

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PFLUGERVILLE, ADOPTING THE “CITY OF PFLUGERVILLE FIELD USE POLICY” AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, sports programs are very important and beneficial to City of Pflugerville residents by allowing participants an opportunity to have fun and learn fundamental sports and life skills such as sportsmanship, respect, teamwork, fair play and self-confidence; and

WHEREAS, the City is committed to partner with those that provide both educational and recreational programs and services; and

WHEREAS, the City will support its partners through the provision of facilities, financial support, in-kind support or any combination of these; and

WHEREAS, the City will ensure that City-owned, maintained and managed park and athletic field facilities, including fields owned by the Pflugerville Independent School District but leased by the City are utilized for recreational, athletic, cultural, educational, social and community service functions that meet the needs and interests of the community; and

WHEREAS, permitted users shall be fully informed as to the City's guidelines that govern their use of the park and athletic field facilities; and

WHEREAS, in order to be fair and equitable to all partners and the taxpayers of the City of Pflugerville, appropriate fees will be charged for use of park and athletic facilities to offset ongoing maintenance costs; and

WHEREAS, in accordance with the foregoing, the City Council finds it necessary, prudent and in the best interest of the City to adopt a standard policy governing the use of City owned or leased facilities, parks and athletic fields titled the “City of Pflugerville Field Use Policy,” which is attached hereto and incorporated herein as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS THAT:

Section 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. The City Council hereby adopts the attached City of Pflugerville Field Use Policy establishing a standard policy governing the use of City owned or leased facilities, parks and athletic fields.

Section 3. This Resolution shall become effective immediately upon its approval and passage.

PASSED AND APPROVED this 9th day of October 2018.

CITY OF PFLUGERVILLE, TEXAS

By: _____
VICTOR GONZALES, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

CHARLES E. ZECH, City Attorney
Denton, Navarro, Rocha, Bernal & Zech, P.C.

Exhibit A



City of Pflugerville Field Use Policy

The City of Pflugerville (the "City") Field Use Policy (and the procedures adopted hereunder) has been established to ensure that City-owned, maintained and managed park and athletic field facilities, including fields owned by the Pflugerville Independent School District (the "District") but leased by the City are utilized for recreational, athletic, cultural, educational, social and community service functions that meet the needs and interests of the community, and that permitted users are fully informed as to the City's guidelines that govern their use of the park and athletic field facilities.

Purpose:

- To equitably provide all Pflugerville residents with an opportunity to participate in their activity of choice.
- To establish policies and procedures governing the use of City parks and fields and District playing fields managed by the City of Pflugerville.
- To ensure Pflugerville residents have priority access to parks and playing fields.
- To provide for a variety of activities reflecting the athletic preferences of Pflugerville residents.
- To contribute a proportionate amount of field use time to regional organizations in which Pflugerville residents participate.
- To collect fees for the use of fields, in support of ongoing maintenance.
- To ensure that the use of City parks and athletic complexes and District sites are used in the best interests of the neighborhoods, sports organizations and residents of Pflugerville.
- To ensure that appropriate sports are supported at the most suitable facilities.

Field use permits are required for exclusive field use or for any on-going seasonal, organized use of athletic fields maintained or managed by the City. The exclusive use of a field or an athletic field requires the making of an advance reservation and is subject to fee and security deposit requirements.

I. Field Use Agreements & Permitting:

Field space usage requests for priority groups are considered on a fiscal year basis (Oct 1 – Sept 30) and reservation is secured by annual Agreement. Field space usage is awarded on a priority basis prior to the beginning of any Fall seasons and Agreements shall be executed no later than the 15th of July. Field space usage will be subject to specific limits on hours per week and consistent with dates and times included in the Agreement.

After priority requests are filled and if there is still space remaining, the fields are available for use by other lesser or non-priority users. These will be handled by an Athletic Field Use Permit and hourly rental. To apply for an Athletic Field Use Permit, an applicant must submit a field request form to the Aquatics/Athletics Coordinator. Field request forms can be found online at www.pflugervilletx.gov/fielduse, at the Pflugerville Recreation Center, or by requesting a form from the Aquatics/Athletics Coordinator, who may be contacted at (512) 990-6350.

II. Field Request Form Deadlines:

<i>Group</i>	<i>Deadline for Submittal</i>
Priority - All Seasons	May 1st
Non-Priority Fall Season	Aug 1st
Non-Priority Winter/Spring Season	Nov 1st

III. Specific Field/Practice Space Use Priority:

- Pflugerville resident youth non-profit soccer organizations have field use priority on soccer and multi-purpose use practice fields.
- Pflugerville resident youth non-profit football organizations have field use priority on 1849 Park football fields.
- Pflugerville resident youth non-profit baseball and softball organizations have field priority on the baseball-softball facility located on property leased from PfISD.
- City of Pflugerville Parks & Recreation administered programs have priority on all city-owned fields and practice spaces not covered under or during times not reserved under an annual Agreement.

IV. Eligibility:

The following groups are eligible for facility use (in order of priority):

1. Pflugerville resident, youth, non-profit organizations or leagues;
2. City of Pflugerville activities and programs;
3. Pflugerville resident, adult, non-profit organizations or leagues;
4. Non-resident, non-profit organizations;
5. For-profit youth sports events;
6. For-profit adult sports events; and
7. Organizations that have previously violated the terms of the field use policy.

“Resident” is defined as having an office and/or organization address that is located inside the City Limits of Pflugerville. To qualify for non-profit priority, organizations must provide a proof of their non-profit status with a copy of their Affirmation or Determination Letter from the Internal Revenue Service (IRS). An adult group is any group whose membership is exclusive to persons 18 years of age and older.

V. Field & Practice Space Allocations:

Space will be allocated based on priority status and on the number of Pflugerville residents that are served. The total space allocated will be proportionate to the total number of Pflugerville residents in the organization’s membership. If an organization declines the space for any reason, the opportunity for reservation goes to the next organization in the priority list.

VI. Residency:

A Pflugerville resident is a person residing within the city limits of the City of Pflugerville. Any person owning and paying taxes on real property in Pflugerville, but who is not living in the City, and any person having only a Pflugerville business address, are NOT considered a resident for field use application purposes.

VII. Residency Verification:

The City of Pflugerville requires a master league roster in a form acceptable to the City. The City reserves the right to audit the list and require additional documentation for verification. Any group or organization found to be misrepresenting its members’ residency status will have its Agreement or permit revoked for the season and will be assigned the last (or lowest) priority for field use scheduling for the immediately following season. In addition, any group or organization found to be reserving field use for any time period time for another organization (that would otherwise have a lower priority for field scheduling) will be penalized by the cancellation of its Agreement revocation of its permit for the

season for which the permit is issued and that group or organization will be assigned the last (or lowest) priority for field use scheduling for the immediately following season.

VIII. Rental Rates & Fees:

The base rental rates per location and type of facility are listed below. These rates are for individual reservations, but are also used as the basis for determining costs to priority groups for annual usage under an Agreement.

1849 Park		
<i>Rental Unit</i>	<i>Fall Hourly Rate</i>	<i>Spring / Summer Hourly Rate</i>
½ Pod (Full Size Soccer Field)	45	20
Practice Pod	90	40
Football Field	20	20

Pfennig Park		
<i>Rental Unit</i>	<i>Fall Hourly Rate</i>	<i>Spring / Summer Hourly Rate</i>
Soccer Field #1	15	15
Soccer Field #2	15	15

Groups meeting the #1 Priority classification in IV. Eligibility may receive a \$2.00 per hour credit to the rental rates above with an annual usage Agreement.

Wells Point Park & Bohls Parks		
<i>Rental Unit</i>	<i>Fall Hourly Rate</i>	<i>Spring / Summer Hourly Rate</i>
<i>Currently encumbered by an Agreement</i>		

Little League Complex		
<i>Rental Unit</i>	<i>Fall Hourly Rate</i>	<i>Spring / Summer Hourly Rate</i>
<i>Currently encumbered by an Agreement</i>		

IX. Deposits

1. A refundable deposit of one hundred dollars (\$100.00) is required for all single athletic field use reservations. Long term renters are required to provide a seven hundred fifty dollars (\$750) refundable security deposit.
2. The City reserves the right to deduct from the security deposit all additional charges relating to, but not limited to, janitorial services, maintenance/repair services, staff time, or emergency services that are required as a result of the field use.
3. A security deposit may be fully or partially refunded for any of the following reasons:
 - a) Damage to a facility;
 - b) Misuse of a facility;
 - c) Inadequate cleanup by the permit holder, requiring additional custodial/staff time following the permit holder's use;
 - d) Violation of field use rules
4. If the additional fees due and payable exceed the amount of the security deposit, the permit holder will be billed for the balance due. Payment will be due and payable within thirty (30) days of the date of invoice. Fees that are not paid will be assigned for collection to a collections agency and the user group will be ineligible to apply for field use until the unpaid amount is settled in full.

X. Insurance & Liability

1. A valid insurance certificate is required for use of any City or District fields. The insurance certificate must afford one million dollars (\$1,000,000.00) of general liability coverage per occurrence and contain the following information:
 - *General liability coverage (property and bodily injury) as evidenced by an insurance certificate with an endorsement naming the City of Pflugerville as ADDITIONAL INSURED, and guaranteeing 30 days prior notice to change or cancellation of the policy. If using a facility that is owned by the Pflugerville Independent School District, they should be named as an ADDITIONAL INSURED as well and there may be additional requirements.*
2. The permit holder shall be responsible for any and all damage to the City's or the District's premises, turf, equipment and/or property. If additional maintenance is deemed required (in excess of normal services/time) to restore the premises, turf, equipment and/or property to reasonable use by others, the permit holder shall be charged accordingly.
3. The City and the District disclaims responsibility for any accident, injury, liability, loss or damage to person or property as a result of unauthorized field use.
4. The permit holder will be responsible for all actions and omissions that result in damages that are caused by their attendees.

XI. Permit Rules & Regulations

1. Permits cannot be transferred or assigned to any other person, group or organization for any reason.

2. Users must pick up and remove any trash generated by their activity.
3. The misuse of City or District facilities or the failure to conform to facility regulations, established policies (including the Wet Field Policy) and procedures or any other Federal, State, or local law, rule, regulation or ordinance shall be sufficient grounds for the immediate revocation of the permit and/or the denial of any future applications. No refund will be granted.
4. Permit holders shall restrict their use to only those fields specifically reserved and paid for, as designated in their permit. Other fields may be scheduled by other groups and may not be available. Permit holders must be in possession of their Field Use Permit in case there is a need to address the question of who has priority use or reservation for the field or court in question. If the permit holder cannot use a field or court due to unauthorized use by another party, the permit holder should contact the Pflugerville Parks & Recreation Department at 512-990-6350.
5. Action associated with violations of the XVI. Good Neighbor Policy (noise level, litter and debris, and/or disregard of parking regulations) could lead to the cancellation of the permit or reservation, the forfeiture of the security deposit, and the denial of facility use in the future.

XII. General Rules & Regulations

All City of Pflugerville Municipal Codes/Regulations apply to all City and PfISD fields.

1. The City reserves the right to cancel an approved reservation due to maintenance needs, overuse of facility, unsafe conditions, or due to a conflict with a City or District event. In these cases, all attempts will be made to provide a minimum of 15 calendar days advance notice and to provide an alternate location for the group's scheduled practice, game or activity. In the event of an emergency, when only short or no notice can be provided, groups must cooperate with the request to not use the facility or risk loss of current permit and denial of future use. If there are no alternate facilities available, the City is not obligated to provide an alternate facility. In case of such event, a full refund will be given.
2. No person shall use an athletic field which is posted as being closed, whether the closure is for excessive rainfall, for field maintenance or any other reason.
3. All motor vehicles must use designated parking areas or legally on side streets, or be subject to citation. No unauthorized vehicles shall enter park premises, drive on turf, grounds, playfields, or paved walkways.
4. All dogs must be on a leash and owners must clean up after their dogs.
5. For facility hours of operations, see *Chapter 95 of the City of Pflugerville's Code of Ordinances*.
6. No alcohol or tobacco products are allowed on any District property at any time.
7. Athletic fields may be lined prior to a group use. Water soluble spray paint is the only permitted means of lining a field, except for chalk or lime for dirt infields. No fields are permitted to be lined by means of Round Up or other herbicide, which can permanently burn lines into the field.
8. Vending or otherwise offering anything for sale at a field is permitted only if the vendor is associated with the activity and has received the prior approval of the City's Parks & Recreation Director.

9. Gambling is prohibited at all City and District property.
10. Soccer goals must be anchored at all times when they are located on the playing fields. When goals are not being utilized for play, they must be secured in designated areas and in a manner which will not permit tipping or create any hazardous condition that could cause injury to any person. The City of Pflugerville and District are not liable for accidents, injuries or loss of or damage to individuals or property. Should any goal left on site be found not secured and locked up properly, the permittee will be notified and the permittee shall remedy this immediately. Subsequent violations will result in revocation of the current field user's permit.
11. The City of Pflugerville encourages partnerships and volunteerism to improve field quality and maintenance; however, in the absence of a written agreement, donations and/or contributions of time does not give any organization priority at any facility. Groups wishing to make alterations to facilities must submit these improvement requests in advance to the City. No groups will be allowed to make any alteration to any facility without first obtaining the City's approval.

XIII. Cancellations

Cancellations must be made, in writing, and submitted to and received by the Aquatics/Athletics Coordinator at least seven (7) business days in advance of the scheduled use date in order to be entitled to receive a rental refund. If fields are closed due to rain on the date of reservation, a full refund will be available. Any field allocations that will not be used must be released no later than the second week of the start of the permit. No refunds will be given to fields released after that time.

XIV. Wet Field & Inclement Weather Policy

Use of wet or saturated fields may cause extensive damage resulting in field closure and costly renovations. Groups shall abide by the Wet Field Policy and preserve the life and condition of the fields by not playing on them in wet conditions. The following policy applies to a period of rainfall, over-watered fields and/or irrigation breaks. The "rainout" condition hotline is 512-xxx-xxxx. Information will also be posted at www.pflugervilletx.gov/sports and on various social media outlets.

- All grass fields are deemed closed to use at any time during any rainfall event, regardless of intensity. Play will be allowed during a light mist if the ground is hard and relatively dry at the time field use is considered. This will be determined by the City.
- In the event of rainfall (any precipitation that is greater than a light drizzle on a dry field), the fields will be deemed closed during and after the cessation of precipitation.

A failure to abide by this policy may result in the revocation of the permit and/or the assignment of last (or lower) priority status for field use scheduling for the following season.

Lightning is a very serious danger to outdoor facility users. Lightning may strike on a clear day and can travel 10 miles. Thunder always accompanies lightning. The rumble of thunder should alert individuals of

the threat of lightning in the area. At least 10% of lightning occurs when there is no rainfall and when blue sky is often visible somewhere in the sky.

In the event of thunder and especially when a bolt of lightning or flash has been visually observed, immediate evacuation of all outdoor fields and practice areas must be executed and shelter be sought.

Safety should be sought in a permanent building/structure such as the restroom or concession buildings if present. A vehicle with a hard metal roof and windows rolled up is a better option than being outdoors.

No one may return to the evacuated areas for 30 minutes following the last flash of lightning or sound of thunder. If lightning is spotted or thunder is heard within the 30 minute time period, the clock is reset for another 30 minutes.

XV. Turf Preservation:

Your cooperation is needed to preserve the turf on City and District fields by following these guidelines:

1. Field use, especially sports practices, should be conducted in a manner that play will take place on different sections of the turf, thus reducing excessive turf wear and damage to any one area. Rotate use of areas (i.e.: use middle of turf area for drills one day and sides of the field the following day), and when possible, stay off of the fringe or bare areas to limit erosion and further damage.
2. Replace turf divots at the end of each day to help re-root the grass.
3. Do NOT use the fields during or after heavy rain, or when wet or muddy, for at least 48 hours or until the fields have been re-opened by the Parks & Recreation Department.
4. Soccer practices shall NOT be held on the infield area of a softball or baseball diamond.
5. Softball, baseball, and T-ball practices shall be held only on designated ball fields in order to prevent injuries to other park users.
6. Remove all equipment at the conclusion of use each day. This includes soccer goals. No equipment shall be allowed to be left unattended on City or District property without the prior approval of the City.
7. Do not overcrowd fields by scheduling multiple games or practices in areas reserved. Allow a safe distance between fields for safe passage of spectators and participants.
8. Report hazards on City property to the Parks & Recreation office at 512-990-6350.
9. Report emergencies (e.g., broken water lines, gushing sprinkler heads, etc.) promptly to the Parks & Recreation Department at 512-990-6350 who will summon the appropriate personnel. When you make the call, be prepared to fully identify yourself, your location, and the specific nature of the emergency.

XVI. Good Neighbor Policy

The purpose of this policy is to ensure that decisions regarding the use of City fields, parks and athletics complexes and District sites are used in the best interests of the neighborhoods, sports organizations, and citizens of Pflugerville. The City has established the following rules and regulations to govern the use of the City's and the District's facilities for the safe and pleasant enjoyment of participants and neighbors. Every person is expected to abide by these rules or be subject to forfeiture of the security deposit and/or loss of the privilege of future use of the facilities.

1. All litter and debris that may occur as a result of your event must be picked up and deposited into trash receptacles, where provided, or removed from the premises.
2. All groups are responsible for the condition in which they leave the facility. Any excessive clean-up required by City or District crews following your use will be cause for forfeiture of all or part of your damage deposit.
3. No amplified music, use of musical instruments, radios, or Public Address System testing or use allowed before 9:00a.m. or after 8:00p.m. and is allowed by permit only. In all parks, care shall be taken so that speakers are not directed at residences.
4. Complaints from surrounding neighborhood residents as to noise level, litter and debris, and disregard for use of parking regulations could result in cancellation of your reservation, forfeiture of security deposit, and denial of future facility use.
5. No person shall park a motor vehicle in such a place or manner as would block or obstruct any gate, entrance, or exit or resident driveway.