

**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