



CITY OF MARTINEZ

PARKS, RECREATION, MARINA & CULTURAL
COMMISSION

DATE: September 14, 2011
TO: Parks, Recreation, Marina & Cultural Commission
FROM: Mitch Austin, Recreation Manager
SUBJECT: Special Event Policy Changes

RECOMMENDATION

- Revise the Ignacio Plaza Policy as follows:
 - Apply policy to reserved use of Susana Park
 - Require that noticing is required
 - Noticing is a condition that must be satisfied before the PRMCC can review the request
 - Susana Park and Ignacio Plaza cannot be reserved for use the same weekend

- Revise the Special Request Policy as follows:
 - Applications received less than 30 days from the event will not be considered for approval.
 - Vendor is not allowed to make and representation of use of the facility without obtaining approval by the PRMCC first.

BACKGROUND

For some time now the Commission has expressed an interest in making some amendments to the Ignacio Plaza Policy and Special Request Policy. The recommended changes reflect the comments and feedback of the Commission during various sessions of approval for the Special Requests. In particular there has been a great desire expressed on the part of the Commission to apply the same requirements and standards of the Ignacio Plaza Policy to Susana Park given their proximity to one another and the fact they have similar impacts to the surrounding neighborhood when events occur in the public places. Another key issue is the timing of requests and ensuring adequate noticing has been done before the PRMCC considers approving the request. These policy changes are designed to address these issues.

Staff recommends that PRMCC members review the attached policies and discuss any other policy changes or amendments they would like to see implemented. All policy changes would only be applicable to new Special Event Requests received after the Commission meeting.

Attachments

Ignacio Plaza Use Policy

Reservation Procedures, Special Request

Facility Use Policy- Ignacio Plaza

Ignacio Plaza

Ignacio Plaza is located at 525 Henrietta Street, between Alhambra and Castro Streets. It is primarily a pedestrian plaza surrounded by a residential neighborhood on two sides and bordered by Martinez City Hall and the Boys and Girls Club. Pathways cross the park and intersect at a central memorial fountain. Pathways are lit and lined with wrought iron benches and shaded by trees. Off street public parking is limited in front of City Hall.

Availability & Priority of Use

Plaza Ignacio Martinez is primarily used as a pedestrian plaza. Generally, it is NOT available for group use or rental. Exceptions to the "no rental use" may be made on a case by case basis by approval of a Special Request Facility Use Permit. No more than one (1) special event per month will be considered during the park rental season (March through October), except for September that may have two (2) events on non-consecutive weekends.

Special event activities will be considered on a case by case basis and scheduled in the following order: a) City sponsored events, (such as Recreation & Parks); and, b) community non-profit or local community organization events.

Special Requests for use should be made to the Parks and Recreation Commission at least 60 days prior to an event on the Special Request Form available from the Recreation and Community Services Division. Applicants shall: 1) complete a Facility Use Agreement Form; 2) indicate the nature of the Special Request use; 3) pay the required deposit and fees; 4) attend the public hearing for recommendation of use permit; and, 4) receive approval for restricted use prior to announcing the use of the Ignacio Martinez Plaza.

Special Facility Use Guidelines

The Ignacio Plaza is subject to the following guidelines in addition to the Standard Provisions to Facility Use Rental Agreement:

1. Event must follow the City's noise ordinance, except as outlined in a permit approved by the Park and Recreation Commission on a case by case basis. (See Martinez Municipal Code, Chapter 8.34 Noise Control and 8.24.150 Hours of Use)
2. Parking that obstructs private driveways is not permitted. (See California Vehicle Code 22500 Sec. a.). Alternative parking may be required for event participants for any event with prospective attendance of over 40 vehicles or 80 persons. Applicant and event organizers may be required to meet with the police department to find a suitable remedy to potential parking and traffic issues in the immediate neighborhood.
3. Events are restricted to less than 500 persons at any one time during the event. Over crowding is not permitted and will result in cancellation of any future event and forfeiture of all fees paid. The event organizers, sponsors, and permit applicant are responsible for the conduct of the event. A responsible adult must supervise the premises for proper facility use during all approved rental hours. Events with more than 250 persons must include coordination with the Martinez Police Department.

Facility Use Policy- Ignacio Plaza

4. Food and beverages must comply with applicable County and State permit requirements. Permits must be displayed on date of event.
5. Rental equipment will not be provided by the City. Storage of event equipment and materials on City property is not permitted either before or after the event. Renter is responsible for all equipment and property.
6. Renter may be required at its own cost to notify neighborhood residents by letter or flyer within a two block radius of the park prior to the Special Request being placed on the agenda of the Park and Recreation Commission. Residents and City must receive notification at least one week prior to the meeting and include the event name, date, time, duration, and name and phone number of the event organizer to contact with questions or concerns.
7. Renter may be required to provide portable toilets for events in compliance with industry standards.

Applicants should thoroughly review the Facility Use Agreement and Standard Provisions to the Rental Agreement. Requests for an exception to the Facility Use Policy must be submitted in writing with the application to enable placement on the proper City agenda for a decision. All provisions and fees apply unless specifically waived, in advance, in writing by the direction of the City Council. Only events with a good track record and whom work with the neighborhood to limit the impacts of their events are eligible for an exemption.

Deposit & Fees

Damage/Security Deposit	RES & Non Profit	NON-Resident
\$150*	\$90	\$115*
*Deposit and fees may be raised based upon the type of event, i.e. for profit, or higher risk events.		

RESERVATION PROCEDURES

SPECIAL REQUEST. Special requests must be made at the time of application including, but not limited to, amplified music/speakers, special request facilities, signs, fee reduction, concessions, sale of alcoholic beverages, non-picnic uses. Pool use is not included with park reservation. Special requests must be made through staff to the Park and Recreation Commission a minimum of 45 days prior to the date requested. If approved, a copy of the approved Special Request must be attached to this permit.

1. **CANCELLATION POLICY.** Cancellations made two weeks or more prior to the event date will be assessed a fee of \$10. Cancellations within 14 days of the event will forfeit all fees.
2. **ACCEPTANCE OF PREMISES.** Renter's taking possession of the premises on the commencement of the term shall constitute renter's acknowledgement that the premises are acceptable and in good condition. Rental is subject to a general dawn to dusk curfew and no amplified sound unless approved below under special request.
3. **COPY OF PERMIT.** Renter shall have a copy of the permit in renter's possession and shall produce a copy upon request. City may revoke this agreement upon finding a violation of any rule, regulation or ordinance or upon good cause shown. M.M.C. 8.24.150. G
4. **INSPECTION OF PREMISES.** The City may enter upon the premises at any and all reasonable times on the day of the event and during operation for the purpose of determining whether or not the renter is complying with the conditions hereof, or for any other purpose incidental to the rights of the city.
5. **HEALTH and SAFETY.** Renter shall, throughout the term of this agreement, maintain the premises in good, safe, clean and sanitary condition and keep the premises in good repair. All beverages must be dispensed in unbreakable containers. Fires are prohibited outside of immediate fire rings or grill. Fires should be fully extinguished prior to leaving the premises. All trash is to be properly disposed in trash can liners (bags) tied and placed in can. Please recycle.
6. **CONCESSIONS.** Subject to city approval. Renter shall comply with and assure that any concessionaire follow County Health Department guidelines, including, but not limited to, proper food handling and securing a permit.
7. **COMPLIANCE WITH LAWS.** Renter agrees that it will obey and observe and that it will require all persons entering upon the premises to observe and obey all terms of this agreement and all municipal, state and federal laws. Renter shall be responsible for paying any fines or charges which may be levied by any governmental agency for violation of law, order, requirement, regulation, rule or ordinance arising out of use of the premises by renter or its agents or guests.
8. **VEHICLE LOADING, OFF LOADING AND PARKING.** Renter agrees to 30 minutes for vehicle loading and offloading. Violators will be cited or jeopardize future park use privileges. Renter will be responsible for all vehicles parking and directing their activities within the provisions of this agreement. Vehicles are to stay on roadways and paths and yield to pedestrian right of way.
9. **IN CASE OF RAIN,** Rained out reservations may be rescheduled or a complete refund requested. Call the Recreation Department to report an inability to hold your picnic due to rain. The decision to issue refunds will be based on a Parks staff report.
10. **INDEMNIFICATION.** Renter shall indemnify and save city, its agents, officers, and employees harmless from and against any and all active and passive liability, claims, suits, actions, damages, penalties and/or causes of action arising during the term of this agreement out of any personal injury, bodily injury, loss of life, or damage to the property, violation of any federal, state or municipal law or ordinance or other cause in connection with the use of the premises by renter, its employees, agents, or guests under this agreement and from and against all costs, counsel fees, expenses incurred in obtaining expert testimony and the attendance of witnesses, expenses, and liability incurred in and about such claim, the investigation thereof or the defense of any action or proceedings brought thereon and from and against all orders, judgments, or decrees which may be entered therein. Approval of insurance coverage does not relieve renter of liability under this agreement.
11. **POSSESSORY TAX.** Renter recognizes that this permit may create a possessory interest subject to property taxation under California Revenue and Taxation Code 107, et seq., and that renter may be subject to the payment of property taxes levied on such interest. Renter shall pay before delinquency, all taxes, assessments, license fees and other charges (hereinafter referred to as "taxes") that are levied or assessed during the term hereof against the renter's interest in the real property or improvements installed or located in or upon the premises.
12. **WAIVER.** No delay or omission in the exercise of any right or remedy of city on any default by renter shall impair such a right or remedy or be construed as a waiver.
13. **ALCOHOLIC BEVERAGE PERMIT.** In accordance with Martinez City with Martinez City Ordinance 1109 C.S., the consumption of alcoholic beverages, including but not limited to beer, wine, and hard liquor, is restricted or prohibited in public parks. In accordance with Section 9.52.020 B & C of the Municipal Code, city provides renter, provided all fees and use stipulations are followed, special permission to consume alcoholic beverages as part of this event. Said permission is extended only for recognized social events. Use of this permit is not to be transferred, reassigned or sublet for any reason. Renter realizes this special permission is applicable only to private consumption and shall not be used for the sale of alcoholic beverages. City reserves the right to withhold this provision, using reasonable discretion, from any group or individual. Sale of alcoholic beverages is prohibited unless written permission is received from Martinez Police Department and Alcohol Beverage Control Board.



SPECIAL REQUEST FORM

Martinez Park and Recreation Department
525 Henrietta Street
Martinez, CA 94553
Ph: (925) 372-3510 Fax: (925) 372-3509

All questions must be completely filled out: Date: _____

Your Name: _____

Organization (if applicable): _____

Address (organization or home): _____

Phone: (hm) _____ (wk) _____

Date of Event: _____

Time and Duration of Event: _____

Location: _____

Family/Group Size: _____

Purpose of Gathering: _____

What is your Special Request? **(Please check all that applies)**

- amplified music/speakers waterfront picnic lawn usage fee waived/reduction
 non-picnic uses sale of alcoholic beverages more than the picnic park capacity

Others (please explain): _____

Special Request Justification: _____

Note: The Park and Recreation Commission will review appropriate requests and make a recommendation to the City Council who will make the final determination. The Applicant or a representative is encouraged to attend both meetings to answer questions from the Park and Recreation Commission and City Council.

The Commission meets on the first Tuesday of each month. All inquires should be received at the above address no later than one week prior to scheduled Commission meeting.