



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: O-1

Date: May 9, 2007

Subject: Request that the City Council consider adopting an Ordinance amending Chapter 8, “Parks” by adding a new projector rental fee, a new “Building Maintenance Fee Alcohol Approved”, and by amending certain rental and use fees for Harvey Convention and the Rose Garden Centers.

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Item Reference: Chapter 8, Section 8-72, “Harvey Convention Center” and Section 8-74, “Rose Garden Center”; Fees charged for services set by the City Council and set out in the City code.

The City purchased two 3,500 lumen projectors for Harvey Convention Center and the Rose Garden Center. The attached Ordinance provides for new rental rates for this equipment - \$150 deposit and \$150 per day. Furthermore, the attached Ordinance provides for a new “Building Maintenance Fee Alcohol Approved” of \$100 for the recovery of the additional costs incurred by the Parks Department when an event includes the permitted use of alcohol. The Parks and Recreation Department has reviewed its procedures regarding facility rentals and alcohol permitted events and has developed the following procedures regarding such events. No “open to the public” Bring Your Own Bottle (BYOB) events will be allowed in Park facilities. Non-profit entities, which include 501(c)(3) entities, schools, religious organizations/entities, and governmental entities, must obtain a temporary permit from the Texas Alcohol and Tobacco Commission (TABC) to provide alcohol at an event. The temporary permit must be posted at the facility during the event and must also be on file with the Parks Department. In “Host Provided” events, event hosts may only provide alcohol when guests are invited, and alcohol in such events must be brought in by the host at the beginning of the event. The Parks Department must be notified if alcohol will be provided

In addition, the attached Ordinance includes some minor amendments to the City’s fee schedule, including the following.

Harvey Convention Center - Hall 2 Rental Fees

An amendment to the rental fees charged for the rental of Hall 2 in Harvey Hall is made by this Ordinance. Previously, the configurations noted as “n/a” were not available for rental. The rates for rental of one of five sections of Hall 2 are amended as follows: from n/a to \$200 on weekdays, from \$175 to \$225 for non-profit entities on weekends, from n/a to \$200 for each additional weekday rental, from \$125 to \$225 for each additional day rented by a non-profit entity on weekends, and from \$275 to \$300 for each additional day rented by all other entities on weekends. The rates for the rental of four of the five sections of Hall 2 are amended as follows: from n/a to \$450 on weekdays, and from n/a to \$425 for each additional weekday rental.

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Rose Garden Center – Rose Room fees for over 2 hours of weekday rental

An amendment is made by this Ordinance to the rental fee charged for each additional hour after midnight following weekday rental of over two hours of the Rose Room to make rental of the Rose Room comparable to the other fees charged for rooms at the Rose Garden Center. The rate is amended from \$30 to \$50.

Rose Garden Center– Camellia and Bluebonnet Room fee for over 351 people and over nine hours of weekday rental

An amendment is made by this Ordinance to the rental fees charged for the Camellia and Bluebonnet Room for over 351 people and over nine hours of weekday rental by all other entities/individuals (entities/individuals that **are not** non-profits) to make rental comparable to the other fees charged for Rose Garden Center rooms. The rate is amended from \$425 to \$575 for weekday rental by other entities, and from \$425 to \$575 for each additional day rented by all other entities.

Bags of Ice fees

An amendment to the fee charged for bags of ice is made by this Ordinance to reflect the current cost of ice paid by the Parks Department,

Chair Rental fees

An amendment to the fee charged for chairs is made by this Ordinance to address typographical error. The rate is amended from .5¢ to .50¢.

Change from “Current” Rate to “Regular” Rate

A correction from the term “Current” Rate to the term “Regular” Rate is made by this Ordinance to clarify rates provided in Schedules of Rental Rates for Harvey Convention Center and Rose Garden Center.

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance amending Chapter 8, by adding a new projector rental fee, a new “Building Maintenance Fee Alcohol Approved”, and amending certain rental and use fees for Harvey Convention and the Rose Garden Centers.

**Drafted/Recommended By:
Department Leader**



**Edited/Submitted By:
City Manager**

ORDINANCE 0-2007-50

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CITY OF TYLER CODE OF ORDINANCES, CHAPTER 8, "PARKS", ARTICLE V., "FEES", BY ADDING A NEW FEE FOR RENTAL OF LUMENS PROJECTORS EQUIPMENT FOR HARVEY CONVENTION CENTER AND ROSE GARDEN CENTER, ADDING A NEW "BUILDING MAINTENANCE FEE ALCOHOL APPROVED" AND BY AMENDING FEES CHARGED FOR CERTAIN HARVEY CONVENTION CENTER AND ROSE GARDEN CENTER ROOM RENTAL, EQUIPMENT RENTAL AND ICE USAGE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to promote the public welfare; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, Tyler City Code Chapter 8, Section 8-72 and Section 8-74 establishes certain fees for Park facilities and services; and

WHEREAS, on April 30, 2007, the Parks Board met and approved certain fee amendments; and

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

PART 1. That Chapter 8, "Parks", Article V., Section 8-72 "Harvey Convention Center", and Section 8-74 "Rose Garden Center facilities charges" is hereby amended to read as follows:

Sec. 8-72. Harvey Convention Center.

The rates and charges for the use of the municipal meeting hall (Harvey Convention Center) are as provided in this section. These rates are set by the city council. All such rates and charges shall be paid in advance of the actual use. All rents and charges in addition to those anticipated and paid in advance of such use, if any, shall be paid immediately upon a determination of their amount by the city as provided in this section.

Schedule of Rental Rates for Harvey Convention Center

Schedule of Rental Rates for Harvey Convention Center:

Monday-Sunday Rates			
NP – Non Profit;			
RR - Regular Rate;			
WD- Week Day (Monday -Thursday);			
WE (Friday through Sunday)			
Non Profit – An organization or entity formed for the purpose of serving a purpose of public or mutual benefit other than the pursuit or accumulation of profits, i.e., 501(c)(3)’s, schools, religious organizations, governmental organizations. Proof of non profit status is required. All other entities/individuals will be charged the Regular rate.			
Room		Regular Rate	Additional Day
Entire Facility		\$1,200.00 WD \$1,300 NP WE \$1,500 RR WE	\$1,000.00 WD \$1,100 NP WE \$1,300 RR WE
Hall-1		\$800 WD \$850 NP WE \$950 RR WE	\$700 WD \$750 NP WE \$850 RR WE
1/2 Hall-1		\$550 WD \$575 NP WE \$725 RR WE	\$500 WD \$525 NP WE \$675 RR WE
<i>Move in day-60% of regular rate</i>			
Hall-2		\$500 WD \$550 NP WE \$700 RR WE	\$425 WD \$450 NP WE \$650 RR WE
	1 section	\$200 WD \$225 NP WE 300 RR WE	\$200 WD \$225 NP WE 300 RR WE
1/3 Hall-2	2 sections	\$300 WD \$350 NP WE \$450 RR WE	\$250 WD \$325 NP WE \$425 RR WE
2/3 Hall-2	3 sections	\$400 WD \$450 NP WE \$550 RR WE	\$325 WD \$425 NP WE \$525 RR WE
	4 sections	\$450 WD \$500 NP WE \$650 RR WE	n/a \$425 WD \$450 NP WE \$625 RR WE
Hall-3		\$200 WD \$250 NP WE \$300 RR WE	\$200 WD \$225 NP WE \$275 RR WE
<i>Damage Deposit \$100.00 - \$1,000.00 Based upon the following factors: (1) type of activity to be conducted on the property, (2) type of past contact the Lessee had with the facility, (3) size of the event, (4) Lessee’s insurance coverage</i>			
Building Maintenance Fee Alcohol Approved			\$100 per day. No BYOB. Non Profits must obtain temporary permit from TABC. Temporary permit must be posted at facility during event and must be on file with Parks Dept. In “Host Provided” events, host may only provide alcohol when guests are invited. Alcohol must be brought in by host at beginning of event.
<i>Move in day-60% of regular rate</i>			
<i>Current Rate applies until midnight. An additional charge of \$100 per hour will be made for each hour after</i>			

<i>midnight or before 8:00 am</i>			
Kitchen Use		\$175 <i>WD</i> \$175 <i>NP WE</i> \$175 <i>RR WE</i>	\$175 <i>WD</i> \$200 <i>NP WE</i> \$200 <i>RR WE</i>
Caterer's fee, per event 10% of gross; Caterer's deposit for cleanup and breakage, per event \$150.00 - \$500.00.			
<i>Original set-up change \$100.00 per change</i>			
Equipment rental:			
Ice, per bag		<i>City Cost</i>	<i>City Cost</i>
Refrigerator or freezer			<i>Each \$25</i>
Refrigerator and freezer			<i>\$50</i>
PA System			<i>\$35</i>
Extra Dumpster			<i>\$35</i>
Paper Table Cover-Roll			<i>\$20</i>
Platform stages-6x8, per day			<i>\$10</i>
Warmer Ovens, per event			<i>\$25</i>
Warmer Ovens-off site			<i>\$100</i>
8 ft Tables			<i>\$3</i>
72" Round tables			<i>\$5</i>
Chairs			<i>\$.50</i>
Caterer Fees			<i>10% of gross</i>
Piano Rental, does not include tuning			<i>\$50</i>
Wireless Internet			<i>\$20/day</i>
TV/VCR			<i>\$35</i>
Overhead Projector			<i>\$25</i>
Screen 7'x7'			<i>\$10</i>
Easel			<i>\$3</i>
Coffee Maker-No Supplies			<i>\$25</i>
Presentation Projector			<i>\$150/day</i> <i>\$150/deposit</i>

(0-2005-78, 9-28-05) (0-2006-79; 9-13-2006) (0-2007-50; 5/9/07)

Sec. 8-74. Rose Garden Center facilities charges.

The rates and charges for the use of the Rose Garden Center facilities are as provided in this section. All such rates and charges shall be paid in advance. The rates shall be determined in accordance with the following:

ROSE GARDEN CENTER FEES
NP – Non Profit;
RR – Regular Rate;

AHAM – Additional Hour After Midnight
Non Profit – An organization or entity formed for the purpose of serving a purpose of public or mutual benefit other than the pursuit or accumulation of profits, i.e., 501(c)(3)'s, schools, religious organizations, governmental organizations. Proof of non profit status is required. All other entities will be charged for profit rates.

		Monday - Thursday			Friday thru Sunday		
Room		Regular Rate	Add. Day	Each Ad. Hr	Regular Rate	Add. Day	Each Ad. Hr
Azalea	Day 8 to 5	\$25/hr /min 2hrs NP \$35/hr /min 2hrs RR	Same as Regular Rate	After 2h/\$15 NP After 2h/\$25 RR			
Size: 0 – 35	Night 5-10	\$35/hr /min 2hrs NP \$40/hr /min 2hrs RR	Same as Regular Rate	After 2h/\$20 NP After 2h/\$30 RR AHAM/\$50			
	Friday @ 1pm- Sunday @ 10pm				\$40/hr/min 2h \$45/hr/min 2h	Same as Regular Rate	After 2h/\$30 AHAM/\$50

Damage deposit: \$150 – \$500

Entire Building		Regular Rate	Add. Day	Each Ad. Hr	Regular Rate	Add. Day	Each Ad. Hr
Mon-Thur 8 am to 10 pm		\$575 NP \$650 RR	\$475	\$35 AHAM/\$50			
Fri, Sat, or Sun, 8 am to 10pm					\$775 NP \$850 RR	\$700 NP \$750 RR	\$35 AHAM/\$50
Friday 5 pm – Sunday 5pm					\$1,300 NP \$1,400 RR	n/a	\$35 AHAM/\$50
Rose		Regular Rate	Add. Day	Each Ad. Hr	Regular Rate	Add. Day	Each Ad. Hr
Mon-Thur 8 am to 5 pm		\$35/hr /min 2hrs NP \$45/hr /min 2hrs RR	Same as Regular Rate	After 2h/\$25 NP After 2h/\$35 RR	\$50/hr /min 2hrs NP \$60/hr /min 2hrs RR	Same as Regular Rate	After 2h/\$50 AHAM/\$50
Mon-Thur Nights 5pm to 10 pm		\$40/hr /min 2hrs NP \$50/hr /min 2hrs RR	Same as Regular Rate	After 2h/\$30 NP After 2h/\$40 RR			
Camellia or Bluebonnet		Regular Rate	Add. Day	Each Ad. Hr	Regular Rate	Add. Day	Each Ad. Hr

Cannot be booked in advance of 10 working days on an hourly basis

1-100 people/up to 9 hr		\$175 NP \$200 RR	\$175 NP \$200 RR	n/a AHAM/\$50	\$185 NP \$225 RR	\$185 NP \$225 RR	n/a AHAM/\$50
101-200 People/up to 9 hr		\$200 NP \$225 RR	\$200 NP \$225 RR	n/a AHAM/\$50	\$210 NP \$250 RR	\$210 NP \$250 RR	n/a AHAM/\$50
1-100 people/9 to 14 hr		\$225 NP \$250 RR	\$225 NP \$250 RR	\$35 AHAM/\$50	\$275 NP \$300 RR	\$275 NP \$300 RR	\$35 AHAM/\$50
101-200 people/9 to 14		\$250 NP \$275 RR	\$250 NP \$275 RR	\$35 AHAM/\$50	\$300 NP \$350 RR	\$300 NP \$350 RR	\$35 AHAM/\$50
Camellia & Bluebonnet		Regular Rate	Add. Day	Each Ad. Hr	Regular Rate	Add. Day	Each Ad. Hr
1-150 people/up to 9		\$225 NP \$275 RR	\$225 NP \$275 RR	n/a AHAM/\$50	\$230 NP \$300 RR	\$230 NP \$300 RR	n/a AHAM/\$50

hr							
151-250/up to 9 hr		\$250 NP \$300 RR	\$250 NP \$300 RR	n/a AHAM/\$50	\$255 NP \$325 RR	\$255 NP \$325 RR	n/a AHAM/\$50
251-350/ up to 9 hr		\$275 NP \$325 RR	\$280 NP \$325 RR	n/a AHAM/\$50	\$280 NP \$425 RR	\$280 NP \$425 RR	n/a AHAM/\$50
351+/up to 9 hr		\$300 NP \$500 RR	\$300 NP \$310 RR	n/a AHAM/\$50	\$300 NP \$525 RR	\$300 NP \$525 RR	n/a AHAM/\$50
Camellia & Bluebonnet							
Room		Regular Rate	Add. Day	Each Ad. Hr	Regular Rate	Add. Day	Each Ad. Hr
1-150 people/9-14 hrs		\$300 NP \$350 RR	\$300 NP \$350 RR	\$35 AHAM/\$50	\$375 NP \$450 RR	\$375 NP \$450 RR	\$35 AHAM/\$50
151-250 people/9-14 hrs		\$325 NP \$375 RR	\$325 NP \$375 RR	\$35 AHAM/\$50	\$400 NP \$475 RR	\$400 NP \$475 RR	\$35 AHAM/\$50
251-350 people/9-14 hrs		\$350 NP \$400 RR	\$350 NP \$400 RR	\$35 AHAM/\$50	\$425 NP \$575 RR	\$425 NP \$575 RR	\$35 AHAM/\$50
351+ people/9-14 hrs		\$375 NP \$575 RR	\$375 NP \$575 RR	\$35 AHAM/\$50	\$450 NP \$650 RR	\$450 NP \$650 RR	\$35 AHAM/\$50

Exhibit Area		\$50/event NP \$75 event RR	n/a	n/a AHAM/\$50	\$75/event NP \$100 event RR	n/a	n/a AHAM/\$50
Entrance Area/Atrium		\$50/event NP \$75 event RR	n/a	n/a AHAM/\$50	\$75/event NP \$100 event RR	n/a	n/a AHAM/\$50
Patio/Deck		\$50/event NP \$75 event RR	n/a	n/a AHAM/\$50	\$75/event NP \$100 event RR	n/a	n/a AHAM/\$50
Rose Garden (outside)		\$125/event NP \$150/event RR	\$75	n/a	\$75 \$150/event NP \$175/event RR	n/a	n/a AHAM/\$50
Bag of Ice	City Cost	City Cost					
Damage Deposit		\$150 - \$500	Based upon the following factors: (1) type of activity to be conducted on the property, (2) type of past contact the Lessee had with the facility, (3) size of the event, (4) Lessee's insurance coverage				
Building Maintenance Fee Alcohol Approved			\$100 per day. No BYOB. Non-Profits must obtain a temporary permit from TABC. Temporary permit must be posted at facility during event and must be on file with Parks Dept. In "Host Provided" events, host may only provide alcohol when guests are invited. Alcohol must be brought in by host at beginning of event				

(0-2005-78, 9-28-05) (0-2006-79; 9-13-2006) (0-2007-50; 5/9/07)

PART 4: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 5. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall

continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall become effective upon its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be May 11, 2007.

PASSED AND APPROVED this 9th day of May, A. D., 2007.

JOSEPH O. SEEBER, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY