



Notice of Flatonia Parks Committee Meeting

In accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, Notice is hereby given that a Regular Meeting of the City of Flatonia Parks Committee will be held on Wednesday, April 28, 2021 beginning at 6:00 p.m. in the City Hall Council Chambers located at 125 E. South Main St., Flatonia, Texas, for the purpose of considering the following agenda items:

Opening Agenda

Call to Order
Citizens' Participation

Consent Minutes of the March 24, 2021 Regular Parks Committee meeting.

Deliberation Agenda

- 4-2021.1 Consider and take appropriate action on wants and needs for 7 Acre Park.
- 4-2021.2 Consider and take appropriate action on wants and needs for Central Memorial Park.
- 4-2021.3 Consider and take appropriate action on wants and needs for Flatonia Rail Park.
- 4-2021.4 Consider and take appropriate action on wants and needs for McWhirter Park
- 4-2021.5 Consider and take appropriate action on wants and needs for Garbade Park
- 4-2021.6 Consider and take appropriate action on Flato Park.
- 4-2021.7 Consider and make recommendations on budget considerations for capital improvement projects at all City-owned park properties for FY21/22.
- 4-2021.8 Consider and take appropriate action on a recommendation to the City Council related to a park ordinance amendment including regulations and fees.

Reports City Manager Report

Adjournment

**NOTICE OF ASSISTANCE
AT THE PUBLIC MEETING**

The Flatonia City Hall is wheelchair accessible. Access to the building is available at the primary entrance facing Main Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print are requested to contact the City Secretary's Office at 361-865-3548 or by FAX 361-865-2817 at least two working days prior to the meeting so that appropriate arrangements can be made.

EXECUTIVE SESSION STATEMENT

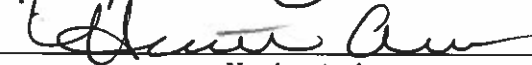
The Parks Committee reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551.071 (Consultations with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations Regarding Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations Regarding Security Devices or Security Audits), 551.086 (Certain Public Power Utilities: Competitive Matters) and 551.087 (Deliberation Regarding Economic Development Negotiations).

Agenda Removal Notice

This Public Notice was removed from the official posting board at the Flatonia City Hall on the following date and time:

4/23/2021 @ 3:30 PM

By: _____


Heather Ambrose
City Secretary, City of Flatonia

I, the undersigned authority hereby certify that the Notice of Meeting was posted on the bulletin board outside the front door of the City Hall of the City of Flatonia, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: **April 23, 2021 by 6:00 p.m.** and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Heather Ambrose, City Secretary, City of Flatonia

RECOMMENDED AMENDED CITY ORDINANCE – PLEASE REVIEW AHEAD OF MEETING

Chapter 1.13 – PARKS AND RECREATION

- **Purpose and findings.**

A. This chapter sets forth standards for park utilization and maintenance to maintain and protect the city's parks and recreation facilities and to ensure their availability as a shared resource to all members of the public.

B. A city may charge for use or services provided in city parks so long as the charges do not exceed the cost of service. By resolution duly adopted, the city may charge fees for park use and use of various facilities or services at one or more of the city parks or recreation facilities, and add to, subtract from, increase or decrease such charges in amounts reasonably necessary to recover the cost of operating the parks and providing the various services and facilities therein.

- **Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

"Alcoholic beverages" means alcohol, spirits, liquor, beer, wine, or other liquid which contains one-half of one percent or more of alcohol by volume.

"Authorized official" means _____

"Commercial activity" means selling, offering for sale, or vending any goods, wares, merchandise, service, performance, or other thing of value, for immediate or future delivery, or requesting monetary donations, pledges, or other things of value for a charitable, religious, cultural, or any other cause.

"Department" means the city department directed by the City Manager to oversee parks and recreation facilities in the city.

"Designated area" means an area specially equipped or posted with appropriate signs for camping, picnicking, parking of motor vehicles or other authorized activity.

"Director" means the Utility Director or his or her authorized representative of the department which oversees parks and recreation facilities in the city.

"Facility" or "park facility" means any body of water, land, campsite, recreation area, building, structure, system, equipment, machinery, or other appurtenance owned, managed, controlled, or operated by the City of Flatonia.

"Overnight" means the one hour after sunset and sunrise of the following day.

"Peace officer" means _____

"Permit" means written authorization to make use of any park, recreation area or portion thereof, and includes any conditions set forth herein.

"Picnicking" means the consumption of food or beverages.

"Recreation area" means all parks, places, greenbelts, gardens, and any other property owned by the city, including structures thereon, used, operated, or maintained for recreational purposes, whether active or passive. The term "owned" shall mean any property interest under which the city operates, maintains, or controls such property. The term shall also include any property owned and maintained as open space.

"Trash" means garbage, solid waste, refuse, litter, paper, animal and vegetable matter, and rubbish.

"Vehicle" means a device by which any person or property may be propelled, moved, or drawn, including bicycles.

- **Permit required; application contents.**

Whenever a permit is required by provisions in this chapter, an application shall be filed with the city manager or designee stating:

- A. The name and address of the applicant;
- B. The name and address of the person, group, organization, or corporation sponsoring the activity;
- C. The nature of the proposed activity;
- D. The dates, hours, and city facility for which the permit is desired;
- E. An estimate of attendance; and
- F. Any other information which the manager or designee, regarding public health, safety, and welfare, finds reasonably necessary to a fair determination as to whether a permit should be issued.
- G. Map or diagram of the event location including proposed set up, ingress and egress, utilities needed, and/or parking.
- H. Before final permit approval, a copy of liability insurance naming City as additional insured will be required.

- **Insurance.**

The individual or entity involved in a commercial use of the park or other City property shall provide proof of insurance to the city in the amount of \$1,000,000 which names the city, and its officers, employees, volunteers and officials as additionally insured. Proof of insurance must be received by the City of Flatonia prior to the issuance of a special use permit.

- (A) Due to special risks associated with the use of the items listed below, an application requesting a special permit to allow the use of said items and proof of insurance in the amount of \$1,000,000 which names the city, and its officers, employees, volunteers, and officials as additionally insured, must be submitted to the parks department a minimum of three (3) business days (excluding holidays) prior to an event: (I) moonwalks, bouncy castles, or other inflatable play areas; (II) Climbing walls; and (III) Any other item which, at the discretion of the parks department and/or the City Manager, poses a unique safety concern.

(B) To avoid the potential removal of an item from the park during an event, it is advisable to notify the City of any specialty item a patron wishes to have at an event to confirm if insurance will be necessary. The City will not be held liable for items left in the City parks.

- **Permit—Standards for issuance.**

The Manager or designee may issue a permit hereunder when he or she finds:

A. That the proposed activity or use of City property will not unreasonably interfere with or detract from public enjoyment;

B. That the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation;

C. That all conditions including, where applicable, any further approvals by regulatory agencies or the City Council, the payment of fees, and insurance coverage are met;

D. That the proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct;

E. That the proposed activity or use will not entail unusual, extraordinary, or burdensome expense, resources, or security operation by the City; and

F. That the facilities desired have not been reserved for other use.

- **Failure to obtain required permit.**

No person shall use, occupy, or otherwise remain in any City facility or portion thereof for which a permit is required without first having obtained such permit.

Park space is available on a first come, first served basis. Users shall first obtain a permit to ensure availability.

Tables in city-owned parks may not be reserved and are available on a first come, first served basis unless included as part of a permit application.

- **Priority of use.**

Any person using a park or City facility or portion thereof which may be reserved by obtaining a permit, but who has not obtained such a permit, shall vacate said area when holders of a valid permit present themselves.

- **Exhibiting permit.**

No person shall fail to produce and exhibit a permit he claims to have upon request of any City employee or any peace officer who desires to inspect said permit for the purpose of enforcing compliance with any regulations in this chapter.

- **Recreation programs.**

The fees charged for recreation classes, special events, and sports leagues shall be set by the Utility Director subject to the approval of the City Manager and City Council, by ordinance.

- **Refundable deposits.**

A refundable deposit shall be charged for the use of facilities and equipment in addition to user fees. All deposits shall be returned if the users do not damage equipment or facilities, leave the facility in a litter-free condition, and return equipment.

- **Waiving of fees.**

The city manager or designee may waive all or a portion of a fee when appropriate.

- **Park improvement and acquisition account.**

- (a) Establishment of account. A Parks Improvement and Acquisition Account is hereby established.
- (b) Funds to be deposited. Contributions and donations from any source which are earmarked by the donor for use by the Parks Department shall be deposited in the Parks Improvement and Acquisition Account.
- (c) Payments from developers and subdividers. Payments of cash in lieu of land from developers and subdividers shall be deposited in the park improvement and acquisition account.
- (d) Use of funds. Expenditures from the Parks Improvement and Acquisition Account shall be used exclusively for improvement of existing and future parks and for the acquisition of land for future parks.

- **Restrictions in all recreation areas.**

It shall be unlawful and a violation of this chapter for any person, entity, or organization to (without prior authorization and permit):

- A. Enter or remain on the premises after the established closing hours.
- B. Operate or park a vehicle in other than designated areas or over established roads.
- C. Operate a vehicle more than fifteen (15) miles per hour on roads within the park.
- D. Park or allow any vehicle to remain more than eight (8) consecutive hours.
- E. Start or maintain fire(s) in parks, except for barbecuing food, using established barbecue facilities or personal portable barbecues within designated picnic areas. No person shall fail to fully extinguish live coals, embers, or fires before leaving the barbecue facilities or picnic area. No live coals, embers, or fires shall be disposed of in the park trash can receptacles. Fires of any kind may be prohibited during County mandated burn bans or for other reasons as determined by the City Manager.
- F. Allow or permit any person under the age of six (6) under their custody, jurisdiction or control, to enter or remain without providing adequate supervision.
- G. Leave, drop, place, or deposit any trash in any other location except receptacles provided for trash. Pet waste should be picked up and placed in a bag, closed, and disposed of in the trash receptacle.
- H. Conduct or carry on an assembly of more than twenty-five people in a park, which assembly is intended or can reasonably be expected to last more than thirty minutes or which does in fact last more

than thirty minutes, without first obtaining a permit from the city manager or designee. Youth sports groups and other similar groups with a valid Agreement on file are exempt from this restriction unless the purpose of the assembly is outside the scope of the current Agreement.

- **Prohibited activities.**

Horses and farm animals are strictly prohibited in city parks, unless permitted pursuant to a special event permit or approved by the parks department and the city council, as applicable, in advance of the use.

Inflatable, plastic, or other types of portable pools.

Slip-n-slides (exceptions may be made for individual "family" size slides, on approval in advance by the city's parks department).

Sprinklers (hoses may be used for cleaning purposes only).

- **Prohibited hours.**

A. Except as provided in subsection B, and subsection C of this section regarding neighborhood parks, no person or persons shall remain in any City park from one hour after sunset to sunrise of the following day without having received a permit to do so from the City Manager or his/her authorized representative.

B. The permit requirement established in subsection A above shall not apply to:

1. Any person or persons going to, attending, or participating in any activity or event which is regularly scheduled and coordinated by the City of Flatonia or any activity or event conducted under an Agreement, Lease or permit from the city; or

2. Any person or persons exiting the park immediately after the conclusion of such an activity or event; or

3. Any police officer or employee of the City while engaged in the performance of his or her duties.

C. No person or persons shall remain in any City playground, neighborhood, community, City or regional park between one hour after sunset and sunrise of the following day. For purposes of this subsection C, parks shall be as defined in the recreation and open space element of the Flatonia Comprehensive plan.

D. For all park facilities, the City Manager or designee shall determine the established and emergency hours, when needed, of operation of Flatonia park and recreation facilities based on the following criteria:

1. Weather conditions;

2. Seasonal recreation activities scheduled or expected to occur at the park facilities;

3. Nature or extent of public use of the park facilities;

4. Cost effectiveness of operation of the park facilities.

- **Regulations authorized.**

The City Manager or designee may establish and post regulations governing the use of park facilities which are not inconsistent with regulations contained in this chapter and which promote public health and safety and the preservation of property. A violation of the posted rules or regulations may be charged as an infraction.

- **Regulation of commercial activity.**

A. No person shall engage in any commercial activity in any City park unless the commercial activity is authorized under the terms of a lease, operating agreement, or permit issued by the City Manager or designee.

B. The City Manager or designee may authorize commercial activities within any City park in connection with special programs or events sponsored or co-sponsored by the City, if he or she determines that the commercial activity complements and enhances the special program or event and does not detract from the use of the City park for ordinary park purposes.

C. In determining the type and extent of commercial activities to be authorized, the City Manager or designee shall consider their potential impact on the City park and surrounding neighborhood. The City Manager or designee shall establish guidelines for selection of authorized commercial activities. The selection decisions made by the City Manager or his/her designee shall be final.

D. The provisions of this section shall not be deemed to apply to the sale or distribution of newspapers, books, pamphlets, or other activity constituting protected speech under the First Amendment of the United States Constitution or comparable protections.

- **Enforcement.**

The city's police department is charged with the responsibility of supervising and maintaining law and order in city parks. To carry out this provision, officers of the police department shall have the authority to make any arrests or issue citations for violation of any state law or city ordinance. In addition thereto, it is declared that a person commits an offense if he/she enters or remains in a city park, recreation area, or other designated park area, during hours other than those set out hereinabove, without written approval of the City Manager or the City Council, and the person:

- (A) Had notice that the entry was forbidden; or
- (B) Received notice to depart but failed to do so.

For purposes of this article, streets and parking in city parks shall be treated the same as any other city streets and shall be supervised and regulated by the police department in the same manner as all city streets. An individual sitting inside his/her vehicle shall be treated the same as any other individual in the park regardless of whether the vehicle is parked or is being driven.

Real property—Use; appropriation or encumbrance.

Sec. 1.13.001 Drilling and mining prohibited in parks

It shall be unlawful for any person, firm, or corporation, including the City, to engage in, permit, or cause any surface drilling or mining in or on any City park. This provision applies to any park owned by the City regardless if within or outside the city limits. (2001 Code, art. 8.600)

Proposed addition

No person shall:

A. Deposit any earth, sand, rock, stone, mineral, oil or other substance within any park facility, dig or remove any such material from within any park facility. Nor shall he erect or attempt to erect any building, wharf, or structure of any kind by driving or setting up posts or piles, or in any manner appropriate or encumber any portion of the real property owned, operated, controlled, or managed by the City, without a permit from the City Manager or designee;

B. Dig up, pick, remove, mutilate, injure, cut, or destroy any turf, tree, plant, shrub, bloom, flower, artifact, or archeological site, or any portion thereof;

C. Cut, break, injure, deface, or disturb any building, sign, fence, bench, structure, apparatus, equipment, or property, or any portion thereof; or

D. Without a permit from the City Manager or designee, make or place on any tree, plant, shrub, bloom, flower, building, sign, fence, bench, structure, apparatus, equipment, or property, or on any portion thereof, any rope, wire, mark, writing, printing, sign, card, display, or similar inscription or device.

- **Glass containers prohibited.**

No person shall possess any cup, tumbler, bottle, jar or other container made of glass and used for carrying or containing any liquid for drinking purposes within any park or park facility, except in locations where such containers are permitted under the terms of a lease, operating agreement or permit.

- **Fireworks.**

No person shall possess or ignite in any manner any firecracker or fireworks, including any article for the making of a pyrotechnic display. Nothing contained in this section, however, shall prohibit any discharge or display of fireworks at any public gathering or patriotic celebration provided a permit for such discharge or display has been obtained from the City Manager or designee. Firework displays may be subject to additional insurance requirements.

- **Firearms, air guns, and other weapons.**

A. Except as provided in subsection B, no person or persons shall use, maintain, possess, fire, or discharge any firearm, air gun, spring gun, paintball gun, bow and arrow, slingshot, or any other weapon potentially dangerous to wildlife or human safety, in any park facility. A violation of the provisions of this section is a misdemeanor.

B. Subsection A shall not apply to:

1. A duly appointed peace officer as defined in (Cite Penal Code here)
2. A retired police officer with authorization to carry concealed weapons (Similar citation)
3. A full-time paid peace officer of another state or the federal government who is carrying out official duties while in Texas; or
4. A person holding a valid license to carry the firearm pursuant to (Cite code); or

5. A person who has permission to possess that weapon granted in writing by the City Manager or the chief of police specifying the area, times and conditions designated for such use.

- **Locks and keys.**

No person other than one acting under the direction of the City Manager or designee shall duplicate or cause to be duplicated a key used by the department for a padlock or door lock of any type or description, nor shall any person divulge the combination of any lock so equipped to any unauthorized person.

- **Consumption of alcoholic beverages.**

A. No person shall possess any can, bottle or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which has been partially removed, within any park or park facility which has been posted with signs prohibiting such possession. The City may, by resolution, designate, or authorize the Director to designate, the park or park facilities to be posted.

B. It shall be unlawful for any person under twenty-one (21) years of age to be in possession of an alcoholic beverage while such person is in or upon any park facility unless in the presence of a parent or guardian, including spouse. Notwithstanding any other provision of this code to the contrary, violation of the provisions of this section shall constitute an infraction and shall be punishable pursuant to the provisions of (insert code here).

Sec. 1.13.002 Rules for City swimming pool

(a) *The following rules are adopted for the City swimming pool:*

(1) *Children under the age of 10 must be accompanied by a responsible person. Responsible person is defined as a person sixteen (16) years of age or older who is capable of caring for a child. A parent may appoint a person younger than sixteen (16) as the responsible person if a signed permission slip is presented to the pool staff. Parent or guardian must be present at signing. A form will be available at the pool.*

(2) *Children under the age of five (5) must have a parent or guardian, age seventeen (17) or older, in the pool and attending to the child's safety at all times.*

(3) *All swimmers must shower before entering the pool.*

(4) *All swimmers must wear appropriate swimwear. No t-shirts, tank tops, thongs, undergarments (i.e. bras/underwear), "cut-offs" or other frayed clothing is allowed in the pool.*

(5) *Children who are not potty-trained must wear a swim diaper. Swim diapers are available for purchase in the pool office.*

(6) *No glass containers are allowed inside the pool area.*

(7) *No food or drinks are allowed in the pool.*

(8) *No diving.*

(9) *No running on the pool deck.*

(10) No “chicken fights” or dangerous horseplay.

(11) No profanity.

(12) No smoking in the pool area.

(13) Only properly fitting, Coast Guard approved personal floatation devices with a positive lock are allowed in the pool for children who cannot swim.

(a) The Pool Manager and the on-duty lifeguards are required and empowered to enforce the rules as stated in this division. Additionally, they may, if, in their judgment, words, actions or apparel interfere with the safe use of the swimming pool, tell persons involved to leave the pool area. Not complying with the instructions of the lifeguards may result in temporary or permanent suspension of use of the swimming pool or City facilities. (PC602)

(Ordinance 417 adopted 4/10/07)

- **Appeals.**

The denial or revocation of a permit by the Director (or City Manager) may be appealed by the applicant or permit holder as set forth in Chapter ___ of this title.