

**TITLE VI: MEADOWLAKES MUNICIPAL GOLF COMPLEX**

Chapter

**60. MEADOWLAKES MUNICIPAL GOLF COMPLEX**

## **CHAPTER 60: MEADOWLAKES MUNICIPAL GOLF COMPLEX**

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## **Meadowlakes Municipal Golf Complex**

### **§ 60.01 ESTABLISHMENT OF MEADOWLAKES PUBLIC FACILITY CORPORATION.**

There is hereby established by the City Council of Meadowlakes a duly formed and organized public facility corporation, authorized per authority of, and consistent with, Chapter 303 of State Local Government Code (LGC), established for the purpose of financing, operating and maintaining the City owned Municipal Golf Complex (MGC). Said public facility corporation shall operate under the name of Meadowlakes Public Facility Corporation (the "Corporation"), and the City shall act as the sponsor consistent with responsibilities of a sponsor defined in Chapter 303 LGC, and shall continue such sponsorship and support to the Corporation for a perpetual term period.

(Ord. 2009-13, passed 9-22-09)

### **§ 60.02 CORPORATION ENABLING FORMAL DOCUMENTATION.**

The City shall establish and maintain the below listed set of required formal documentation for purposes of; establishment and maintenance of the Corporation as a City sponsored governmental entity, for management of City and Corporation governmental interfaces, for establishment of City and Corporation mutual support and reimbursement arrangements, and shall serve as the governing documents, binding the City and the Corporation with respect to responsibilities of the City and the Corporation related to the MGC and respective jurisdictions and responsibilities thereof. The formal documentation shall be maintained per amendment provisions defined therein for each, with adopted documents as amended, included in §A61 of Appendix A. The required list of documents to be so included and maintained are as follows:

A. Meadowlakes Public Facility Corporation - Articles of Incorporation, as amended

B. Meadowlakes Public Facility Corporation - Corporation Bylaws, as amended

C. City and Corporation Interlocal Agreement, as amended

(Ord. 2009-13, passed 9-22-09)

### **§ 60.03 CITY'S POLICE POWER AUTHORITY AND RESPONSIBILITY.**

A. Chapter 303, §303.041 of Texas Local Government Code prohibits the City delegation of police power to the Corporation. Likewise Chapter §303.005 does not limit the City's police power over property of the Corporation. Therefore, as authorized by Chapter 303, the City hereby establishes the right, and hereby accepts the responsibility to exercise police power over the Municipal Golf Complex consistent with rules and regulations duly adopted by Council and applicable to the Municipal Golf Complex.

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B. The Meadowlakes Code of Ordinances, Appendix A, shall contain additional Codes, and extend restrictions and requirements as so contained. The restrictions and requirements shall be fully in force as if Appendix A §A60 language and content were solely contained herein and included in the body of Meadowlakes Code. A person commits an offense if said person violates requirements and restrictions contained in §A60 of Appendix A.

(Ord. 2009-13, passed 9-22-09)

### **§ 60.04 AUTHORITY OF ORDINANCE OFFICER AND PEACE OFFICER.**

The Meadowlakes Ordinance Officer and City employed Peace Officers shall have authority to enforce City ordinances and State statutes that are applicable to the Municipal Golf Complex.

(Ord. 2009-13, passed 9-22-09)

### **§ 60.05 REMOVAL, SUSPENSION, OR TERMINATION OF MGC PRIVILEGES.**

A. All MGC rules and restrictions contained herein are required to be adhered to by all persons using the facilities and services. A person commits an offense if said person violates rules stated herein. The on-duty employee in charge of the premises is granted the authority to request a person to leave or be physically removed from the premises for infraction(s) of the Meadowlakes Code of Ordinances.

B. The Corporation, or designated agent, shall have the authority to temporarily suspend a person's MGC privileges for non-compliance of rules and regulations. Membership and/or use privileges may be suspended or terminated for the following:

1. Submitting false information on the Application for membership privileges, which if had been truthfully disclosed would have rendered the applicant ineligible for membership privileges;
2. Disorderly conduct or conduct inappropriate for children including language, appearance, or acts in any other manner determined to be significantly disruptive to MGC members, customers, or guests;
3. Failing to pay the membership fee or dues, fees, charges, or any other amount(s) owed to the MGC in a proper and timely manner. For overdue account balances, a grace period may be granted by the Corporation for hardships; however, in no case shall a past due account be allowed to go beyond 60 days which shall constitute an immediate suspension of membership;
4. Failing to abide by the rules and regulations set forth herein and adopted by the City of Meadowlakes;
5. Person engages in reckless conduct or person is judged by the GM or on-duty-employee-in-charge to be a danger to others by the person's conduct or style of play;

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6. Treating the personnel or employees, customers, and/or guests in an unreasonable or abusive manner.

C. Such action shall be without refund, credit, or compensation to the offender during period(s) of suspension or upon termination. Such actions may be appealed to the Corporation Board President in writing if delivered within five (5) days. The Board President shall render a decision on such appeals within seven (7) days of receipt. The decision of the Board President may be appealed to the Corporation Board of Directors within ten (10) days of the decision of the Board President by filing a written request to Corporation Board Secretary, requesting an appeal. Corporation Board shall render a decision within 15 days, with the provision that decision of the Corporation Board of Directors shall be final.

(Ord. 2009-13, passed 9-22-09)

### **§60.06 AUTHORIZATION TO OPERATE UNDER CITY'S LIQUOR LICENSE.**

A. The City hereby authorizes the Corporation and/or Corporation's third party Food and Beverage Provider Sublease agent, the right to operate under the City's Texas Alcoholic Beverage Commission (TABC) premises license, with the provision that such right is temporary and such right shall expire on December 17, 2009 in coincidence with expiration of City's current liquor license. The Corporation or Food and Beverage provider agent is required to establish a liquor license as required thereafter. In the interim, the City shall continue to exercise the following responsibilities and authority relative to liquor sales and handling:

1. The Meadowlakes Municipal Golf Complex (MGC), located at 220 Meadowlakes Drive, Meadowlakes, Texas, shall be permitted to sell alcoholic beverages in accordance with the licensing and permit requirements of the State of Texas Alcoholic Beverage Commission, City and Corporation Interlocal agreement and Restaurant Sublease agreement, as amended.
2. The sale of alcoholic beverages shall be conducted responsibly and in accordance with the rules and regulations of the State of Texas Alcoholic Beverage Commission. The Mayor or his designated representative shall develop rules and regulations for serving alcohol at the MGC to minimize the potential impact upon the community, the neighborhood, and to appropriately address safety, liability, and security issues.
3. The TABC has issued the City a license for sale and consumption of alcoholic beverages on the MGC premises ("premises"). The TABC license ("license") restricts a person's possession and consumption of alcoholic beverages to be only that alcoholic beverage purchased from the MGC. When on the premises, a person commits an offense if said person is in possession of, or consumes an alcoholic beverage not purchased from the MGC. A person also commits an offense if said person transports an alcoholic beverage onto the premises or transports an alcoholic beverage off the premises of the MGC. All alcoholic beverages must be disposed of or consumed on the premises. The premises includes the all property commonly referred to as the MGC, including but not limited to the entire golf course.

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4. In addition to adopting TABC rules and restrictions which are hereby in force for the all premises of the MGC, the City hereby adopts the following additional Meadowlakes Code requirements and restrictions (as authorized by TABC rules):
  - a. MGC employees or contractors are prohibited from selling or serving alcoholic beverages to a person under 21 years of age. The prohibition is applicable to all underage persons including prohibiting a parent, legal guardian, or spouse from purchasing and/or making alcoholic beverages available to any underage person while on the premises.
  - b. Serving of alcoholic beverages is hereby limited to only those personnel that have successfully completed and currently hold a valid certificate of training in a TABC approved “seller–training” program, with the additional requirement that the server’s manager also be so trained and be a holder of current certificate.
5. Rules shall be publicly posted at appropriate places on the premises stating purchase, consumption, and transporting restrictions of alcoholic beverages.

B. The above City authorization and responsibilities shall terminate upon December 17, 2009, subject to the provision that said responsibilities shall also expire immediately upon Corporation and/or Food and Beverage Sublease provider obtaining a TABC liquor license for the MGC. (Ord. 2009-13, passed 9-22-09)

### **§ 60.07 PRIOR OWNER ISSUED LIFETIME MEMBERSHIPS.**

The City of Meadowlakes entered into an earnest money contract on December 18, 2007, to purchase the golf course and country club located at 220 Meadowlakes Drive, Meadowlakes, Texas, from a privately owned commercial entity. The golf course is the sole location for effluent disposal in the City and was acquired to protect the public health and safety. The property was acquired in fee simple by the City on March 13, 2008. Prior to the effective date of the earnest money contract, lifetime memberships had been issued. As consideration for golf members investing in the course and remaining members, the City has agreed to recognize the lifetime memberships subject to the continuing right of the City to exercise police power regulations. The City hereby defines the following terms and conditions for acknowledging and accommodating the previously issued lifetime memberships:

- A. As of the contract date of December 18, 2007, no additional new lifetime memberships or any other type of non-deterministic time period memberships for privileges at the municipal golf course and country club shall be issued.

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- B. Only persons entitled to lifetime memberships approved by the City Council during the transfer of ownership from the owner, Mike McClung (MEM Hill Country Land Company, Inc.) shall be eligible for retaining lifetime memberships, subject to terms and conditions defined herein. The eligible individuals are based on those individuals certified in writing as holders of lifetime memberships that were established on or before December 18, 2007. The lifetime members so certified were documented in a February 25, 2008, letter to the City from the Hidden Falls Country Club. The list of individuals is contained in Paragraph D below and as of February 25, 2008, the list is hereby frozen. Any other contracts or agreements (written, verbal, or implied otherwise by the most recent, prior owners or other persons) not expressly accepted for transfer to the City are hereby declared null and void.
- C. The City, subject to all terms and conditions defined herein, shall permit the lifetime memberships that were active and in good standing as of December 18, 2007, and as certified by prior owner documentation described above, to be expressly accepted for transfer and consistent with the following:
- I. The lifetime memberships shall be only for the named individuals listed below.
  - II. Lifetime memberships cannot be transferred, sold, handed down or passed on to family members or any other person. The membership terminates when the below named individual(s) are no longer living or upon resignation.
  - III. Children of lifetime members who are under the age of 21 and are residing full time at the residence of a parent who is a lifetime member shall have membership privileges. The privilege shall terminate upon the 21<sup>st</sup> birthday or upon change in residency different from the primary residence location of a parent.
  - IV. In case of spouses, both spouse's names must be listed below in order for spouse's entitlement to lifetime membership privileges. In cases of subsequent spouse's death, divorce, legal separation, and/or re-marriage, the lifetime membership privilege shall not pass on to a different spouse but shall continue for the specific individuals named below. Children of either named spouse will also continue to receive membership privileges, subject to children's status as defined in Item III above.
  - V. Prepaid green fees are the only privilege provided with lifetime memberships. A lifetime member shall pay for all other utilized services including but not limited to, golf cart trail fees, golf cart rental, range balls, and handicap tracking fees, at the posted rate for other members who use the municipal golf course and country club.
  - VI. Lifetime members are required to abide by all published rules and restrictions as defined by City Code any time that the lifetime member(s) (or children of member) are utilizing the municipal golf course and country club, including enforcement of penalties.

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- VII. The City services recognized herein shall continue to be subject to annual appropriations and the City does not waive or modify the sovereign immunity of the City. Therefore, lifetime membership(s) are subject to the legal requirements and shall never be guaranteed to extend beyond a fiscal year. The City reserves the right to terminate or further restrict lifetime membership(s) as part of adopting subsequent budgets. Such actions shall only be undertaken by specific and formal action by City Council. Given no such action is formally adopted, the lifetime membership(s) shall be renewed effective for the period covered by the new budget upon adoption of the new budget by City Council with no change to terms and conditions currently in force.
- D. List of individuals who shall receive lifetime membership subject to privileges and conditions defined above are as follows:
1. Andrews, Charles and Linda
  2. Armstrong, Pat and Sue
  3. Batch, Dwight
  4. Batch, Sarah Louise
  5. Burgess, Bobby and Linda
  6. Carstens, Paul and Kristen
  7. Coleman, Richard and Rhonda
  8. Connell, Jerry and Carol
  9. Dostal, David and Sherry
  10. Fairleigh, Thomas and Michelle
  11. Gatz, Greg and Karen
  12. Hammond, Gary and Marie
  13. Henderson, Lloyd and Jean
  14. Hisler, Joan
  15. Hunt, Larry and Lona
  16. Krantz, Sandra
  17. Laffre, Laurence and Alice
  18. Laycock, Lynn and Amy
  19. Manthey, Joe and Linda
  20. McClung, Bill and Jackie
  21. McClung, Debbie
  22. McClung, Mike and Kimberly
  23. McEntyre, Henry and Daphine
  24. Morton, John and Connie
  25. Offut, Brad and Amy
  26. Paul, Rob and Mary Ellen
  27. Richmond, Bruce and Carolyn
  28. Rogers, James and Gail
  29. Roper, Russell and Pat
  30. Smith, Sammy and Barbara
  31. Taylor, Steve and Suzanne
  32. Tepper, Mike and Tesha
  33. Thelen, Wayne and Sara

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34. Ward, Roger and Melba
35. Weber, David
36. Wieweck, Dale and Terry
37. Williams, Don and Linda
38. Willinger, Darwin and Gloria
39. Young, Ronald and Christina
40. Zavala, Donnie and Julie

(Ord. 2008-11, passed 3-4-08; Am. Ord. 2008-21, passed 9-9-08; Am. Ord. 2009-13, passed 9-22-09)

### **§ 60.08 GRANDFATHERING OF TENNIS ONLY MEMBERS.**

As of May 1, 2008, the Tennis Only membership program is hereby closed to new members. Subsequent to closure date, persons who desire to become members for the purpose of using the tennis facilities and participating in tennis activities shall be required to join the membership program at least at the social membership level or at another membership level that includes tennis privileges. Individuals who are members of the Tennis Only Membership category as of May 1, 2008, shall be entitled to remain as Tennis Only Membership members, subject to terms and conditions of membership.

(Ord. 2008-11, passed 3-4-08; Am. Ord. 2009-13, passed 9-22-09)

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