



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: O-7

Date: July 11, 2007

Subject: Request that the City Council consider adopting an Ordinance amending Chapter 8, "Parks" by deleting provisions for daily use fees for swimming pools located at Fun Forest and Woldert Parks and adding a provision for rental of Park Spray Grounds.

Page: 1 of 1

Item Reference: Chapter 8, Section"; Fees charged for services set by the City Council and set out in the City code.

Unlike Fun Forest and Woldert spray grounds, the Faulkner spray ground is completely automated and does not have controlled access nor a swimming pool and costs associated with providing lifeguards. As a result, an entry charge is not contemplated at this time.

During recent staff level budget discussions, the opening of the playground and spray ground at Faulkner Park was discussed and City staff became concerned with the fact that the spray ground at Faulkner would be free to the public while the Fun Forest and Woldert pools/spray grounds have a charge associated with their use. An examination of pool/spray ground revenues versus expenditures followed.

Currently, at Fun Forest the cost to enter the swimming pool is \$1.00 while at Woldert it is \$0.25. All fees collected from the use of the swimming pools total approximately only \$9,500 annually. This amount is considerably less than 50 percent of the cost for swimming pool operations. Essentially, the swimming pools/spray grounds are already set up as a public service and not as profit centers. As a result, staff recommended to the Park Board that entry fees be waived to these facilities on a trial basis.

If the entrance fee at the pool is waived, charges would still be assessed and collected for special rentals of the spray grounds or pools for non-public events such as swim meets and birthday parties. These charges are set up in the special use permit fee and would still generate approximately \$3,000 annually.

At the June 18, 2007, Parks Board meeting, the Board recommended to waive the fees for a one year trial or pilot period by a vote of 3 to 2. After the 2007 pool season, staff would report back to the Board and make a recommendation to continue or discontinue this policy for the future.

Agenda Number: O-7
Page: 2 of 2

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance amending Chapter 8, by deleting provisions for daily use fees for swimming pools located at Fun Forest and Woldert Parks and adding a provision for rental of Park Spray Grounds.

Drafted/Recommended By:
Department Leader

A handwritten signature in black ink, appearing to be "S. A. Smith", written over a circular stamp or mark.

Edited/Submitted By:
City Manager

ORDINANCE 0-2007-80

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", SECTION 8-70., "SWIMMING POOL RATES", BY ADDING A TITLE REFERENCE FOR SPRAY GROUNDS, DELETING A PROVISION FOR DAILY USE FEES FOR SWIMMING POOLS LOCATED AT FUN FOREST AND WOLDERT PARKS, AND ADDING A PROVISION FOR RENTAL OF PARK SPRAY GROUNDS AND THE DOLPHIN FOUNTAIN AT BERGFELD PARK.; PROVIDING A SEVERABILITY CLAUSE; 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 8-70 establishes certain fees for Park swimming pool facilities and services; and

WHEREAS, on June 25, 2007, the Parks Board met and reviewed the proposed amendments to the swimming pool usage fees and voted to recommend approval.

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

PART 1. That Chapter 8, "Parks", Article V., Section 8-70 "Swimming pool rates is hereby amended to read as follows:

Sec. 8-70. Swimming pool and Spray ground rates.

a. Fun Forest and Woldert Park Pools may be rented for a fee of one hundred dollars (\$100.00) per weekend for swim meets. Special use permits may be obtained for a fee of twenty-five dollars (\$25.00) to reserve a pool for swimming practice for a specific period of time.

b. Special use permits may be obtained for a fee of twenty-five dollars (\$25.00) to reserve, for a specific period of time, any Park Spray ground or the Dolphin Fountain at Bergfeld Park.. (Ord. No. O-96-53, 6-26-96) (Ord. No. O-2007-80, 7/11/07)

PART 2: 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 3: That this ordinance shall take effect immediately upon its adoption.

PASSED AND APPROVED this 11th day of July, A. D., 2007.

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

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY