



CITY OF PINOLE COMMUNITY SERVICES COMMISSION MEETING AGENDA

WEDNESDAY
March 24, 2021

Via Zoom Teleconference

5:00 p.m.

DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS MEETING IS BEING HELD PURSUANT TO AUTHORIZATION FROM GOVERNOR NEWSOM'S EXECUTIVE ORDERS – CITY COUNCIL AND COMMISSION MEETINGS ARE NO LONGER OPEN TO IN-PERSON ATTENDANCE.

SUBMIT PUBLIC COMMENTS TO RECREATION MANAGER BEFORE OR DURING THE MEETING
VIA EMAIL recreation@ci.pinole.ca.us

Comments received before the close of the public comment period for that item will be read into the record and limited to 3 minutes. Please include your full name, city of residence and agenda item you are commenting on. Any comments received after the close of the public comment period will be distributed to Council and relevant staff after the meeting and filed with the agenda packet.

WAYS TO WATCH THE MEETING

LIVE ON CHANNEL 26. The Community TV Channel 26 schedule is published on the city's website at www.ci.pinole.ca.us.

VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.ci.pinole.ca.us. and remain archived on the site for five (5) years.

If none of these options are available to you, or you need assistance with public comment, please contact the Recreation Manager, Maria Picazo at (510) 724-9062 or recreation@ci.pinole.ca.us.

Americans With Disabilities Act: In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in a City Meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the City Clerk's Office at (510) 724-8928. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Note: Staff reports are available for inspection on the City Website at www.ci.pinole.ca.us. You may also contact the Recreation Manager via e-mail at recreation@ci.pinole.ca.us.

Ralph M. Brown Act. Gov. Code § 54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

1. CALL TO ORDER

2. ROLL CALL

3. APROVAL OF THE MINUTES –January 27, 2021 meeting

4. CITIZENS TO BE HEARD

The public may address the Community Services Commission on items that are within its jurisdiction and not otherwise listed on the agenda. Commissioners may discuss the matter brought to their attention, but by State law (Ralph M. Brown Act), action must be deferred to a future meeting. Time allowed: five (5) minutes each.

5. OLD BUSINESS

A. 2021 Events

6. NEW BUSINESS

A. Park Rules

B. Review bylaws

7. ADJOURN TO NEXT MEETING

POSTED: Thursday, March 19, 2021 at 4:00pm at City Hall

Maria Picazo
Recreation Manager



CITY OF PINOLE

DEVELOPMENT SERVICES DEPARTMENT

2131 Pear Street
Pinole, CA 94564

Phone: (510) 724-8912
FAX: (510) 724-9826

Date: March 23, 2021

To: Community Service Commission Members

From: Tamara Miller PE Development Services Director/ Civil Engineer

Subject: Make Recommendation to Council Regarding Park Rules

The City of Pinole has formally adopted the Pinole Municipal Code which addresses park rules. The current code sets forth a requirement for the Council to adopt a resolution formalizing the park rules. The current resolution formalizing park rules is dated 1990 and is attached for your review. The Pinole Municipal Code reads as follows.

CITY PARKS AND PLAYGROUNDS

12.08.010 CITY PARKS AND PLAYGROUNDS.

A city park or playground is described as any land designated by the City Council for present or future use for park, playground or recreation purposes and which is maintained by the city. (Ord. 479 § 2(part), 1986).

12.08.020 HOURS OF USE.

A. Parks and the unlighted activity areas will be closed from one-half hour after sunset to one-half hour before sunrise of the following day, except as necessary to complete authorized activity being conducted.

B. It is unlawful for any person to enter, loiter or remain, or to allow or maintain a motorized vehicle or bike, in any city park after the park is closed for public use, except as stated in subsection A of this section.

C. Any person, firm or corporation who shall do any act prohibited by this section shall be deemed guilty of a misdemeanor, as prescribed by Chapter 1.12 of this code. (Ord. 479 § 2(part), 1986).

12.08.030 POSTING.

For the provisions of this chapter to be applicable, there shall be posted at maintained pedestrian and vehicle entrances of a city park, adequate signs describing rules and regulations, curfew hours and penalty for violations. (Ord. 479 § 2(part), 1986).

12.08.040 PARK RULES AND REGULATIONS.

The City Council shall, by resolution, adopt rules and regulations pertaining to the hours of use and such other regulations as they deem advisable for the public health, safety and welfare. It is unlawful for any person to violate any rule or regulation adopted and posted pursuant to this section. Any person found guilty of violating such rule or regulation is guilty of an infraction. (Ord. 479 § 2(part), 1986).

12.08.050 EXCEPTIONS.

The City Manager, or their designee, may, after a written request and for good cause, grant exceptions to the rules and regulations described in resolutions set forth by the City Council. For purposes of this exception, good cause is defined as a use that is:

- A. Sponsored or conducted by the city;*
- B. Is for a charitable purpose; or*
- C. Benefits a public purpose. (Ord. 479 § 2(part), 1986).*

Penalties and fines are issued, and differ, for misdemeanors and infractions. The code related to fines reads as follows.

1.12.020 PENALTY FOR VIOLATION OF ORDINANCE PROVISIONS.

A. A violation of any provisions of this code or any ordinance adopted by the City shall be deemed an infraction, unless the violation is specifically designated as a misdemeanor. Any violation deemed and charged a misdemeanor may be reduced to an infraction by the City Manager, City Attorney, or their designee.

B. Pursuant to Government Code Section 36900 et seq., as those sections may be amended from time to time, any person convicted of a misdemeanor under the provisions of this code or any ordinance adopted by the City, unless provision is otherwise herein made, shall be punished by a fine not exceeding one thousand dollars and/or six months in jail.

C. Pursuant to Government Code Section 36900 (or in amounts provided by subsequent amendments to Government Code Section 36900), any person convicted of an infraction under the provisions of this Code or any ordinance adopted by the City, unless provision is otherwise herein made, shall be punished by a fine not exceeding one hundred dollars for a first violation, a fine not exceeding two hundred dollars for a second violation of the same ordinance within one year of the first violation, and a fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year of the first violation. However, in cases where said violation is of a building or safety code, pursuant to Government Code Section 36900 (or in amounts provided by subsequent amendments to Government Code Section 36900), any person convicted of an infraction under the provisions of this code or any ordinance adopted by the city, unless provision is otherwise herein made, shall be punished by a fine not exceeding one hundred dollars for a first violation, a fine not exceeding five hundred dollars for a second violation of the same ordinance within one year of the first violation, and a fine not exceeding

one thousand dollars for each additional violation of the same ordinance within one year of the first violation.

D. Except as otherwise provided by law, all provisions of law relating to misdemeanors shall apply to infractions, including, but not limited to powers of peace officers, jurisdiction of courts, periods for commencing action and for bringing a case to trial and burden of proof.

E. The fines enumerated within this section shall supercede any conflicting fine amounts found in specific sections of this code unless those sections provide legislative intent for the application of the conflicting fine amount found in that section. (Ord. 2017-03 § 2 (part), 2017; Ord. 2004-10, § 6, 2004; Ord. 493 § 2 (part), 1986).

City Council has expressed concern that our existing rules may be missing some of our current expectations. Primarily there are concerns related to vaping, use of restricted areas by dogs and their owners, and littering.

Staff has reviewed the rules as they currently exist. Staff has also reviewed the rules of other agencies including East Bay Regional Park District, City of Chico, as well as City of Hercules seeking to review best practices. Additionally, staff has recommended revisions to address many of the points of conflict that they are aware of as it related to applying the existing rules. Both ERPD and Chico, which has one of the largest urban parks in the county, have very long ordinances addressing rules.

Pinole has traditionally kept the list of rules concise. This makes preparing signage easier. We have attempted to continue to put forth a concise list of rules. We have, however, more than doubled the number of rules.

Presented here is a draft list of rules that staff is recommended be adopted.

Staff asks that you provide a recommendation to Council regarding the adoption of these rules including recommendations for additions, omissions, and edits.

DRAFT CITY OF PINOLE PARK RULES

1. All City Parks, except Fernandez Park, are closed from ½ hour after sunset to ½ hour before sunrise the following day.
2. Fernandez Park is closed from 9:00 PM to 6:00 AM every day.
3. It is unlawful for any person to be in any City Park when the park is closed.
4. Smoking or vaping of any substance is prohibited in all City Parks and within 50 feet of all park entrances. Tobacco used of any kind is prohibited with all parks.
5. Motor vehicles are prohibited within park grounds except on access roadways which are open to the public. Special permits may be available on an as needed basis for special events. Emergency Services and City Vehicles are exempt.
6. Parking is allowed in designated area only.
7. Bicycle use in parks must comply with the California Vehicle Code.
8. Alcoholic beverages, open or closed, are not allowed in any City Park at any time. Persons using linear parks as a means of transportation form shopping destinations may transport closed containers.

9. No glass containers are allowed in any City park.
10. Dogs using the parks must be leashed at all times, except within designated area. People must immediately remove any animal waste deposited by animals under their care for proper disposal.
11. No animals are allowed within play area at any time.
12. Feeding of wild animals within the parks is prohibited.
13. Fishing within any City Park must comply with California Fish and Wildlife Regulations.
14. Horses are allowed only on designated trails. Animal waste must be removed or captured for future proper disposal and must remove animal waste.
15. No fires are allowed within any City Park.
16. City barbeque pits may be used for charcoal burning only. BBQ coals must be fully extinguished before leaving the area.
17. No outside or personal barbeques are allowed.
18. No loitering within any park.
19. No interfering with person(s) lawfully using or maintaining the park.
20. No person shall alter any park, or park facility in any way.
21. No person shall destroy, injure, cut or take any natural element of any park including, but not limited to, flowers, shrubs, seeds, wood, rocks, frogs, ducks, and/or crayfish.
22. Swimming in San Pablo Bay is at your own risk.
23. Skateboarding is allowed only within the Skateboarding park. Skateboarding is prohibited in all other park areas.
24. Park users must remove all refuse arising out of their use of the parks for proper disposal.
25. Amplified sound is prohibited within all parks without a permit.
26. No items may be left unattended within the parks, this includes chairs, animal habitat or food, temporary monuments or memorials, campsites and all other personal property. Any unattended personal property is subject to removal.
27. The use of jump type play equipment is allowed only as part of a park rental agreement.
28. Any picnic or meeting of a group over 30 persons shall be required to have a permit for such activity.
29. Any person using any park facility for profit, such as personal training, boot camp, filming, or lessons, shall be required to have a permit for such activity.
30. Rental of specific areas of the parks is managed by the City. All rental use must follow these rules as well as the rules provided with their rental agreement.

BEFORE THE CITY COUNCIL OF THE CITY OF PINOLE
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

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In the Matter of Adopting)	
Rules and Regulations for)	
the City of Pinole Park)	RESOLUTION NO 2406
<u>and Playground Facilities)</u>	

WHEREAS, the Pinole Parks and Recreation Commission has discussed and recommended certain Rules and Regulations for the public use of City Parks, and

WHEREAS, the Pinole City Council has adopted Section 12 08 040 of the Pinole Municipal Code providing for the adoption and the posting of park Rules and Regulations

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Pinole

A City of Pinole Resolution Number 2047, passed and adopted January 20, 1986, pertaining to Adoption of Rules and Regulations for the City of Pinole Park and Playground Facilities, is hereby rescinded

B The following Rules and Regulations for the City of Pinole Park and Playground Facilities are hereby adopted as follows

RULES AND REGULATIONS

1 DIRECTOR

As used herein, "Director" means the City Manager or designee

2 FIRES

No person shall light or maintain any fire in any park unless such fire is lighted and maintained in a place specifically provided for that purpose Fuel shall be of such types and kindled in such a manner as to prevent the danger of fire in the surrounding vegetation Fires shall not be left unattended and fires shall be extinguished before leaving the immediate area

3 INTERFERENCE WITH ACTIVITIES PROHIBITED

No person shall willfully interfere with any person or persons lawfully using the park and recreation areas pursuant to these Rules and Regulations, nor shall any person interfere with any park maintenance or recreation activities being carried on by any employee or agent of the City by refusing to move from any park and recreation area when requested to do so

4 BASEBALL GAMES, BATTING OR BATTING PRACTICE

No baseball games, batting or batting practice is allowed in Meadow Park, commonly located on Nob Hill Avenue at or near the intersection of Rogers Way

5 USE OF ELECTRONIC SOUND AMPLIFICATION

The use of electronic sound amplification equipment, portable speakers and other accessories which have for their purpose the amplification of sound produced by the playing of musical instruments, voices, calls and other sound producing devices, whether mechanical or electronic, is prohibited within the boundaries of any City park, playground or recreational area without the issuance, by the Director, of a permit for the specific use of such equipment

6 CAMPING, MASS PICNICS AND MEETINGS

a Any picnic or meeting group over 30 shall apply for a permit for use of park grounds

b No person shall place tents or other temporary structures with a park for overnight use

7 CONTROL OF DOGS AND OTHER DOMESTIC ANIMALS

All dogs and other domestic animals shall be under complete control at all times by the use of a leash Domestic animals shall not be permitted in picnic or play areas or any other areas so designated

8 HORSES AND LIVESTOCK

Horses and other riding livestock shall be permitted only on those trails and in those areas specifically designated for equestrian use

9 PARKING AND HOURS

It is unlawful for any person to park a vehicle in other than an established or designated parking area, and such use shall be in accordance with any posted directions

10 EXHIBITIONS

No person shall conduct or maintain any show, performance, concert, place of amusement or exhibition without the written permission of the Director

11 PERMITS

a Reservations and permits required

Where a permit is required, an individual or group shall apply for a written permit from the Director

b Effect of a permit

The permittee shall be bound by all park Rules and Regulations and all applicable ordinances fully as though the same were inserted in the permit

c Liability of Permittee

The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued

d Certification of Insurance

If, in the opinion of the Director, the event or program would constitute a hazard to public safety, then the applicant for a permit shall provide the City with Certificates of Insurance evidencing coverage for injury/property damage liability

12 EXCEPTION

These Rules and Regulations shall not apply to any City employee, agent or representative acting in the performance of their duties

IT IS FURTHER RESOLVED

B Resolution No 1662, adopted on March 2, 1981, pertaining to the establishment of Rules and Regulations for City Parks and Playgrounds, is hereby rescinded

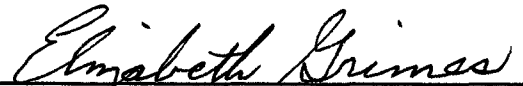
PASSED and ADOPTED this 18th day of June, 1990 by the following vote,
to wit

AYES Council Members McCarty, Williams, Goularte

NOES Council Members Green, Swearingen

ABSENT Council Members None

ABSTAIN Council Members None


ELIZABETH GRIMES
CITY CLERK of the CITY OF PINOLE