



# City of Pflugerville

## Legislation Details (With Text)

<b>File #:</b>	ORD-0420	<b>Version:</b>	2	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Tabled	
<b>File created:</b>	8/14/2018	<b>In control:</b>		Parks and Recreation	
<b>On agenda:</b>	9/11/2018	<b>Final action:</b>			
<b>Title:</b>	Discuss and consider action to approve an ordinance on second reading as amended with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY AMENDING TITLE IX (TITLED GENERAL REGULATIONS), CHAPTER 95 (TITLED PARKS AND RECREATION), SECTIONS 95.04 (TITLED PARK HOURS) AND 95.30 (TITLED PROTECTION OF LAKE PFLUGERVILLE) BY MODIFYING HOURS OF OPERATION AND USE REGULATIONS; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 95 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$500.00; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE AND REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE .				

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Parks and Recreation Ordinance\_Lake Pflugerville Hours, 2. Park Hours Comparison

Date	Ver.	Action By	Action	Result
9/11/2018	2	City Council	Postponed	
8/28/2018	1	City Council	Approved on First Reading	Pass

Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY AMENDING TITLE IX (TITLED GENERAL REGULATIONS), CHAPTER 95 (TITLED PARKS AND RECREATION), SECTION 95.30 (TITLED PROTECTION OF LAKE PFLUGERVILLE) BY MODIFYING HOURS OF OPERATION AND USE REGULATIONS; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 95 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$500.00; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE AND REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE .

Per the City of Pflugerville's Code of Ordinances Chapter 95.30 Protection of Lake Pflugerville, the Lake shall be open for public use from 5:00 a.m. until 10:00 p.m.; and, that Lake Pflugerville shall be open 24 hours a day for the purposes of actively fishing while in possession of a valid Texas Fishing License as required by State Law, except in cases of an emergency or other good cause for closing Lake Pflugerville. In addition to this, Chapter 95.04 establishes that City of Pflugerville parks shall be open from dawn until 10:00 p.m. and trails shall be open 24 hours a day for the purposes of walking, hiking, jogging and bicycling.

Through discussions over several years with the Police Department, it has been determined that enforcement of these provisions is problematic.

In response to resident complaints, staff placed an item on a Parks and Recreation Commission agenda for discussion. At its July 17, 2014 regular meeting, the Parks and Recreation Commission discussed proposed changes to the hours for all parks, trails and Lake Pflugerville. A couple of Commissioners had significant objections to changing the ordinances. Staff chose not to place an item on a subsequent meeting agenda to seek a formal recommendation.

At its June 12, 2018 regular meeting, the City Council discussed several items pertaining to Lake Pflugerville Park. The concern with the hours was again raised by staff. The City Council requested that this item be brought back to them for discussion and possible action. Staff committed to getting a recommendation from the Parks and Recreation Commission and bringing the item back after that.

Attached is a comparison of City's Park Hours.

At its July 19, 2018 regular meeting, the Parks & Recreation Commission discussed the Lake Pflugerville hours of operation and voted unanimously to recommend that the hours stay the same, but that the ordinance be amended to include language that assisted enforcement.

At its July 24, 2018 regular meeting, the City Council discussed the Lake Pflugerville Hours of Operation, received the Parks & Recreation Commission's recommendation and voted 5-2 to direct staff to come back with a proposed revision to Chapter 95.30 Protection of Lake Pflugerville to set the hours of operation from 4:00 a.m. to midnight. The proposed ordinance revision is attached.

Staff presented the proposed ordinance revision to the Parks & Recreation Commission at its August 17, 2018 regular meeting and the Commission voted (4-2) to make the following recommendation:

Lake Pflugerville should be open for use for all activities 4:00 a.m. to 10:00 p.m., Sunday through Wednesday and 4:00 a.m. to midnight, Thursday through Saturday.

Parks & Recreation and Police Department staffs are in agreement that this is a reasonable and manageable proposal.

The City Attorney has reviewed and approved the ordinance as to form.

### **Status**

Staff has completed the proposed revisions to Chapter 95.30 Protection of Lake Pflugerville as directed by City Council and has received a recommendation from the Parks & Recreation Commission.

This ordinance was approved on first reading on August 28, 2018.

### **Staff Recommendation**

Staff recommends that the ordinance should be revised to reflect that Lake Pflugerville shall be open for all activities 4:00 a.m. to 10:00 p.m., Sunday through Wednesday and 4:00 a.m. to midnight, Thursday through Saturday and approved on second reading.

### **Drafter**

James Hemenes  
Parks & Recreation Director

