



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

SPECIAL "SHIRTSLEEVE" SESSION

Date: July 29, 2014

Time: 7:00 a.m.

For information regarding this agenda please contact:

Jennifer M. Robison
City Clerk
Telephone: (209) 333-6702

Special Joint Meeting Informal Informational Meeting Lodi City Council and the Parks and Recreation Commission

- A. Roll call by City Clerk
- B. Topic(s)
 - B-1 Receive Update on Potential Park Use Permit Ordinance (PRCS)
- C. Comments by public on non-agenda items
- D. Adjournment

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Jennifer M. Robison
City Clerk

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**CITY OF LODI
COUNCIL COMMUNICATION**

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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Similar to the recent discussions about the City's animal ordinances, the park ordinances are also inadequate and outdated.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 than "FITCLUB". 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
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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
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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?

