



CITY OF NOVATO
PARKS & RECREATION

**Recreation, Cultural and Community Services Advisory Commission
Agenda**

REGULAR MEETING

Thursday, March 9, 2023 - 6:00 PM

**Novato City Hall
Council Chambers, 901 Sherman Ave**

Chair

Erin Lacey

Vice Chair

Nancy Weber

Members

**Dennis Bentley, Suzanne Crow, Ericka Erickson, Emily Larsen, Mavi Pilloton, Betsy Ricketts,
Beverly Winsor**

Staff Liaison

Katie Gauntlett

The Recreation, Cultural and Community Services Advisory Commission welcomes you to attend its meetings which are regularly scheduled the second Thursday of odd months. Your interest is encouraged and appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (415) 899-8986. Notification at least 48 hours prior to the meeting will enable the City to make reasonable accommodation to help ensure accessibility to this meeting. The Recreation, Cultural and Community Services Advisory Commission may discuss and/or take action on any or all of the items listed on the agenda irrespective of how the agenda items are described.

Public Participation/Comment Instructions

Members of the Public may participate and provide public comments to teleconference meetings as follows:

- **Written public comments** may be submitted by email to prcs@novato.org. Written public comments received more than 3 hours before the start of the meeting will be distributed to the Commission. Written public comment received after the three-hour cut-off, including during and after the meeting, will be collected and placed in the public record. Written public comments will not be read during the meeting.

A. CALL TO ORDER AND ROLL CALL

B. APPROVAL OF FINAL AGENDA

C. PUBLIC COMMENT

There is a three-minute time limit to speak although the Chair may shorten the time based on the number of speakers or other factors. A speaker may not yield his or her time to another speaker.

For issues raised during Public Comment that are not on the published agenda, except as otherwise provided under the Ralph M. Brown Act, no action can legally be taken. The Board, Committee, Commission may direct that the item be referred to the Staff Liaison for action or may schedule the item on a subsequent agenda.

D. CONSENT ITEM

All matters listed on the Consent Calendar are considered to be routine and will be enacted by a single vote of the Commission. There will be no separate discussion unless specific items are removed from the Consent Calendar for separate discussion and action. Any Commissioner may remove an item from the Consent Calendar and place it under General Business for discussion.

D.1. Approve the Meeting Minutes from January 12, 2023 Meeting

D.2. Approve the Hamilton Community Pool Use Policy

Attachment 1: Staff Report

Attachment 2: Draft Hamilton Community Pool Use Policy

E. UNFINISHED AND OTHER BUSINESS

F. GENERAL BUSINESS

These items include significant and administrative actions of special interest and will usually include a presentation and discussion by the Recreation, Cultural and Community Services Commission. They will be enacted upon by a separate vote.

F.1. Receive an update on the Pioneer Park Playground Improvement Project and provide recommendations on improvements to the large play structure

Attachment 1: Staff Report

Attachment 2: Pioneer Park Large Play Structure Renderings

F.2. Consider expansion and addition of 2 RCCS Commissioners to Parks Master Plan Ad-Hoc Committee

F.3. Receive an update on the Parks Master Plan from Parks, Recreation, & Community Services Director Katie Gauntlett

G. COMMITTEE AND LIAISON REPORTS

This section is used for Commissioners and the Staff Liaison to orally report on topics that can be considered for discussion at a future meeting.

G.1. Staff Updates

G.2. Commissioner Reports

H. ADJOURNMENT

Materials that are submitted to members of Commission after the distribution of the agenda packet will be made available to the public at the time it is provided to the Commission.

AFFIDAVIT OF POSTING

I, Drew Bendickson, certify that on the Thursday before the Recreation, Cultural and Community Services Advisory Commission meeting of March 9, 2023 the agenda was posted on the City Community Service Board at 922 Machin and on the City's website at novato.org in Novato, California.

/ Drew Bendickson /

Drew Bendickson, Senior Management Analyst



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CITY OF NOVATO
PARKS & RECREATION

Recreation, Cultural and Community Services Advisory Commission

MEETING

Minutes

Thursday, January 12, 2023 – 6:00 PM

A. CALL TO ORDER AND ROLL CALL

The meeting was called to order by Vice Chair Lacey at 6:01 PM.

Commissioners Present: Dennis Bentley, Emily Larsen, Suzanne Crow, Chair Betsy Ricketts, Vice Chair Erin Lacey, Nancy Weber, Ericka Erickson

Commissioners Absent: Mavi Pilloton, Beverly Winsor

Staff Present: Director of Parks, Recreation and Community Service Katie Gauntlett; Senior Management Analyst Drew Bendickson; Sustainability Coordinator Gretchen Schubeck

B. APPROVAL OF FINAL AGENDA

Commission Action: Upon motion by Commissioner Crow and seconded by Commissioner Weber, the Commission voted 6-0-1-2 to approve the final agenda.

Ayes: Bentley, Larsen, Crow, Lacey, Weber, Erickson

Noes: None

Abstain: Ricketts

Absent: Pilloton, Winsor

Motion Carried

C. PUBLIC COMMENT

None.

D. CONSENT ITEMS

D.1. Approve the Meeting Minutes from September 8, 2022

Commission Action: Upon motion by Commissioner Lacey and seconded by Commissioner Crow, the Commission voted 6-0-1-2 to approve the minutes.

Ayes: Bentley, Larsen, Crow, Ricketts, Lacey, Weber

Noes: None

Abstain: Erickson

Absent: Pilloton, Winsor

Motion Carried

E. UNFINISHED AND OTHER BUSINESS

None.

F. GENERAL BUSINESS

F.1. Receive a presentation from Rotary Club of Novato on potential Pianos on Grant program and provide recommendation

Christina Stroeh gave a presentation on behalf of the Rotary Club of Novato outlining ideas for a pilot program called Pianos on Grant.

Christina Stroeh shared that the Rotary Club of Novato surveyed the businesses on Grant with positive support. The program would start with one piano located outside Marin Music Center to be jointly supervised by Marin Music Center and Watt's Music. The installation, storage, and maintenance would be provided by the Rotary Club of Novato. Students from San Marin High School would contribute a mural to the piano frame.

The Rotary Club would like the program to launch in time for the Art and Wine Festival and continue through August.

Commissioners discussed concerns surrounding maintenance and tuning, traffic safety, and coordinating with Marin Pottery summer camps.

Public Comment:

None.

Commission Action:

Upon motion by Commissioner Crow and seconded by Commissioner Bentley, the Commission voted 7-0-0-2 in favor of supporting the program.

Ayes: Bentley, Larsen, Crow, Ricketts, Lacey, Weber, Erickson

Noes: None

Abstain: None

Absent: Pilloton, Winsor

F.2. Receive a presentation on Balloon Policies from Sustainability Coordinator Gretchen Schubeck

Sustainability Coordinator Gretchen Schubeck gave a presentation on the use of balloons. Non-biodegradable materials in latex and mylar balloons become microplastics and pollute soil and waterways. The conductive properties of metals in mylar balloons are known to cause damage to high-voltage power lines, and the debris is often mistaken by marine animals as a food source. Sustainability Coordinator Gretchen Schubeck offered alternatives to balloons including flowers, streamers, kites, natural confetti, and bubble machines.

Sustainability Coordinator Gretchen Schubeck shared that the City of Novato Staff are not recommending a local ordinance. Proactive discouragement including social media campaigns, rental policy language, and the cessation of balloons at city-funded programs was recommended instead.

Director Gauntlett clarified the proposed balloon policy for city-funded events and compared the new policy to the existing plastic water bottle policy which bans purchase and use of single use water bottles at city events and functions. Director Gauntlett outlined plans for kiosk postings in English and Spanish in the parks and an evergreen, reusable marketing package for park renters.

Commissioners discussed social media outlets to share the policy and expressed interest in furthering the policy in the future by including stronger language and an official ban.

Commission Action:

Upon motion by Commissioner Erickson and seconded by Commissioner Weber, the Commission voted 7-0-0-2 in favor of educational flyers and kiosk postings.

Ayes: Bentley, Larsen, Crow, Ricketts, Lacey, Weber, Erickson

Noes: None

Abstain: None

Absent: Pilloton, Winsor

Upon motion by Commissioner Erickson and seconded by Commissioner Crow, the Commission voted 7-0-0-2 in favor of receiving a staff report on administrative guidelines toward an official ban of balloons at city-sponsored events for both indoor and outdoor facilities at a future meeting.

Ayes: Bentley, Larsen, Crow, Ricketts, Lacey, Weber, Erickson

Noes: None

Abstain: None

Absent: Pilloton, Winsor

F.3. Receive an update and provide direction on the proposed commemorative bench sponsorship program from Senior Management Analyst Drew Bendickson

Senior Management Analyst Drew Bendickson updated the Commission on the launch of the commemorative bench sponsorship program. The benches are back in stock and will be available for sponsorship through applications now located under Forms on the City website. Benches are six feet long and made from Ipe wood for a durability of at least ten years. The benches will be provided at cost, preferably replacing benches that are in the most disrepair. Senior Management Analyst Drew Bendickson shared the estimated timeline for shipping and installation will be eight to twelve weeks.

Commissioners discussed park locations and installation.

F.4. Elections of Chair and Vice Chair

Commission Action

Upon motion by Commissioner Crow and seconded by Commissioner Larsen, the Commission voted 7-0-0-2 in favor of electing Commissioner Erin Lacey as Chair.

Ayes: Bentley, Larsen, Crow, Ricketts, Weber, Lacey, Erickson

Noes: None

Abstain: None

Absent: Pilloton, Winsor

Upon motion by Commissioner Ricketts and seconded by Commissioner Lacey, the Commission voted 7-0-0-2 in favor of electing Commissioner Nancy Weber as Vice Chair.

Ayes: Bentley, Larsen, Crow, Ricketts, Weber, Lacey, Erickson

Noes: None

Abstain: None

Absent: Pilloton, Winsor

F.5. Review the 2023 Recreation, Cultural and Community Services Advisory Commission Meeting Calendar

Director Gauntlett reviewed the 2023 RCCS Meeting Calendar and updated the Commission that staff will no longer be conducting quorum checks prior to a regularly scheduled meeting.

G. COMMITTEE AND LIAISON REPORTS

G.1. STAFF UPDATES

Director Gauntlett reported that the Winter and Spring Activity Guide launched successfully and will remain in digital format following a positive response from staff. New activities include toddler soccer, chess camp, and Lego camps.

Director Gauntlett shared the success of the holiday events including Letters to Santa, Holiday Craft Faire, Gingerbread Build, and the Novato Gymnastics Center's Winter Showcase.

Director Gauntlett announced the new Aquatics program and upcoming lifeguard certification classes to be held at Novato High School. Aquatics activities will open in May.

Director Gauntlett reported the hiring of Recreation Coordinator Rachelle Fugitt-Schneider, Special Events Coordinator Stephany Simmons, and Senior Office Assistant Jamay Dauenhauer.

Director Gauntlett updated the Commission regarding the Request for Proposals for the Parks Master Plan to be submitted to the Commission in March.

Director Gauntlett advised the Commission of the downed tree in Pioneer Park. Public Works is assessing damage and exploring replacement parts for play structures. Construction is expected to resume in March.

G.2. COMMISSIONER REPORTS

Commissioner Crow reported that the girls' softball area in Marion Park may warrant improvement.

Commissioner Weber expressed positive community support for city staff's response following recent floods.

H. ADJOURNMENT

Upon motion by Commissioner Ricketts and seconded by Commissioner Crow, the meeting was adjourned at 7:59.

I HEREBY CERTIFY that the foregoing minutes were duly adopted at the RCCS Commission meeting of January 12, 2023.

/ Drew Bendickson /

Drew Bendickson, Senior Management Analyst

STAFF REPORT

MEETING

DATE: March 9, 2023

TO: Recreation, Cultural, and Community Services Advisory Commission

FROM: Katie Gauntlett, Parks, Recreation, & Community Services Director

SUBJECT: REVIEW AND APPROVE THE ESTABLISHMENT OF THE HAMILTON COMMUNITY POOL USE POLICY

REQUEST

Review and approve the establishment of the Hamilton Community Pool Use Policy.

DISCUSSION

The Hamilton Community Pool, 203 El Bonito Drive, operates seasonally between May and September with approximately 30,000 visitors patronizing the facility each year. The Pool is a tremendous asset to the community and provides intergenerational recreation aquatic programming, health and fitness opportunities, outdoor gathering spaces, as well as critical learn-to-swim classes for people of all ages.

The City of Novato previously partnered with the City of San Rafael to provide aquatics programming, including facility rentals, at the Hamilton Pool under a written use agreement. Despite high community demand, the City of San Rafael's continued staffing challenges resulted in their decision to terminate the agreement after a twelve-year partnership in November 2022.

At the October 11, 2022, meeting, City Council approved the establishment of an aquatics division to operate the Hamilton Community Pool under the Parks, Recreation, and Community Services (PRCS) Department. On Tuesday, February 28, 2023, a Public Hearing was held at Council's regularly scheduled meeting to establish rental fees for the Pool. Council approved adoption of these fees at this meeting.

The approved fees for the Hamilton Community Pool have been added to the City's Master Fee Schedule, and are outlined as follows:

Facility Description	Community Service	Private	Commercial
1 Hamilton Community Pool			
a) Hamilton Community Pool (Lap Pool & Activity Pool) Fee is per hour (minimum of 2 hrs) attendees will be charged resident rates for pool entry.	\$44	\$65	\$86
b) Lifeguard Fees – For groups greater than 50, \$25/per hr, 1 lifeguard per 25 additional attendees required.	\$25	\$25	\$25
c) Lane Fees (swim team practice) per lane/per hr	\$5	\$8	\$11
d) Lane Fees (swim meets) per lane/per hr	\$8	\$11	\$14

The community service, private, and commercial fee structure refers to a nonprofit or City of Novato partner (community service), private use for events that are not open to the general public (private), and for-profit ventures (commercial). Non-residents will be charged an

additional 10%. This fee structure is in line with all recreation facility rental fees under the City's Master Fee Schedule.

In alignment with San Rafael's previous policy for facility rentals at the Hamilton Pool and other neighboring agencies, Daily Admission will be required for all attendees and is not included in the facility rental rates. However, individuals who have purchased an Annual Swim Season Pass will not be charged the daily admission fee. Below are the 2023 Hamilton Pool Daily Admission Drop-In Rates.

Daily Admission (Lap & Rec Swim) Drop-In	Resident	Non-Resident
Adults (18-61 years)	\$9	\$11
Youth (1-17 years) & Seniors (62+ years)	\$7	\$9
Infants under 1 year old	Free	Free

Staff have conducted an analysis of its services, including staff costs, to operate private rentals at the Hamilton Community Pool and fees were benchmarked with San Rafael's rates and other pools in Marin.

The Recreation, Cultural, and Community Services Advisory Commission (RCCS) is charged with advising the City Council on practices and policies of the Parks, Recreation and Community Services (PRCS) Department. With the addition of these new facility rental fees, staff is requesting the Commission's approval of the Hamilton Community Pool Use Policy (Attachment 1) which is necessary to rent the facility. This policy outlines the conditions of use for the Pool, has been reviewed by the City Attorney, and is in alignment with all other PRCS facility use policies.

PUBLIC OUTREACH

This item was noticed per standard City of Novato City Council agenda noticing procedures including posting the agenda 72 hours in advance on the community bulletin board in front of 922 Machin Ave, posting on the City's website at novato.org/agendas and sending an email notification to all e-notification subscribers.

FISCAL IMPACT

It is anticipated that these rental fees will help support the operational costs of the Hamilton Community Pool. Updating the fee schedule will allow staff to rent, and the public to utilize the Hamilton Community Pool facility.

RECOMMENDATION

Approve the establishment of the Hamilton Community Pool Use Policy.

ALTERNATIVES

1. Direct staff to make adjustments to the policy.
2. Provide staff with additional direction.

ATTACHMENTS

1. Draft Hamilton Community Pool Use Policy

HAMILTON COMMUNITY POOL USE POLICY

I. POLICY

Primary use of the Hamilton Community Pool and its supporting property, facilities, and buildings (the “Pool”) is for recreational programs offered by the City of Novato Parks, Recreation and Community Services Department (PRCS). When not in use for scheduled recreational programs, the Hamilton Community Pool may be used by other agencies, organizations, or individuals consistent with the Hamilton Community Pool Use Policy, and other pertinent City policies, regulations, and ordinances. City programs and activities can preempt other previously scheduled activities with seven business days notice.

Rental and use of the Hamilton Community Pool is governed by the Novato Municipal Code, Chapter 10 (Parks and Recreational Facilities) (cityofnovato.org), and this policy. PRCS manages and supervises the use of the Hamilton Community Pool. This policy describes the conditions of use, and application process for rental and use of the Hamilton Community Pool. To the extent this policy conflicts with the Novato Municipal Code, the Novato Municipal Code shall apply.

Priority order for use of the Hamilton Community Pool is as follows:

- A. City Sponsored and Cosponsored Programs: All social, recreation, and service programs sponsored by the City of Novato. PRCS has priority over other City sponsored or cosponsored activities.
- B. Novato Unified School District Activities: Classes, meetings, special events, and other functions directly sponsored by the Novato Unified School District.
- C. Novato Based Nonprofit Organization Activities: Nonprofit organizations who deliver a service or other resources to Novato residents. Fifty percent or more of the clients served by the nonprofit organization must be Novato residents.
- D. Other Government Sponsored Activities: All official business, service, and program functions of official governmental units other than the City of Novato and the Novato Unified School District.
- E. Private Uses: Events with restricted participation that are closed to the general public, and do not meet the criteria for categories A through D, or F.
- F. For Profit Uses: Any group or individual conducting an activity for profit.

II. DEFINITIONS

Terms used in this Hamilton Community Pool Use Policy shall have the following meanings:

- A. Application Fee: Covers the cost of processing and investigating the “Application for Use of a City Facility,” and administering the PRCS Rental Contract/Permit program.
- B. Application for Use of a City Facility: Form to request use of the Pool.
- C. Director: Refers to the Director of the City of Novato PRCS, or his/her designee.
- D. Deposit: Fee required to reserve the Pool for Exclusive Use.
- E. Exclusive Use: Right to use the Pool for an activity at a specified time period, to the exclusion of other citizens.
- F. PRCS Rental Contract/Permit: Written authorization from the Director or designee for a specific use of the Pool.
- G. Rental Fee: Fee paid by an applicant to use of the Pool.

III. CONDITIONS OF USE

- A. Care of Pool: All individuals and groups using the Pool are responsible for proper use and care of the Pool and its supporting property, furnishings, and equipment, as described at the Pool. Litter and recyclable containers should be deposited in the appropriate trash receptacles.
- B. Exclusive Use: The Pool can be reserved for exclusive use by filling out an “Application for Use of a City Facility,” and obtaining a “PRCS Rental Contract/Permit.” At least ten business days prior to the event, a diagram showing desired set-up of tables and chairs, etc. must be submitted. Requests for additional set-up or equipment needs, must be submitted in writing with this diagram. An “Application for Use of a City Facility” is available at the Margaret Todd Senior Center located at 1560 Hill Road, the Novato Gymnastics Center office located at 950 Seventh Street, or online at novatofun.org.
- B. Capacity:
 - a) Activity Pool: 89 maximum capacity
 - b) Lap Pool: 224 maximum capacity
- D. Use Times: 6:00 AM to Dusk
- E. Rules and Regulations: Users must comply with all City of Novato rules and regulations, applicable policies, and in accordance with the Novato Municipal Code, including, but not limited to, Chapter 10 (Parks and Recreational Facilities), Chapter 7 (Health), and Chapter 14 (Police Regulations) (cityofnovato.org).

1. Nonsmoking: No smoking is permitted in the Pool, surrounding areas, or within 20 feet of any entrance, opening, or exit of any enclosed area, including windows (Novato Municipal Code, Chapter 7, Health).
 2. No Alcoholic Beverages: Alcoholic beverages are not allowed at the Pool.
 3. Exits: All exits must be kept clear at all times.
 4. Preparation and Cleanup: Preparation and cleanup of the Pool shall be done by the applicant including removal of decorations, food, beverages, and other items brought by the applicant. No glass is permitted. Only fireproof materials may be used for decorations. No candles, votive candles, or oil lamps are permitted. No tacks, pins, masking tape, or nails may be used to put up decorations. No rice, confetti, glitter, or birdseed may be used. *Additional charges may be incurred to remove decorations left by the applicant or to clean/repair spills, stains, scuff marks, etc., which occur during the rental.*
 5. Property/Temporary Fixtures: Any property/temporary fixtures intended to be used in the Pool for an event must be listed on the application and approved by the PRCS Director or designee prior to the event. Such property/temporary fixtures shall be removed by the applicant immediately after the event. *Any property not removed by the applicant will be removed by the City of Novato at applicant's expense. Any property installed without the Director's prior approval will be required to be immediately removed by the applicant or will be removed by the City of Novato at the applicant's sole expense.*
 6. Staff Requirements: Staffing requirements will be assessed and included in fees estimated prior to the event, at the City's sole discretion. In all cases, costs for staffing, including overhead and overtime rates, will be covered by the applicant.
 7. Rental of Equipment: Tables and chairs on-site at the Pool are available for use. These items are included in the rental fee for the Pool.
 8. Videotaping, photographing, or other similar process: The making of commercial motion pictures, television commercial production, television programs, or theatrical film productions is not allowed without first obtaining an approved City of Novato Photography/Filming Permit from the Novato Police Department.
- F. Insurance and Damage Responsibility: Individuals or groups requesting the exclusive use of the Pool must agree in writing to release, indemnify, hold harmless, and defend the City of Novato, City of Novato Successor Agency to the dissolved Novato Redevelopment Agency, City of Novato Public Finance Authority, and their respective officials, officers, agents, employees, and volunteers from any and all loss,

accidents, injury or damage to persons or property occurring as a result of the activity, event held, or use of the Pool.

For the activities and events listed in Appendix A, a general liability insurance endorsement will be required from the applicant. To meet the general liability insurance requirement, **“City of Novato, City of Novato Successor Agency to the dissolved Novato Redevelopment Agency, City of Novato Public Finance Authority, and their respective officials, officers, agents, employees, and volunteers,”** must be named as an Additional Insured by endorsement to the applicant’s insurance policy. Evidence of such coverage must be provided by appropriate endorsement. **A certificate of insurance is not sufficient evidence of the additional insured status required by the City.** Insurance coverage must be maintained for the duration of the activity or event, and coverage must be written on an Occurrence Based Policy.

It is the applicant’s responsibility to obtain and submit insurance documentation to PRCS no less than 10 business days before the date of the activity, event, or use of the Pool, unless the Director or designee, for good cause, waives the filing date. In addition, if the applicant is contracting with another vendor/entity for services, equipment, or products to be provided as part of the activity, event, or use of the Pool, the vendor/entity must sign a third-party user contract with the City. If the documentation is not received within the specified time, the permit will be null and void.

An applicant for First Amendment activities or events may apply to the Director for a waiver of the insurance requirements in accordance with the Novato Municipal Code, Chapter 10 (Parks and Recreational Facilities), Section 10-14.

- G. Special Permits and Licenses: It is the applicant’s responsibility to obtain any legally required permit or license. The applicant must submit documentation of the acquired permit or license to PRCS no later than 10 business days prior to the event. If the documentation is not received within the specified time, the permit will be null and void.
- H. Amplified Sound and Live Music: No amplified sound and live music, unless an exclusive use permit is obtained. If approved, amplified sound or live music must be within reasonable audio levels that do not disturb people in adjacent program areas, neighboring facilities, or residential areas. Director or designee may impose reasonable conditions per the Novato Municipal Code, Chapter 10 (Parks and Recreational Facilities) Section 10-16.
- I. Deposit, Application, and Rental Fees: Fees are set by City Council Resolution and are subject to change at any time. The fees required for use of the Pool will be specified on the “PRCS Rental Contract/Permit” based on the currently adopted Fee Schedule. The deposit to reserve the Pool, and an application fee must be paid at the time the application is submitted for approval. Rental fees for using this Pool, must be paid at least 10 business days prior to the event, unless the 10-business day

requirement is waived by the Director or designee. If the rental fee is not received within the specified time, the permit will be null and void. Use of the Pool's tables and chairs is included in the rental fee.

Deposit to reserve the Pool is refundable after final assessment of cleaning, any damages to the Pool and/or equipment, and staffing costs. (See Conditions of Use, Section III.E., Rules and Regulations.) In addition, evening and weekend events will be charged an appropriate fee to cover the staffing costs, including, but not limited to, overtime rates for custodial and/or building attendants for the length of the event if required as a condition of use. Maximum daily fee for Community Service groups on Saturdays is limited to once per quarter or every 90 days.

The application fee will only be refunded if the City revokes the "PRCS Rental Contract/Permit." The deposit and rental fee for reservation cancellations requested at least 20 business days prior to the event will be fully refunded. Cancellations requested less than 20 business days prior to the event will be charged a fee equal to 50 percent (50%) of the deposit. If the City revokes the "PRCS Rental Contract/Permit," the application fee, deposit, and rental fee will be fully refunded unless another mutually acceptable date to reschedule the event can be agreed upon.

IV. APPLICATION PROCESS

- A. Application Form: Requests for use of the Pool must be made on an "Application for Use of a City Facility" form. The application must be completely filled out, initialed, signed, and dated where indicated. The form is available at the Margaret Todd Senior Center located at 1560 Hill Road, the Novato Gymnastics Center office located at 950 Seventh Street, or online at novatofun.org. Applications accepted on a first-come, first-served basis.
- B. Age of Applicant: Applications must be signed or co-signed by a person 18-years-old or older who will agree to be responsible for the requested use of the Pool. Adult supervision is required during the event.
- C. Approval Authority: Director or designee has the responsibility and authority to approve or deny an "Application for Use of a City Facility." Applications are not considered approved until after the Director or designee has signed the "PRCS Rental Contract/Permit," and a building use permit has been issued. The Director may impose reasonable conditions per the Novato Municipal Code, Section 10-11 (Action on Building Application) and/or the Hamilton Community Pool Use Policy.
- D. Time Limits for Approval/Denial of Applications: Director or designee shall grant or deny an "Application for Use of a City Facility" within four business days of filing unless the City Council has approved another time limit for approval/denial of the application, or the time for granting or denying the permit has been waived by the applicant. (Novato Municipal Code, Section 10-11, Action on Building Application.)
A change in time, date, or location will be proposed when possible in-lieu of denial.

Copies of the approved “PRCS Rental Contract/Permit” will be mailed or e-mailed to the applicant and Maintenance Division. A copy of the permit may be shared with the City of Novato Police Department as notification of the upcoming event. For applications that are not approved, a notice of denial giving the reason(s) for the denial will be personally delivered or mailed to the applicant. Appeals of the decision must be filed in writing with the City Clerk within five days of receiving the Director’s mailing or personal delivery of such decision stating the grounds for the appeal. Appeals will be heard in accordance with the Novato Municipal Code, Section 10-12 (Right of Appeal).

E. Application Deadlines: An “Application for Use of a City Facility” must be filed at least twenty 20 business days prior to the proposed use of the Pool, and no more than 90 business days prior to the proposed use of the Pool, unless special approval is given by the Director or designee beyond the 90 days. The 20-day period may be waived by the Director or designee if sufficient time is available to process and investigate the application; adequate time is available for the City to prepare for the activity; and/or good cause can be demonstrated by the applicant per the Novato Municipal Code, Section 10-9 (Building Application).

F. Payment of Deposit, Rental and Application Fees: Deposit, rental and application fees will be paid as stated above in Conditions of Use, Section III.I.

Appendix A Activities or Events Requiring Proof of Insurance

Katie Gauntlett, Director
Parks, Recreation and Community Services

APPENDIX A

ACTIVITIES OR EVENTS REQUIRING PROOF OF INSURANCE

Two million (\$2,000,000) combined single limit per occurrence insurance for bodily injury, personal injury and property damage is required for the activities or events listed below, unless the activity or event is City sponsored. Insurance coverage must be maintained for the duration of the activity, event, or use of the Pool, and coverage must be written on an Occurrence Based Policy. The Director may determine that other types of activities or events will require additional insurance to protect the public, park users, and City property. Applicants for First Amendment activities or events may apply to the Director for a waiver of the insurance requirements in accordance with the Novato Municipal Code, Chapter 10 (Parks and Recreational Facilities) Section 10-14.

A general liability insurance endorsement naming the City of Novato, City of Novato Successor Agency to the dissolved Novato Redevelopment Agency, City of Novato Public Finance Authority, and their respective officials, officers, agents, employees, and volunteers by endorsement to the insurance policy for products and completed operations and ongoing operations hazards is required for the following activities or events:

1. Activity or event involving 150 or more persons (based upon reasonably anticipated attendance at activity or event).
2. Activity or event involving large displays of machinery, or any large physical object which could come into physical contact with persons or property and cause injury.
3. Aerobics, Exercise, and Body Building Classes or Instruction.
4. Aircraft and Balloon Events.
5. Animal Acts/Shows.
6. Animal Exhibition, Display, or Parading.
7. Animal Training.
8. Arcades.
9. Bicycle Rallies.
10. Block Parties/Street Closures (use of bleachers is not permitted).
11. Casino and Lounge Shows.
12. Circus and Carnivals.
13. Concerts (all types).
14. Conventions.
15. Dances or Dance Shows (including rehearsals and dancers).
16. Debutante Balls.
17. Dinner Theaters.
18. Drill Team Exhibitions.
19. Film Production.
20. Fishing Events.
21. Grad Night.
22. Gun and Knife Shows.
23. Gymnastic Competitions.
24. Heads of State Events.

25. Horse Shows.
26. Ice Skating Shows.
27. Job Fairs.
28. Junior Athletic Games.
29. Jump Houses, Moonbounces, and Trampolines.
30. Kiddielands.
31. Live Performances.
32. Marathons (walking, running, etc.).
33. Mechanical Amusement Devices.
34. Motorized Sporting Events.
35. Night Club Shows.
36. Overnight camping.
37. Parades.
38. Proms.
39. Pyrotechnical Uses/Fireworks Shows.
40. Racing Vehicles or Animals.
41. Rodeos and Roping Activities or Events (including practice).
42. Sale or Barter of Goods, Wares, Merchandise, Services, Food or Beverages.
43. Scouting Jamborees.
44. Soap Box Derbies.
45. Sporting Activities - organized games or instruction including, but not limited to, baseball, basketball, boxing, handball, hockey, martial arts, racquetball, soccer, softball, tennis, volleyball, and wrestling.
46. Sporting Events (professional).
47. Tractor/Truck Pulls.
48. Union Meetings.
49. Zoos.
50. Water activities or events involving bodies of water, swimming and diving, and waterslide equipment.



STAFF REPORT

MEETING

DATE: March 9, 2023

TO: Recreation, Cultural, and Community Services Advisory Commission

FROM: Katie Gauntlett, Parks, Recreation, & Community Services Director

SUBJECT: REVIEW AND APPROVE THE PROPOSED PLAYGROUND DESIGN FOR THE PIONEER PARK LARGE PLAY STRUCTURE

REQUEST

Review and approve the proposed playground design for the Pioneer Park large play structure.

HISTORY

On July 23, 2019, City Council adopted Resolution 2019-055, authorizing Parks, Recreation, & Community Services Department (PRCS) to apply for the Statewide Healthy Play Initiative (SHPI) funding opportunity, to accept any funds awarded, and to authorize the City Manager to execute any contracts necessary to implement the funds. The funding opportunity, through the California Park and Recreation Society (CPRS), PlayCore, and the GameTime funding initiative for outdoor play and recreation spaces, matches applicant funding for the purpose of purchasing playground structure equipment. The City Council authorized PRCS to apply for match funding up to \$50,000. The resolution did not specify the funding source of the City's share of the total cost.

On September 23, 2019, staff received notice that \$50,000 in grant funding had been awarded toward the purchase of an inclusive play structure.

Staff had identified an area in Pioneer Park to be the ideal location to utilize the grant award to replace existing facilities. The facilities at the highly utilized park, installed in 2000, have surpassed their expected useful life of 20-years, and have become difficult to maintain as product replacement parts are no longer available. It was identified that the smaller of Pioneer Park's two play structure areas is an ideal location to utilize the funding available to install a new play structure to serve the community. In order to deliver a more inclusive play area that better meets the community's expectations, staff worked with GameTime representatives to design a structure in which children of all abilities would be able to utilize a larger percentage of the amenities as opposed to limited satellite elements. Striving to better meet this broader definition of an inclusive play structure requires the structure to have an accessible path of travel throughout the majority of the structure, and to include larger accessible play pieces, accessible ramps, landings and railings.

Staff conducted a community workshop on November 4, 2019. At that meeting, staff received feedback from the community and identified several additional play elements/amenities that are highly desirable to families with children who have adaptive needs, including a perimeter fence around the structure's footprint.

On November 12, 2019, City Council approved amending Budget Resolution 2018-45 to transfer funds from LTM Facilities (118) in the amount of \$80,000 from Accessibility Enhancement – Municipal Buildings (CIP 17-002) to Accessibility Enhancements – Parks (CIP 17-003), increasing the project budget by \$130,000.

Some elements/amenities requested by the community remained unfunded including: rubberized play surface around the entire play structure, a larger area of fencing to enclose both the small play area (project area) and the adjacent large play area, accessory play features such as an accessible whirl and expression swings (swings able to accommodate children or adults with mobility concerns). Staff estimates the costs for these additional “wish list” items to be approximately \$170,000.

A generous donation of \$10,000.00 was received by Hennessy Advisors, Inc. in support of the project. Staff continued to seek community sponsorships to support delivering all elements/amenities on the community’s “wish list” for the project.

The new play structure was purchased on November 14, 2019, with the original SHPI grant funding and construction on the project was planned to begin in early 2020. The Shelter in Place Order issued by Marin County Public Health Department on March 16, 2020, as a result of the COVID19 Pandemic, delayed the progress of this project in 2020. During this time, staff continued to seek funding sources to fill the identified budget gap of approximately \$170,000.

At their March 8, 2022, meeting, Council’s approval of the Mid-Year Budget modifications provided the necessary funding to deliver the complete project as requested by the community. Staff worked with the playground representatives and contractor to finalize contracts, order remaining items from the previously unfunded “wish list”, and solidified construction timelines.

The project broke ground on September 19, 2022, with an estimated 8-10 week timeline to completion. The highly anticipated renovation was halted on Thursday, October 13, 2022, after a fire occurred at the Pioneer Park playground structure. The fire left significant damage to the existing larger structure as well as the smaller structure under renovation, causing impacts to the construction timeline and playground re-opening. The Novato Police Department (NPD) Investigations Unit worked closely with the Novato Fire District (NFD) but were unable to identify the arsonist responsible for igniting the fire.

NFD completed its investigation of the fire in October, allowing City and GameTime staff to assess the damage to both play structures. Staff is working with Acclamation Insurance Management Services (AIMS) to process an insurance claim for the damages. Staff was quickly able to determine the claim amounts for repairing and replacing damage related to the smaller structure but found it more difficult to assess the larger structure. The age of the larger play structure has made it difficult to obtain replacement components, and in some cases requiring them to be custom manufactured.

On Wednesday, January 11, 2023, City Staff were notified that a large oak tree, adjacent to the playgrounds, had fallen on top of the smaller play structure. No one was injured in this incident. The City completed removal of the tree and were able to quickly assess the status of the play structure still under construction. Fortunately, there was no additional damage to the structure.

DISCUSSION

In addition to the difficulty obtaining replacement parts for the larger play structure after the fire, Federal regulations require that playground facilities and equipment constructed or altered after March 15, 2012, be brought into compliance with 2010 ADA Standards for Accessible Design. Accessible playgrounds allow people with disabilities to visit the play area, whereas fully inclusive playgrounds provide the opportunity for individuals of all abilities to actually utilize and interact with the playground equipment. In other words, inclusive play is not solely about physically accessing an environment, but also intensely focused on what happens once an individual gets there. Therefore, meeting the standards for accessibility on the larger structure will not make it a more inclusive structure, similar to what the City is constructing for the smaller play structure, but will meet ADA Standards. Based on community input received when designing the smaller play structure, staff determined it would be worthwhile to compare the cost of an accessible playground, meeting 2010 ADA Standards, and a more inclusive playground matching the opportunities and amenities provided by the in progress smaller

structure renovation.

The existing larger structure, installed in 2000, is 23 years old, beyond the 20-year useful service life of play structure equipment. The cost of repairing the larger structure and bringing it into compliance with 2010 ADA Standards was determined to be approximately \$405,000. This cost is 80% of the estimated \$505,000 cost of installing a new, accessible, more inclusive structure. Because of the difficulty in obtaining parts to repair the existing structure, staff has determined that the installation of a new structure can be completed sooner than repairs to the existing structure.

Staff has been working on the design of a new larger play structure (5-12), serving children ages 5-12, that will be accessible, more inclusive, and coordinated with the smaller structure (2-5) which is geared for children ages 2-5. Staff has completed cost estimates for the addition of poured in place rubberized play surface (PIP) in the 5-12 area to be contiguous with the new PIP surface planned for the 2-5 area. The PIP surface is an accessible surface and requires less maintenance compared to the existing wood fiber. While wood fiber is considered to be compliant with 2010 ADA Standards, community input has made it clear that use of play areas with wood fiber is difficult for visitors with mobility limitations and undesirable. The approximate cost to add PIP surfacing to the 5-12 play area is \$260,000.

While the City of Novato has several parks that meet 2010 ADA Standards for accessibility, the in progress 2-5 play area, and the proposed 5-12 area improvements at Pioneer Park will provide the first inclusive, accessible play areas serving Novato residents. Staff has received input from the special needs community noting the limited options they currently have for safe and inclusive parks in our community. Caregivers and parents have shared that their families travel as far as two hours away to access inclusive parks in other communities, while some families are simply confined to the safety of their own backyards. With approximately 13% of Novato Unified School District's student population receiving special education services in the 2022-2023 school year, an increase of 6.7% since 2017, it is clear that there is a growing need for inclusive play opportunities within the City.

The proposed inclusive play structure will offer children with adaptive needs an opportunity to actively participate regardless of their disability and will establish Pioneer Park as the first inclusive park in Novato for children ages 2-12 years of age.

PUBLIC OUTREACH

This item was noticed per standard City of Novato City Council agenda noticing procedures including posting the agenda 72 hours in advance on the community bulletin board in front of 922 Machin Ave, posting on the City's website at novato.org/agendas and sending an email notification to all e-notification subscribers.

This item was also promoted on the City of Novato and Parks, Recreation and Community Services social media platforms (Facebook and Instagram) on March 1, 2023 and March 6, 2023.

FISCAL IMPACT

The approved budget for CIP 22-004 is \$290,000. The budgeted project includes replacing the 2-5 structure, resurfacing the 2-5 area with PIP surfacing, and enclosing both play areas with perimeter fencing, but does not address any upgrades to the larger 5-12 play structure.

The proposed replacement of the 5-12 structure, including the replacement of the existing wood fiber with PIP surface throughout the 5-12 play area requires an additional estimated budget of approximately \$775,000. Staff, working with AIMS, estimates that \$274,000 will be received from insurance claims resulting from the fire damage. Staff will be requesting that Council authorize the appropriation of \$615,000 of Quimby in lieu funds to support the project.

At their next regularly scheduled meeting on Tuesday, March 14, 2023, Council will hold a Public Hearing and consider adopting a resolution in accordance with the requirements of CGC Section

66477, the Quimby Act, authorizing the legislative body of a city or county to utilize park dedication in-lieu fees for the purpose of rehabilitating existing park or recreational facilities in a neighborhood other than the neighborhood in which the subdivision for which fees were paid as a condition to the approval of a tentative map or parcel map is located.

The hearing will provide an opportunity for the City Council to receive and consider comments from residents and others having an interest in the rehabilitation of the Pioneer Park play structures and the utilization of park dedication in-lieu fees to fund this work.

RECOMMENDATION

Approve the proposed playground design for the Pioneer Park large play structure.

ALTERNATIVES

1. Provide Staff additional direction.

ATTACHMENTS

1. Draft Playground Design Renderings for the Pioneer Park Large Play Structure.



Pioneer Park 5-12 Novato, CA

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