

City of Brisbane Agenda Report

To: City Council via City Manager
From: Parks & Recreation Administrative Assistant and Deputy City Manager
Subject: Approval of Park Use Permit
Date: October 7, 2013

Purpose:

Provide Brisbane Education Support Team/Parent Teacher Organization (BEST/PTO) a venue for fundraising events.

Recommendation:

Approve the application for the use of the Community Park. (Attachment 1).

Background:

Rachel Ennis (contact for BEST/PTO) came forward with a Community Park application requesting use of the gazebo and adjoining lawn area on Friday October 11, 2013 and Friday October 25, 2013 from 4:00-10:00pm, for open to the community 'Movie in the Park' events; anticipating over 100 persons in attendance.

Discussion:

BEST/PTO is requesting approval of the application and permission to sell concessions (popcorn, candy, cocoa, etc.) at the event, to cover the cost of the rental of a public viewing DVD; any profits will go back to BEST/PTO to benefit Brisbane classrooms. The Community Park policy states that selling food in the park without prior approval is prohibited (Community Park Use Permit Policy E. "Other Considerations" #3). The Community Park policy also states that group applications for 100 or more persons must be approved by the City Council (Community Park Use Permit Policy F. "Group Application Process"). (Attachment 2).

A signed noise ordinance by Ms. Ennis is attached. (Attachment 3). BEST/PTO has also provided a copy of their 501(c)(3) status letter. (Attachment 4).

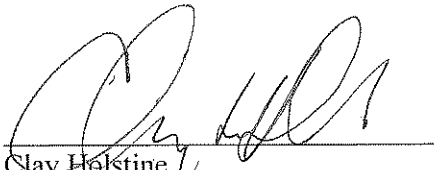
Fiscal Impact:

None.

Measure of Success:

A successful event promotes BEST/PTO and brings the community together for a family-friendly evening in the park.


Nancy Carpenter
Administrative Assistant


Clay Holstine
City Manager

COMMUNITY PARK DAY USE PERMIT APPLICATION

Recycling Encouraged — Use Designated Containers in the Park

BRISBANE PARKS & RECREATION DEPARTMENT
 50 PARK PLACE, BRISBANE, CA 94005
 NON-EMERGENCY CITY ASSISTANCE 415 / 467-1212
 ALL CHECK PAYMENTS MUST BE PAYABLE TO: CITY OF BRISBANE

1. **RESERVATION REQUEST**
 Contact Person/Organization: Rachel Ennis / BEST PTD Today's Date: 9/18/13
 Primary Phone: 415-509-4737 Secondary Phone: 415 508-1703
(please circle: cell / home / work) (please circle: cell / home / work)
 Address: 31 Thomas Ave #10 City: Brisbane State: CA Zip: 94005
 E-Mail: rhennis1999@yahoo.com CDL#: A9076091

2. **EVENT** (circle all that applies)
 Picnic Area 1: Tables: A B C D Picnic Area(s): 2 3 Lawn Area(s): East West Gazebo
 Date: 10/11 and 10/25 Day of Week: Friday
 Starting Time: (include time for set-up) 4pm Ending Time: (include time for clean up) 10pm
 Number attending under 21 years old: unknown, 100 people or greater 21+ years: greater

3. **Describe your event** Include nature of event and specific description of use of park.
movie in park, open to all, sponsored by BEST / PTD
 Please check boxes that apply to your event: - concessions will be sold
popcorn, candy, cocoa, etc)
 Jump House* Alcohol Amplified Music/Sound** Volleyball/Badminton Net Piñatas Barbeque
*generator needed for jump house, power not provided **signature on noise ordinance may be required

4. **NOTICE:** This is a legal document which limits our liability, please read carefully! By Signing this document you state that (1) you assume all risk of injuries from participation in this activity, (2) you release the City of Brisbane, its officers, employees, agents, and servants from all liability arising out of your participation in this activity. I. **ASSUMPTION OF RISK:** I voluntarily participate in the activity described in the Brisbane Community Park Use Permit, fully aware of the dangers and risks involved and knowing that the City of Brisbane does not guarantee the construction, condition, or safety of the facilities or the equipment, not the supervision of the activity by its officers, employees, agents, and servants. I expressly assume the risk of all loss, damage or injury from my participation in or presence at the said activity. II. **RELEASE OF LIABILITY:** In consideration for the opportunity to participate in this activity and the services provided by the City of Brisbane, I (on behalf of myself, my heirs, assigns, and legal representatives) release the City of Brisbane, its officers, employees, agents, and servants from any liability arising out of my participation in or presence at the described activity in the Brisbane Community Park Day Use Permit. I expressly absolve the City of Brisbane, its officers, employees, agents, and servants of liability for their negligence.

Applicant's Signature: [Signature]

OFFICE USE ONLY PROVIDE POWER FOR EVENT

Application Received:
 Date: 9-18-13 By: [Signature]
Application Approved:
 Date: _____ By: _____
Permit Issued:
 Date: _____ Permit #: _____

Fees:
 Tables: \$ _____ Lawn Area: \$ _____
 Gazebo: \$ _____ Gazebo Dep: \$ _____
 Total Fees: \$ N/A
 Cr Card / Cash / Ck# _____
 Issued: Police: _____ Attendant: _____

Proposed: BEST PTO to host two movie nights in October
Friday 10/11 & Friday 10/25, in front of the gazebo and adjoining lawn area in the
Community Park.
Movie would be free. BEST PTO would pay for any licensing, etc. BEST PTO would
sell concessions.
The BEST PTO would be hosting the event, and covering with their insurance.
No alcohol will be served.

Rachel Ennis

BEST PTO - Co President BES Site

Brisbane Parks & Recreation Department Community Park Use Permit Policy

A. GENERAL POLICY

It is the general policy of the City of Brisbane that persons/groups shall be permitted and encouraged to use Brisbane's Community Park for passive recreational, educational, cultural and other worthwhile purposes which are available to all persons regardless of age, gender, race, religion or national origin. Persons or groups may reserve portions of the Park for their use based upon criteria contained within this policy. This policy does not preclude any persons from using the Park without a reservation in accordance with the adopted City of Brisbane policies and ordinances pertaining to such use.

Please see Guidelines document for additional use requirements.

B. RESERVATION DESIGNATED AREAS

The Park is divided into three distinct reservable user areas: (1) the picnic table areas, (2) open lawn areas and (3) the Gazebo. In order to insure general public usage is always available, the four tables in picnic area #4 are not reservable and are considered first-come, first-served. Reservation of lawn area(s) are required for jump houses, volleyball nets, etc.

C. PRIORITIES FOR USE OF PARK AREAS

Recreational activities that are organized for the general public sponsored and co-sponsored by the City of Brisbane have priority over other groups in the scheduling of facilities. The City of Brisbane reserves the right to cancel any permit if said use conflicts with a City sponsored or co-sponsored event.

D. TIMELINE FOR APPLICATION

Permit applications will be considered on a first-come, first-served basis for one time use. Applications for picnic table areas and lawn areas may be filed up to **four (4) months in advance** for community groups and organizations, **three (3) months in advance** for residents and **one (1) month in advance** for non-residents. Applications for gazebo may be filed **one (1) year in advance** for residents and **nine (9) months in advance** for non-residents.

The City of Brisbane reserves the right to schedule exclusive use of any part of the Park or the entire Park at any time for City or co-sponsored functions.

E. OTHER CONSIDERATIONS

1. Staff shall consider the safety, health and welfare of persons and the security, preservation and orderly use of City facilities as criteria when reviewing permit applications. All applicable City ordinances, including the City noise ordinance and any special rules or regulations established for the Park will be in effect. This includes, but is not limited to: entertainment, rummage sales and games.
2. Alcohol may be permitted upon approval of the application.
3. Charging admission, selling tickets or solicitation of money in any manner without prior approval is prohibited. This includes the sale and/or peddling of any foods, refreshments, novelties or goods.

F. GROUP APPLICATION PROCESS

The application approval process is designed to allow for consideration of group applications (less than 100 persons) by the Parks & Recreation Department staff. Staff reserves the right to have the Parks and Recreation Commission review any application. Group applications for 100 or more persons must be approved by the City Council. Applications will be reviewed to assure that the Park's passive, recreational, community facility is safely maintained and the public's best interest is protected.

G. TIME PERIODS FOR USE OF RESERVED AREAS

Permits are valid for a three (3) hour minimum for tables and lawn areas, and one (1) hour minimum for the Gazebo.

Title 8 - HEALTH AND SAFETY
Chapter 8.28 - NOISE CONTROL

1. The level of the noise;
2. Whether the nature of the noise is unusual;
3. Whether the origin of the noise is natural or unnatural;
4. The level of the background noise, if any;
5. The proximity of the noise to residential sleeping facilities;
6. The nature and zoning of the area within which the noise emanates or to which it is transmitted;
7. The density of the inhabitation of the area within which the noise emanates or to which it is transmitted;
8. The time of the day or night the noise occurs;
9. The duration of the noise;
10. Whether the noise is recurrent, intermittent or constant; and
11. Whether the noise is produced by a commercial or noncommercial activity.

(Ord. 332 § 1(part), 1987).

8.28.100 - Violations—Enforcement—Penalties.

A. The violation of any of the provisions contained in this chapter shall constitute an infraction, punishable by the fines, penalties and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of this code.

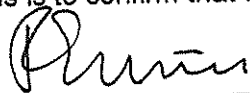
B. It shall be the duty of all public safety officers, and public works supervisors and the planning director to enforce the provisions of this chapter. Any permit or license of any type issued by any department or officer of the city, issued in conflict with the provisions of this chapter, shall be null and void.

C. In addition to the penalties set forth for infraction offenses and the procedures for administrative enforcement and nuisance abatement, any noise level and its source in violation of any of the provisions of this chapter may be summarily abated, which may include, but is not limited to, removal, dismantlement and taking into custody the source of such noise, and in this regard, the confiscation of any machine or device used to violate any of the provisions of this chapter is authorized to be held for use as evidence in any proceeding that may be brought for such violation.

(Ord. 332 § 1(part), 1987).

(Ord. No. 554, § 20, 1-18-11)

This is to confirm that I have read the above City of Brisbane Noise Ordinance



Signature

9/18/13

Date

Donate



BEST/PTO

Brisbane Educational Support Team
Parent Teacher Organization

The BEST/PTO Foundation has been the community-based fundraising organization for the Brisbane School District since our founding in 1992. Our relationship with the School District (Officially established in 1994) is to work with the Board of Trustees to apply our fundraising and organizing efforts to the educational needs of the district, as determined by the School Board and the BEST/PTO Foundation board of directors.

The BEST/PTO is dedicated to supporting the schools of the Brisbane School District through fundraising and community building efforts. We raise money that supplements our district library aide program, helping to keep the school libraries open, as well as funds to offset the costs of instructional materials throughout the district. We also provide additional funds for the Principals at each school that are used for a rich variety of offerings including educational programs, assemblies and field trips, as well as parent educational presentations. The BEST/PTO Presidents at each school organize individual site fund raisers and community-building activities, and coordinate parent volunteer efforts in each of the three schools of our school district. We are constantly seeking to strengthen our District community through inclusion and communication. Please email your school's BEST/PTO President to find out how you can take part.

The BEST/PTO is a 100% volunteer driven non-profit corporation. We pay no salaries and rely on community volunteers to keep our expenses low. We hold one very small fundraiser every year to raise our operating costs, which represents less than 2% of our total fundraising. More than 98% of the money we raise goes directly to programs and services in your schools.

What does that mean? That EVERY dollar donated for programs and services goes directly to programs and services that directly benefit our kids.

Our efforts provide the vital resources our schools need to continue their high standards of educational excellence. Funds raised by BEST/PTO allow our principals, teachers, and parents to make local decisions about what is in the best interest of our community's children based on their day-to-day interactions with them.

The BEST/PTO is a 501(c)(3) nonprofit public charity comprised of parents, school administrators, teachers, and community members who generously donate their time, enthusiasm and creativity to help our schools be the best that they can be.

Want to help? You can donate directly via PayPal using the link at the top of this page.

If you want to pay by check, to save the District the PayPal transaction fees, you can send a check to either:

Brisbane School District Office 1 Solano Street Brisbane, CA 94005 Attn: Aida Gamba

Or to:

BEST/PTO, P.O. Box 461, Brisbane, CA 94005, Attn: Save Our School District

Donations are 100% tax deductible and donors giving over \$250 will be provided with written acknowledgement substantiating your donation.

Please email Chairman of the Board [Tony Palmer](#) with any questions or for further information.

BEST/PTO P.O. Box 461 Brisbane, CA 94005

Tax ID# 94-3164764