

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JULY 29, 2014**

A. Roll call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, July 29, 2014, commencing at 7:00 a.m.

Present: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Robison

B. Topic(s)

B-1 Receive Update on Potential Park Use Permit Ordinance (PRCS)

Parks, Recreation, and Cultural Services Director Jeff Hood provided a PowerPoint presentation regarding the potential park use permit ordinance. Specific topics of discussion included park use permit goals; two-fold approach; efforts made to date; commercial use; annual park use permit fees for commercial; non-commercial large groups; rates, fee discounts, and waivers; Lodi Municipal Code revisions; and next steps. The Recreation Commission has held public meetings on this issue and is looking for Council feedback prior to bringing this matter forward for approval.

In response to Council Member Mounce, Mr. Hood stated that the response from the public and businesses has primarily been positive, there is an understanding that something needs to be done to address commercial use of public parks for private gain, and there appears to be a willingness to work with the City.

In response to Council Member Mounce, Mr. Hood stated that the category of non-commercial large groups would include churches who feed the homeless in public parks.

In response to Council Member Johnson, Mr. Hood stated that only one vendor of inflatable bounce houses has been approved to operate in parks based on the insurance requirements and it is a constant struggle regulating the use of these attractions to encourage people to make the required reservation and provide insurance.

In response to Mayor Pro Tempore Hansen, Mr. Hood explained that the use permit would pertain to businesses and commercial groups that provide organized, fee-based programs in public parks and it would not pertain to a small set of citizens who exercise in the park on their own as a group. Mr. Hansen questioned where the threshold was between citizens wanting to use the park versus those wanting to use it for a profit, to which Mr. Hood responded that staff is equating this to encroachments on public rights of way, which require a permit and fee for using or blocking a public street, sidewalk, or plaza. Staff and the Recreation Commission are looking to handle this issue in a manner common to other cities and to address the issue of liability should someone be injured while participating in one of these classes.

In response to Council Member Johnson, Mr. Hood stated the Commission is still reviewing non-commercial groups to determine what an appropriate number would be for an organized group. A group of 4 or 5 exercisers in a park would not be an issue, but 40 to 50 people would be entirely different.

In response to Council Member Nakanishi, Mr. Hood stated that the example shown in the slide presentation was a fee-based exercise class for mothers and babies in strollers who tie up the tennis courts for this class. Mr. Hood reiterated that a small group of exercisers in the park is not the issue; it is the business that holds class at a park for a fee, does not pay to utilize the facility, and ties up courts and playground equipment for their class.

In response to Mayor Pro Tempore Hansen, Mr. Hood stated that someone wishing to hold a soccer tournament with multiple teams would be required to rent a field and would not fall under this use permit.

In response to Council Member Nakanishi, Mr. Hood stated that Lodi Unified School District charges a fee to rent its school fields for games.

Council Member Mounce expressed concern regarding the insurance requirement, stating most people would not be able to afford the high insurance coverage limits required by the City. City Attorney Magdich stated that Hutchins Street Square has a program for an insurance pool at a reduced rate and she believed a similar program could be created for the park use permits that could be fairly low cost.

In response to Council Member Johnson, Mr. Hood stated that the Commission would address the matter of photographers utilizing public parks and facilities and suggested a single use permit may address the issue.

In response to Mayor Katzakian, Mr. Hood stated Lodi Lake charges a boat launch fee for motorized vessels, but not for non-motorized vessels. In further response, Mr. Hood stated that the Commission prefers to keep the use permit process simple and there is no mechanism to deal with regular usage, but that can be fine tuned at a later date.

In response to Mayor Pro Tempore Hansen, Mr. Hood stated the fee would be for the calendar year. Mr. Hansen suggested there be a pro-rated fee should someone take out a permit mid-year.

In response to Council Member Johnson, Mr. Hood stated that the Lodi Lake concessionaire is only interested in rentals and does not wish to provide lessons or give tours.

Council Member Nakanishi shared with the Recreation Commissioners and staff present that he has received complaints from citizens regarding the cleanliness of Lodi Lake Park, the congestion problem at the lake, enforcement of dogs at parks, the poor state of beaches, and watering of park lawns during drought conditions. He further questioned if there were volunteer opportunities to assist with park clean up, to which City Manager Schwabauer stated there were groups in place through Park Superintendent Steve Dutra.

In response to Council Member Mounce, Mr. Hood stated that some groups advertise their events on Facebook, Craigslist, the Internet, and mailers, but announcements made at churches are difficult to monitor. Some churches will advertise church in the park on regular weeknights and include a bounce house, amplified music, and food. Ms. Mounce suggested any event that includes amplified music be required to notify area neighbors.

Mr. Hood stated there is a gray area with businesses that indicate they are not charging a fee; however, this would be an extension of their business and a means to attract future business, to which Ms. Mounce suggested defining those groups as tax exempt instead of commercial.

Council Member Johnson suggested the Commission consider a donor rate for groups or organizations that donate time, effort, equipment, or money to a park project and then wish to use a facility for an event.

Council Member Nakanishi suggested the use permit give priority to residents over non-residents.

In response to Council Member Mounce, Mr. Hood stated that Parks maintenance crews routinely have increased upkeep following an event to feed the homeless as remaining food and garbage are left in the park. Ms. Mounce suggested a fee waiver be given only if event organizers clean up the mess after their event. She further expressed concern with the mix of the homeless and families at neighborhood parks, stating that during those events the parks can have over 250 people on site, and suggested the churches hold these events on church property.

A discussion followed amongst the City Council, Mr. Hood, Ms. Magdich, and Mr. Schwabauer regarding the homeless situation in Lodi, parks becoming homeless encampments, church outreach, the suggestion that Salvation Army is the better location for homeless outreach, citing for loitering in parks after hours, homeless campfires and encampments along the river, clean up after a large event to feed the homeless and the suggestion of a deposit, and the difficulty in citing the homeless for illegal activities. Council Member Johnson suggested a Shirtsleeve Session with local pastors and organizations to discuss the homeless situation in Lodi.

Jeffrey Palmquist, Chair of the Recreation Commission, stated the Commission would incorporate Council's comments and feedback at its August 5 meeting. He thanked staff for its efforts and research on this matter and stated there has been a great amount of public input to date.

Larry Long, Recreation Commissioner, also thanked staff for its hard work on this issue and he was confident a solution would be reached to address the issues brought forward, which will continue to keep Lodi's parks and facilities in good condition and available to the public.

David Akin, Recreation Commissioner, was pleased to see this issue being addressed and expressed support for Mr. Johnson's earlier suggestion of a donor rate, which would also be discussed by the Commission at its August 5 meeting. He expressed support for a continued discussion regarding the homeless situation in Lodi.

Myrna Wetzel stated that with changing attitudes the public needs reminding to clean up after itself and added that the poor will always be part of a community.

C. Comments by public on non-agenda items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:19 a.m.

ATTEST:

Jennifer M. Robison
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Receive Update on Potential Park Use Permit Ordinance

MEETING DATE: July 29, 2014

PREPARED BY: Parks, Recreation and Cultural Services Director

RECOMMENDED ACTION: Receive update on potential Park Use Permit ordinance.

BACKGROUND INFORMATION: Lodi is seeing an increase in the number of businesses and other groups that take over sections of public parks with their organized activities. Some of these are for-profit or extensions of their businesses' marketing efforts. In other cases, a large group will descend upon a park without regard for other users or potential impacts, and without any notice to the Parks, Recreation and Cultural Services Department.

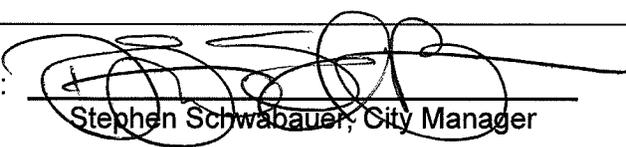
Similar to the recent discussions about the City's animal ordinances, the park ordinances are also inadequate and outdated. Since November, the Recreation Commission has held four meetings (November 2013; March, May and June 2014) to consider the need for a park use permit system that would regulate commercial uses as well as large groups. The Commission also has directed staff to discuss guidelines for such a system, and meetings at Hutchins Street Square were held in January and March, as well as one-on-one conversations in person, on the phone and via email.

Some of the impacts of unscheduled and unpermitted commercial and large group use include:

- Businesses bringing hay bales and other equipment to parks for fitness classes, which leaves debris, can wear out turf and may impact irrigation systems, and has the potential to unfairly burden the taxpayers with liability risks. Business use may not be suitable for some parks due to conflicts with organized activities, neighborhood use or the type of park, e.g. Lodi Lake Park.
- Businesses transferring their overhead costs and liability to the City by using public parks.
- Soccer and baseball teams not affiliated with PRCS playing on City fields adjacent to neighborhoods, sounding horns and impacting restroom supplies for the general public.
- Teams (mostly soccer and baseball) from outside Lodi taking advantage of the City's nonexistent permitting system, resulting in excessive turf wear and trash that requires additional maintenance.
- School and church groups, some from outside Lodi, showing up unexpected in City parks and leaving large volumes of trash (including food that attract vermin) and impacting restrooms.

Staff believes the issue of commercial use in parks is similar to others regulated by the City. The Lodi Municipal Code already prohibits selling products in City parks without a permit and the Public Works Department has an encroachment permit process for businesses or other groups seeking to

APPROVED:


Stephen Schwabauer, City Manager

have a special event in the public right-of-way. Also, mobile food vendors are largely prohibited from vending from streets (with some exceptions), and are required to obtain a permit from the City.

In addition, staff has learned that most cities in the region of Lodi's size or larger have enacted ordinances to deal with many of the same issues facing the Department. Stockton's ordinance defines as an unlawful park act: "... to conduct any class, special event, or tournament whether or not for profit, without a special event permit." The ordinance also states, "No exclusive use of any park and/or facility for preadvertised assemblies or groups may be made without the issuance of a permit therefor."

Tracy's ordinance requires a facility permit "For any organized activity in which fifty or more persons are expected to participate or attend, or which is publicized prior to the date of the activity, or which requires special City services. Such activity includes, but is not limited to the following: A picnic, rally, group meeting, parade, play, musical event, art show or other show or exhibition."

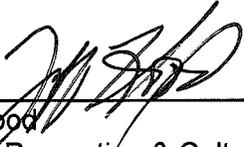
Manteca, Sacramento, West Sacramento and various independent park districts in the Sacramento region have enacted regulations to address the changing ways in which parks are used.

The Recreation Commission's direction to this point is to:

- Require a park use permit for any commercial activity in a park
- Require a park use permit for any group of 25 or more people
- Require a park use permit for any event in a park advertised to the public
- Allow the department to reduce or waive fees for nonprofit activities with a community benefit
- Not allow a park use permit for commercial use on weekends (businesses with concession agreements are excepted)
- Charge a park use permit fee for commercial use based on a tiered schedule, depending upon number of participants and park location
- Require commercial users to have insurance protecting the City in an amount determined by the Risk Manager

Reaction from affected businesses range from understanding and acceptance -- depending upon financial impact -- to a response that a permit should not be required to enjoy a public area, even if it part of an advertised or business-related event.

Depending upon Council feedback at this meeting, further discussion will take place at the Commission's August 5 meeting regarding additional items that need addressing, such as considering a limit on the number of times or hours a week a business may operate in a park, and the frequency of large group use in parks. Recreation Commission members will be in attendance in this joint meeting for questions and comments.



Jeff Hood
Parks, Recreation & Cultural Services Director

Potential Park Use Permit Ordinance

Lodi City Council
July 29, 2014

Park Use Permits



Goals

- Protect the public's investment in City parks
- Ensure the public has access to public spaces
- Protect taxpayers from liability
- Protect taxpayers from needless costs
- Create orderly reservation system for open space
- Discourage businesses from using public property for private gain



Park Use Permits



Park Use Permits

A promotional banner for 24FITCLUB. The background is dark with a green border. The text is white and green. At the top, it says "Contact Karen 209.329.7749 or Karen@DareNutrition.com". Below that, in green, it says "FREE INSTRUCTOR LED BOOTCAMPS". Underneath, in white, it says "powered by BRIX". The main logo "24FITCLUB" is in large white letters, with "24" being significantly larger. Below the logo, in green, it says "the smarter way to workout". At the bottom, in white, it says "Every Tuesday at 5:30pm at Emerson Park in Lodi".



Park Use Permits



Park Use Permits

**Work
to
date**

- Two-fold approach
 - Commercial use
 - Large group use



Park Use Permits

Work
to
date

- Four Recreation Commission meetings
- Two meetings with affected businesses
- Parks visits
- Phone/email



Park Use Permits: Commercial Use

Current
direction:
Require
permit

- Businesses must pay to use a park
- Require insurance indemnifying City
- May operate only in specified areas
- One business in a park at a time
- Collect damage deposit
- Tier-based fee based on Denver model
- Shall not compete with City concessionaire
- May not use park equipment for exercise
- No commercial activity on weekends
- Only concessionaires at Lodi Lake Park



Park Use Permits

▶ Annual Park Use Permit fees, Commercial

	1-10 participants	11-24 participants	25-50 participants	Deposit	Application fee
Paved areas	\$100	\$150	\$200	\$50	\$25
Turf Tier 1	\$150	\$250	\$500	\$200	\$25
Turf Tier 2	\$150	\$350	\$750	\$250	\$25

▶ Participation rate for 80% of activities

▶ Lodi Lake Park

- ▶ No competition to boat house concessionaire
- ▶ Concession agreement required for commercial activity



Park Use Permits: Non-commercial large group

**Current
direction:
Require
permit**

- Groups of 25 or more
- Events advertised to public
- Fee based on rental rates
- Possible public benefit waiver/reduction



Park Use Permits: Non-commercial large group

Based on picnic rate for park or field rental rate

- Picnic areas \$50 and up for resident (\$65 nonresident)
- Field rental from \$20 and up

May request fee discount or waiver for public purposes

- Examples: City functions, civic organization work days
-
- 

Park Use Permits: Municipal Code

LMC revisions needed

- Add “parks” to Section 12.16.010
 - Add services and other commercial activities to 12.12.060 (vending and peddling)
 - Define “commercial activity” as one in which a fee is required for participation, or which is coordinated by a business entity
-
- 

Park Use Permits

**What's
left**

- **Recreation Commission meets August 5**
 - Consider Council feedback
 - Consider business limits on park use: days/hours
 - Consider annual limits on large groups in parks
 - Draft ordinance changes?
 - Final recommendation?

