors.)

A Public Comment period will be provided to allow for members of the public to participate and speak to the City Council on any topic that is not on the meeting agenda. At this time, comments will be taken from the audience on non-agenda related topics. A Public Testimony period will be provided at each meeting of the City Council to allow members of the public to participate and speak to the City Council on any topic that is on the meeting agenda, prior to any vote on the matter up for consideration. During these periods, the presiding officer shall routinely provide three (3) minutes to each person who desires to speak but may provide no less than one (1) minute and no more than five (5) minutes to each person addressing the City Council. The amount of time provided to each person, if altered by the presiding officer, shall be announced by the presiding officer prior to recognizing persons to speak and shall be objectively applied to all persons speaking during Public Comment or each Public Testimony period.

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.