

City of Culver City, California
City Council Agenda Item Report

Meeting Date: <u>12/01/08</u>		Item Number: <u>A-2</u>									
AGENDA ITEM: Consideration of Implementation of Supervision at the Culver City Skate Park, Approval of Budget Amendment(s) for Staffing Costs Related to Supervision and/or Additions to the Skate Park Facility, and Adoption of a Resolution Establishing User Fees at the Culver City Skate Park.											
Contact Person/Dept.: Pam Robinson, Parks, Recreation and Community Services		Phone Number: (310) 253-6632									
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐									
Public Hearing: ☐		Action Item: ☒ Attachments: ☒									
Public Notification: Master E-mail Notification List (11/26/08); Publication of Notice in the Culver City News (11/06/2008, 11/13/2008 and 11/20/2008); Notices Placed on Public Counters in Veterans' Memorial Complex, the Teen Center and After School Program Sites (11/17/08); E-Mail Notification to PRCS List of Skate Park Stakeholders (11/17/08) and PRCS Master Notification List (11/20/08); Posted Notices at the Skate Park (11/17/08 through 12/01/08).											
Department Approval: Bill La Pointe (11/19/08)		City Attorney Approval: Carol Schwab (by H. Baker) (11/26/08)									
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (11/26/08)		City Manager Approval: Jerry B. Fulwood (11/26/08)									
<u>RECOMMENDATION:</u> Staff recommends the City Council consider the implementation of supervision at the Culver City Skate Park, approval of Budget Amendment(s) for staffing costs related to supervision and/or additions to the Skate Park Facility, and adoption of a Resolution establishing User Fees at the Culver City Skate Park. <i>A Budget Amendment Requires a 4/5ths Vote.</i> <u>BACKGROUND:</u> Pertinent discussions and activities with regard to the operation of the Culver City Skate Park and actions taken by the Council and/or the Parks, Recreation and Community Services Commission ('Commission') are summarized in the table below: <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 15%;">DATE</th> <th style="width: 85%;">ACTION / ACTIVITY</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">04/28/2003</td> <td>The Council approves submission of a Land and Water Conservation Fund (LWCF) grant application for funding a permanent skateboard park which is subsequently approved.</td> </tr> <tr> <td style="text-align: center;">08/22/2005</td> <td>The Council awards a professional services agreement to SITE Design Group, Inc. to design a permanent skateboard park at Culver City Park and a final site plan is developed.</td> </tr> <tr> <td style="text-align: center;">8/13/2007</td> <td>Upon the Commission's recommendation (on 08/07/2007), the Council</td> </tr> </tbody> </table>				DATE	ACTION / ACTIVITY	04/28/2003	The Council approves submission of a Land and Water Conservation Fund (LWCF) grant application for funding a permanent skateboard park which is subsequently approved.	08/22/2005	The Council awards a professional services agreement to SITE Design Group, Inc. to design a permanent skateboard park at Culver City Park and a final site plan is developed.	8/13/2007	Upon the Commission's recommendation (on 08/07/2007), the Council
DATE	ACTION / ACTIVITY										
04/28/2003	The Council approves submission of a Land and Water Conservation Fund (LWCF) grant application for funding a permanent skateboard park which is subsequently approved.										
08/22/2005	The Council awards a professional services agreement to SITE Design Group, Inc. to design a permanent skateboard park at Culver City Park and a final site plan is developed.										
8/13/2007	Upon the Commission's recommendation (on 08/07/2007), the Council										

City of Culver City, California
City Council Agenda Item Report

to 8/20/2007	introduces an Ordinance amending Culver City Municipal Code Section 9.10.300(B) to authorize the Council to establish, by Resolution, Skateboard Park Rules and Regulations and adopts the Resolution.
Effective 11/20/07	As a result of the adoption and the posting of the Skateboard Park Rules and Regulations, the City is in compliance with Section 11580 of the California Health and Safety Code (Attachment 1) and, therefore, the City can classify skateboarding as a "hazardous recreational activity" and qualify for certain immunity to liability with respect to this type of activity as per California Government Code 831.7 (Attachment 2).
11/01/2007	The Council and Commission Skateboard Park Subcommittees meet with staff to recommend continuing operating as an unsupervised park as outlined in State Law and recommend: improved enforcement of existing rules, locking the Skate Park; increased lighting to improve visibility of the locking mechanism; preparing additional signage and creating an incentive program to increase rule compliance.
11/06/2007	The Commission reviews the Subcommittees' report and takes action to indicate to Council that they recommend: the Skate Park remains unsupervised; be locked when closed; an increase in the frequency of rule enforcement; exploration of incentive programs to encourage rule compliance; installation of additional signage regarding proper safety gear.
11/19/2007	The Council considers and takes action to support the recommendation of the Skateboard Park Subcommittees and the Commission to continue operating the Skate Park as an unsupervised park as outlined in State Law and directs staff to implement various other enforcement and incentive activities to promote rule compliance.
5/06/2008	The Council and Commission Skateboard Park Subcommittees meet with City staff to discuss challenges arising at the park. Agreement is reached to convene again once the new Commission is seated in July. (However, due to scheduling conflicts the group is unable to convene.)
8/27/2008 and 9/11/2008	The Council and Commission Skateboard Park Subcommittees (Vice Mayor Silbiger, Councilmember Armenta, PRCS Commission Chair Shapiro and PRCS Commissioner Hudson) meet with City staff to discuss supervision alternatives for the Skate Park, fiscal implications and additional recommendations to staff. The Subcommittees reach general agreement that supervision of the Skate Park is an option that should be explored.
9/04/2008, 10/07/2008 and 10/22/2008	The Commission receives updates from the Subcommittee members (Chair Shapiro, Commissioner Hudson), makes inquiries of staff and receives public comment regarding possible supervision of, user fees for, and additions to, the Skate Park. The Commission requests the item be scheduled for further discussion at the meeting of November 6, 2008.

**City of Culver City, California
City Council Agenda Item Report**

10/14/2008	The Council and Commission Skateboard Park Subcommittees meet to review information from staff. The Subcommittees raise questions regarding the fiscal impact of supervising the Skate Park. The Subcommittees propose a variety of recommendations for staff to explore including providing options for limiting the hours of operation, establishing specific hours for designated user groups (e.g., adults, younger children, etc), and utilizing volunteers to support supervision efforts.
------------	--

DISCUSSION:

The Council Skateboard Park Subcommittee has indicated that it is in favor of supervising the Skate Park and establishing user fees to recover a portion of expenditures. The Subcommittee has also indicated that additions to the Skate Park area to support supervision should be implemented at minimal cost to the City. (The Subcommittee members may wish to give additional comment.)

The Commission, at its November 6, 2008 meeting, took action to make the following recommendations to City Council regarding operations of the Skate Park:

1. *Supervision*: That the Skate Park operate as a supervised facility with established operating hours during which City staff is on-site to monitor participant entry/exit and rule compliance and recommending the hours of operation outlined in City-Staffed Supervision Option B in this report; and,
2. *User Fees*: That the Skate Park user fees proposed in this report be established.

However, no recommendation was made by the Commission with regard to capital or temporary additions to the Skate Park.

As draft minutes of this meeting were not yet available at the time of this report, a synopsis of the comments from this meeting is presented in Attachment 3.

Staff is requesting the City Council's policy direction on the following:

1. Determine if *supervision* at the Skate Park is desired and if so, by what means and through what funding mechanism;
2. Determine if establishing *user fees* at the Skate Park is desired and if so, adopt a Resolution establishing fees; and
3. Determine if any *additions to the Skate Park area* are desired, and if so, which capital or temporary additions.

Further details and information for each of these three considerations follows. Should the City Council decide on changes to the Skate Park operations or facility

City of Culver City, California
City Council Agenda Item Report

that result in the need for additional funding, Council will be asked to consider an associated Budget Amendment (which requires a 4/5 vote of the Council for approval).

In the year since its opening, the operations of the Skate Park have been the subject of ongoing Council, Commission and Subcommittee discussions with most recent conversations focusing on possible options for supervising the Skate Park and establishing user fees. After much discussion, the Council and Commission Subcommittees identified several key factors in evaluating the merits of, and method(s) for, changing Skate Park operations.

If the Skate Park were to begin operating as a supervised facility, a policy and practice for participant liability waivers should be instituted. For reference, a sample liability waiver from the City of Santa Monica is included as Attachment 4. To reduce the likelihood of injury to (almost) zero one option would be to close the Skate Park.

Outlined below are options for (1) Skate Park Supervision, (2) Skate Park User Fees and (3) Additions to the Skate Park Area.

1. SKATE PARK SUPERVISION

Possible options for supervising the Skate Park and the associated fiscal implications are noted below and summarized in Attachment 5, Tables 1 - 3. Options include, but are not limited to:

- a. **No changes:** Continue operating as an unstaffed facility with periodic oversight provided by City Parks and Playgrounds Staff, Park Patrol and Police. The City thereby maintains certain immunities to liability as per State Code.
 - As this is current practice, there is no additional fiscal impact.
 - In 2007, the Council discussed the possibility of installing video surveillance equipment as a monitoring system. Staff estimates the cost of materials and installation at \$26,000. (Surveillance equipment has not yet been installed as a funding source was not identified. Before staff was able to secure a source of funding, conversations began indicating interest in options for direct supervision of the Skate Park which may make surveillance equipment duplicative or unnecessary.)
- b. **Volunteer supervision:** Begin operating as a volunteer 'staffed' facility with trained volunteers on-site to monitor participant entry/exit and rule compliance. In the interest of preserving participant safety and City liability protections, staff does not recommend sole utilization of volunteers to provide supervision at the Skate Park. Staff welcomes the opportunity to engage volunteers and could explore such a program at a future date. In isolation however, staff feels that

City of Culver City, California
City Council Agenda Item Report

using volunteers exclusive of staff has the potential to create an unsafe situation for users and/or volunteers and a greater liability on the City.

- No fiscal impact at this time. If a volunteer program were to be initiated, costs incurred may include staff time, volunteer training, marketing, etc.
- c. **City-staffed supervision:** Begin operating as a staffed facility with Recreation staff on-site to monitor participant entry/exit and rule compliance. If the City were to provide supervision at the Skate Park, the immunity afforded by State Law may be significantly impacted. (Given the relative newness of the statute there is no prevailing precedent to help determine the extent/nature of any such protection provided by the State Law.) Implementing a policy and practice for participant liability waivers may preserve City immunity except in circumstances of gross negligence and known dangerous conditions.
- Staff has proposed three options for hours of operation and projected revenue and expenses associated with City-staffed supervision. These are presented in Attachment 5, Table 1 as Options A, B and C. (Option B includes an opportunity for adult-only skating as recommended by the Subcommittees. User-specific skating could be implemented for other user groups at times later determined by staff based on operating hours and user feedback.)
 - Staff has also proposed supplemental revenue options (lessons, events and sponsorships) that may be used to further offset the cost of operating the Skate Park. These options are presented in Attachment 5, Table 1.
 - Staff has proposed user fees to recover a portion of costs and believes the Skate Park could be expected to achieve a cost recovery of 40-50%, consistent with the Recreation Division overall recovery rate of approximately 50%. The proposed fees are presented in Attachment 5, Table 2. (See also section 2: *Skate Park User Fees* below)
 - If the proposed user fees are implemented, staff estimates the net impact (cost) to the City's General Fund in the first year of operation could range from a low of \$28,537 (Attachment 5/Table 1 - Option A, including All Revenue Activities) to a high of \$50,674 (Attachment 5/Table 1 - Option C, excluding Revenue from Supplemental Activities) depending on the option(s) selected. Without the implementation of user fees, staff estimates a net impact (cost) ranging from a low of \$70,229 (Attachment 5/Table 1 – Option A Expenditures from Operations) to a high of \$96,444 (Attachment 5/Table 1 – Option C Expenditures from Operations).
- d. **Contract-staffed supervision:** Begin operating as a staffed facility by entering into a contract with a skate park management entity for on-site monitoring of participant entry/exit and rule compliance. The contracted entity would be

City of Culver City, California
City Council Agenda Item Report

required to hold an insurance policy identifying Culver City as an additional insured. (As noted above, such limits to liability are subject to interpretation.)

- Staff has received a preliminary proposal from a skate park management organization that operates facilities for a number of municipalities around the country. Proposed hours of operation and projected revenue and expenses are presented in Attachment 5, Table 3. Revenue estimates include admissions, concessions, special events and sponsorships.
- Though specific user fees were not proposed, the contractor estimates cost recovery of approximately 50% based on past experience. Greater specifics as to user fees, concession cost-sharing, etc. are terms which the firm negotiates as part of the contract.
- The proposed costs received from the contractor estimate the net impact (cost) to the City's General Fund in the first year of operation at approximately \$101,400 with fees and concessions or \$200,400 without fees and concessions.

2. SKATE PARK USER FEES

Should the City Council determine the Skate Park be operated as a supervised facility, staff recommends the costs for supervising the facility be supported by a combination of General Fund resources and moderate user fees to partially recover costs. As noted above, proposed user fees are presented in Attachment 5, Table 2 and Attachment 6. In the absence of user fees, the City's General Fund would need to fund the full cost of supervision thus having a more significant negative impact on programs previously funded in the 2008-09 Adopted Budget. In the absence of support from the General Fund, very high user fees would need to be charged to completely recover costs. This strategy is likely to be unsuccessful since such high user fees will discourage the level of participation necessary to recover Skate Park operational costs.

In projecting user fees and associated revenues, staff reviewed information for various skate parks throughout the area. The skate parks in the cities of Santa Monica and Torrance represented operations and facilities most comparable to Culver City. Though the information gathered was used to help inform staff's recommendation, direct fee comparisons between cities are challenging due to the inherent management differences between cities (collective bargaining agreements, benefits provided, cost recovery policies, etc). Highlights of the park comparisons follows:

**City of Culver City, California
City Council Agenda Item Report**

Fee Category	Culver City (Proposed)	Santa Monica*	Torrance**
Annual Registration Fee: Adults 18+	\$ 15.00	\$ 15.00	\$ 10.00
Annual Registration Fee: Adults 18+ (Nonresident)		\$ 16.50	\$ 10.00
Annual Registration Fee: Youth	\$ 10.00	\$ 10.00	\$ 10.00
Daily Skate Pass: Adults 18+	\$ 4.00	\$ 5.00	\$3 - 5, \$10
Daily Skate Pass: Adults 18+ (Nonresident)		\$ 5.50	\$3 - 5, \$10
Daily Skate Pass: Youth	\$ 2.00	\$ 3.00	\$3 - 5, \$10
Quarterly Skate Pass: Adults 18+	\$ 80.00	\$ 35.00	n/a
Quarterly Skate Pass: Adults 18+ (Nonresident)		\$ 38.50	n/a
Quarterly Skate Pass: Youth	\$ 30.00	\$ 20.00	n/a
Annual Skate Pass: Adults 18+	\$ 240.00	\$ 140.00	n/a
Annual Skate Pass: Adults 18+ (Nonresident)		\$ 154.00	n/a
Annual Skate Pass: Youth	\$ 90.00	\$ 80.00	n/a

**Santa Monica: Registration Fee is a one-time fee*

***Torrance: 2-hour sessions \$3 with registration, \$5 without registration, \$10 for weekend day pass with or without registration (4 sessions)*

Public Notification

Staff did extensive public notification related to the issue of implementing supervision and user fees at the Skate Park. A notice of this item was published in the November 6, 13 and 20, 2008 issues of the Culver City News. In addition to published notices, the PRCS Department posted notices at the Culver City Skate Park and fliers at the Veterans' Memorial Complex, Culver City Teen Center and After School Program sites. (When appropriate, notices highlighted the date change from the November 24, 2008 meeting to the December 1, 2008 meeting.) Staff also provided e-mail notification to the PRCS master e-mail list and email list of skate park stakeholders, advising them of tonight's discussion and the possible establishment of user fees.

If user fees were to be adopted, staff would recommend instituting them effective March 1, 2009. This will provide adequate time to inform the public and skate park users, establish operations policies and practices, and allocate staffing for the park. Prior to the fees taking effect, staff would also encourage community groups such as the Parks and Service Foundation or the Culver City Exchange Club to consider making Skate Park passes an eligible use for funds these groups make available to support the participation of youth from low-income families.

3. ADDITIONS TO THE SKATE PARK AREA

The City Council may also wish to consider additions to the Skate Park area as a complement to, or independent of, recommendations made for supervision and/or user fees. Possible additions and their associated fiscal implications are noted below and summarized in Attachment 7. Projects include but are not limited to:

City of Culver City, California
City Council Agenda Item Report

Staff Accommodations: Provide a staff area for supervising participants, tracking attendance, collecting fees (if implemented) and the capacity to contact emergency personnel if necessary. This area can range from a simple staff chair and shade tent to a fully-functioning building.

- a. Minimum: Staff has prepared an estimate for providing an outdoor on-site staff area. Inclusive of a radio connected to the City's emergency communications system, a small shade tent and seating, the cost is estimated at \$4,400 as outlined in Attachment 7. (If this option were to be selected, staff would not collect fees on site but would rather establish a means of collecting fees at secure facilities off-site, such as the Recreation Registration Office or Transportation Building.)
- b. Maximum: Engineering staff has prepared estimates for a traditional, custom-built or modular-built facility. Inclusive of materials and construction, the cost is estimated at \$166,950 - \$245,886 as outlined in Attachment 7.
 - The skate park management company discussed in section 1.d. (Supervision: Contract-staffed) has indicated a capital facility would be a prerequisite to securing their services.

As these projects are not included in the adopted 2008-2009 Capital Improvement Project Budget, their implementation would be contingent on securing funding as per the direction of the City Council, if any. Staff estimates that securing funding and completing construction could be expected to take 9-18 months depending on the selected projects.

FISCAL ANALYSIS:

Summarizing the fiscal implications noted above:

1. *Supervision:* The fiscal impact varies with the option(s) selected; from a low of no fiscal impact for remaining unsupervised to an estimated high of \$200,400 for contract-staffed supervision. (See also Attachment 5).
2. *User Fees:* For City-staffed supervision, staff estimates the proposed fee schedule will generate approximately \$35,820 – \$45,770 in revenue annually or approximately \$12,000 - \$15,000 for Fiscal Year 2008-2009 if implemented March 1, 2009. Revenue could be used to off-set a portion of the expenditures associated with providing supervision. For contract-staffed supervision, user fees would need to be further negotiated with the contractor, thus requiring staff to return to Council for user fee adoption at a future date. (See also Attachments 5 and 6)
3. *Additions to the Skate Park area:* The fiscal impact varies with the option selected; from a low of \$4,400 for an outdoor area with shade tent, table and

City of Culver City, California
City Council Agenda Item Report

chairs to a high of \$245,886 for a custom-built, secure facility. (See also Attachment 7)

Should the Council adopt changes to Skate Park supervision or additions to the Park, a **4/5ths vote of the Council would be required to amend the budget** (however reallocation of funds already appropriated for 2008-09 would not require a budget amendment). Options for funding allocation include, but are not limited to:

- Operations/Supervision Expenditures:
 - i. Allocation from Unappropriated General Fund Reserve (requires budget amendment); and/or
 - ii. Reallocate 2008-09 PRCS Parks and Playgrounds part-time personnel budget to provide Skate Park staffing (36 - 50% reallocation without adoption of user fees, a maximum of \$96,444; or 15 – 23% reallocation with adoption of user fees, a maximum of \$44,802 as outlined in Attachment 5/Table 1 – Options A, B and C). Amount as determined by City Council to be reallocated within account #10132110; and/or
 - iii. Reallocation of 2008-09 PRCS Recreation Division regular salaries budget for the ‘frozen’ unfilled position of Administrative Secretary. Amount as determined by City Council (but not exceeding the \$70,000 available) to be reallocated from accounts 10131100 and 10132100 (This position was ‘frozen’ so as to realize a budget cost savings during this fiscally challenging time.)
- Additions to the Skate Park Area Expenditures:
 - i. Allocation from Unappropriated General Fund Reserve (requires budget amendment); and/or
 - ii. Reallocation of 2008-09 PRCS Recreation Division regular salaries budget for the ‘frozen’ unfilled position of Administrative Secretary. Amount as determined by City Council to be reallocated from accounts 10131100 and 10132100. (This position was ‘frozen’ so as to realize a budget cost savings during this fiscally challenging time.)

If supervision were to be recommended, or a facility option recommended, the associated ongoing expenditures (i.e. personnel costs, utilities) would need to be addressed in the Fiscal Year 2009-10 budget process.

ATTACHMENTS:

1. California Health and Safety Code Section 115800
2. California Government Code Section 831.7
3. Synoptic Comments from the Parks, Recreation and Community Services Commission Meeting of November 6, 2008
4. Participant Liability Waiver from the City of Santa Monica

City of Culver City, California
City Council Agenda Item Report

5. Options for Skate Park Supervision, Proposed User Fees and Projected Expenditures and Revenues
6. Proposed Fee Resolution, including Proposed Fee Schedule
7. Options for Additions to the Skate Park Area

MOTIONS:

That the City Council:

1. Consider the recommendations of both the Council Skateboard Park Subcommittee and the Parks, Recreation and Community Services Commission related to the operations of the Culver City Skate Park;

and

2. Direct staff to implement the following:
 - a. That the Culver City Skate Park continue to operate as an unstaffed facility with periodic oversight provided by Parks and Playgrounds Staff, the Park Patrol and the Culver City Police Department as is current practice;

OR

- b. (As recommended by the Parks, Recreation and Community Services Commission,) That the Culver City Skate Park operate as a supervised facility with established operating hours during which City-staff is on-site to monitor participant entry/exit and rule compliance; and
 - i. That staff implement the Skate Park hours of operation as outlined in Option A, B, or C of this report (the Parks, Recreation and Community Services Commission recommended Option B); and
 - ii. Approve a Budget Amendment in the amount of \$ _____ to be transferred from one or more of the accounts below and allocated to the appropriate Recreation Division staff salary account (reallocation of funds already appropriated for 2008-09 would not require a budget amendment):
 1. Unappropriated General Fund Reserve (4/5ths vote would be required); and/or
 2. 2008-09 PRCS Parks and Playgrounds part-time personnel account #10132110; and/or
 3. 2008-09 PRCS Recreation Division regular salaries accounts 10131100 and 10132100.

OR

City of Culver City, California
City Council Agenda Item Report

- c. That the Culver City Skate Park operate as a supervised facility with established operating hours during which Contract-staff is on-site to monitor participant entry/exit and rule compliance; and direct staff to proceed with an RFP to solicit proposals for skate park management services and return to the City Council when responses to the RFP are received;

OR

- d. That the Culver City Skate Park be closed (indefinitely or permanently).

AND

3. (If motion 2b or 2c is approved) That additions to the Skate Park area for staff accommodations (outdoor, modular, or custom-built) as outlined in this report be implemented; and approve a Budget Amendment in the amount of \$ to be transferred from one or more of the accounts below and appropriated to a newly-designated Capital Improvement Account (reallocation of funds already appropriated for 2008-09 would not require a budget amendment);
- i. Unappropriated General Fund Reserve (4/5ths vote would be required); and/or
 - ii. 2008-09 PRCS Recreation Division regular salaries accounts 10131100 and 10132100.

AND

4. (If motion 2b is approved) Direct staff to develop and pursue sponsorship opportunities to off set supervision expenditures for the Skate Park;

AND/OR

5. (If motion 2b is approved,) Adopt a Resolution establishing user fees for the Culver City Skate Park (as recommended by the Parks, Recreation and Community Services Commission), (staff recommends an effective date of March 1, 2009 for these fees if implemented).

OR

6. Determine to consider this entire subject as part of the Fiscal Year 2009-10 budget process.

AND/OR

7. Provide staff with additional comments or alternate direction.