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NEIGHBORHOOD SERVICES  
DEPARTMENT

CITY OF SACRAMENTO  
CALIFORNIA

1023 J STREET  
SUITE 200  
SACRAMENTO, CA  
95814-2977

December 9, 1998

**APPROVED**  
BY THE CITY COUNCIL  
PH 916-264-8529  
FAX 916-264-8266

**DEC 15 1998**

OFFICE OF THE  
CITY CLERK

AG 98-245

City Council  
Sacramento, California

**SUBJECT:** License Agreement for a Skateboard Site and Emergency Ordinance Relating to Skateboard Site Safety Requirements

**LOCATION AND COUNCIL DISTRICT:** Central City, Council District 3  
and Citywide Issues

**RECOMMENDATION**

This reports recommends that the City Council, by Resolution, take the following actions:

- 1) Authorize the City Manager to execute a License Agreement with the U.S. Postal Service to assume management of a skateboard park site at 19<sup>th</sup> and R Streets; and
- 2) Enact an Emergency Ordinance to comply with State of California law regarding safety issues for skateboard parks operated by local jurisdictions.

**CONTACT PERSON:** Vic Edmisten, Parks Manager, 264-5336

**FOR COUNCIL MEETING OF:** December 15, 1998

**SUMMARY**

In an effort to formalize a new skateboard site at 19<sup>th</sup> and R Streets which was recently cleaned up and built by skateboard enthusiasts, staff from city parks and recreation is proposing that the City Council enter into a License Agreement for the lease of property owned by the U.S. Postal Service for management of the site during a trial period of three months. After that time, the site use will be evaluated by staff and neighbors to determine if the agreement should be extended by the City Council an additional 8 months (until November, 1999).

In addition, this report requests that the City Council enact an emergency ordinance required by State law for all local jurisdictions whom operate a skateboard park facility. This ordinance will require all users to wear appropriate safety gear including helmets, and knee and elbow pads. It also requires that the site be posted with those safety requirements.

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## BACKGROUND

In 1977 the City Council passed an ordinance banning the use of skateboards and roller skates on private property without prior consent of the owner. This ordinance was amended in 1997 to include in-line skates. At that time, the Council directed staff to find a suitable location for a skateboard/in-line skate facility. Park and recreation staff have been working with City Council members since that time to find an appropriate site for a skateboard park in the Central City to meet the needs of skaters who are unable to practice and enjoy their sport on private property. While no definitive site had been identified or secured for that purpose, staff identified several possible sites. Staff has also worked with members of the Youth Commission, local skateboard enthusiasts, and other city departments to develop plans for both a short-term site which could be developed quickly as well as a more permanent site or sites.

Several months ago, skateboarders identified a site that was ideal for their sport between 18<sup>th</sup> and 19<sup>th</sup> Streets north of "R" Street adjacent to Regional Transit's Light Rail tracks. A member of the Youth Commission researched the property's ownership while the skaters cleared the site of weeds, junk and debris, removed graffiti and began building their own facility equipped with various ramps, mounds and jumps. The skaters gathered signatures on petitions from adjacent neighbors in an effort to gain community support for their park.

The property owner, the U.S. Postal Service, was contacted by city staff to determine their future plans for the abandoned site. The site was recently declared surplus by the local Postal Service Region and is currently being processed for sale. When the Postal Service learned about the skaters current use of the site, they expressed interest in entering into a License Agreement with the City for continuing the temporary use of the site under the management of the City. The proposed License Agreement is on a month-to-month basis until November of 1999 with a one-time fee of \$500.

Staff and Councilmember Cohn's office held several meetings with staff from the City, Regional Transit, U.S. Postal Service, skaters and neighbors. One community meeting at Fremont Adult School was held on November 30<sup>th</sup>. The U.S. Postal Service has been cooperative in working with the City to formalize the License Agreement. Regional Transit is proposing to use an additional 20 feet of the northern edge of the site for construction of their south line beginning in November, 1999.

At the community meeting, the following issues were raised by nearby neighbors and businesses:

- Lack of proper permit/notification process/trespassing;
- No rest room facilities;
- Use of the site at night causing noise disturbances to adjacent houses;
- Graffiti and other neighborhood vandalism.

Other community members praised the skaters for their initiative, good behavior and clean-up of the site. As a result of the community meeting, a working committee of staff, neighbors and skaters has been established and met on December 3<sup>rd</sup> and 10<sup>th</sup> to create a "good neighbor policy".

In response to neighborhood and staff concerns the City is proposing the following:

- City enter into a License Agreement to take control of the property from the U.S. Postal Service for a term of three months as a trial evaluation period (extensions may be negotiated depending on the acceptance of the park by the neighborhood, potential sale of the property by the U.S. Postal Service and/or identification of more permanent alternate sites);
- Staff provide immediate safety inspection and plan for needed repairs to the current structures at the site;
- City provide a six foot fence with two gates, a portable toilet and two park usage rule signs at the site as soon as possible;
- City Council enact an emergency ordinance required by State Law to require all skateboard park users to wear appropriate safety gear.
- Staff and the Parks and Recreation Citizens Advisory Committee continue to investigate and review all potential sites for a permanent facility, some of which may be:
  - ▶ City Landfill site at 28<sup>th</sup> and C Streets;
  - ▶ State of California property under the freeways adjacent to the Central City;
  - ▶ Lot at 12<sup>th</sup> and I Streets;
  - ▶ Lot behind Light Rail Station at 12<sup>th</sup> and E Streets;
  - ▶ Sites on North 16<sup>th</sup> and North 12<sup>th</sup> Streets.
- Skaters agree NOT to build additional apparatus at the site without the prior knowledge and approval by city staff.
- Skaters agree to provide site clean-up; park staff to empty trash containers twice weekly.
- Park hours established at 10:00 a.m. until sunset or 8:00 p.m. in the summer. Skaters to be responsible for locking and unlocking the gates.
- City Park Safety Monitor staff will provide occasional checks of the site.
- Staff investigate the feasibility of installing an "emergency only" telephone at the site similar to those on the freeways.
- Staff work with the City's Park and Recreation Citizens Advisory Committee at their monthly meetings to continue the search for permanent sites.
- Skaters "adopt" a few sites in the immediate neighborhood to keep free of graffiti including the park site, the U.S. Postal Service warehouse adjacent to the site, Atlas Printing, and the Regional Transit Light Rail pillars.
- Skaters agree to appoint a representative to attend monthly meetings of the Fremont Park Neighborhood Association.

## **FINANCIAL CONSIDERATIONS**

The terms of the License Agreement with the U.S. Postal Service are for a flat fee of \$500 for a period of 3 months, up to 11 months. A local business, Shasta Real Estate, has committed to pay the \$500 fee. Any terms for continuation of the Agreement beyond November 1999 will be negotiated with the neighborhood, the U.S. Postal Service, and Regional Transit. Staff estimates the costs for fencing, portable toilets and signage at approximately \$17,000. It is recommended that the site be funded through the Cable Commission excess CIP account for parks. Park maintenance staff will provide trash pickup through existing resources. Staff is currently seeking donations from supportive businesses in the area for these costs. As plans for a permanent skateboard site are considered, staff will seek sponsorships and involvement from local skateboard businesses that have expressed interest.

## **POLICY CONSIDERATIONS**

Many local jurisdictions in California have built or are planning skateboard facilities. There are a number of options to consider including multi-sport indoor and outdoor facilities that charge admission, monitored outdoor facilities or self-monitoring facilities with no admission charge. Staff is not recommending a monitoring system at this time due to the prohibitive costs of providing a staff monitor while the site is open. When planning a permanent facility, staff will investigate the wide variety of facilities and determine the wishes of local skaters and involve them in the design process.

State of California law requires that local jurisdictions that operate a skateboard facility enact an ordinance requiring all users to wear protective equipment including helmets, and elbow and knee pads. The law also requires that the facility be signed with language stating those safety requirements. The attached proposed ordinance Sec.27.04.091 satisfies that requirement.

Skateboarding is not as hazardous as generally believed. Minor injuries may frequently occur, however, serious life-threatening or permanent disabling injuries are rare. Utilization of personal safety equipment is the most important loss control measure in limiting the severity of injuries to skaters. Our research has shown that the frequency of injuries at public skate parks is no higher than at other traditional playgrounds or park activity centers.

Staff will report back to the City Council after three months to discuss how the facility is operating. The City Council will determine at that time whether the Agreement will continue beyond the initial three-month trial period.

City Council  
Skateboard Park Site  
December 9, 1998  
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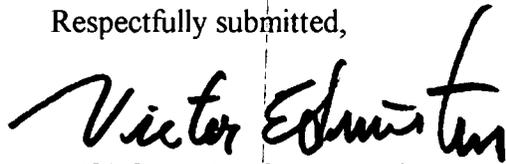
**ENVIRONMENTAL CONSIDERATIONS**

This project is categorically exempt from environmental review pursuant to the exemption established by Sec. 15301 ("Use of Existing Facilities") of the CEQA Guidelines.

**MBE/WBE CONSIDERATIONS**

Staff will make every effort to secure the services of MBE/WBE services when purchasing materials for the site.

Respectfully submitted,

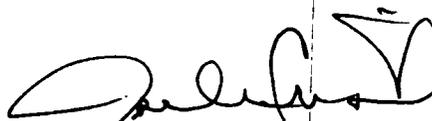


VICTOR EDMISTEN, Parks Manager  
Neighborhoods, Planning and Development  
Services

APPROVED:



WILLIAM H. EDGAR  
City Manager



JACK CRIST  
Deputy City Manager

ATTACHMENT: License Agreement  
Skateboard Safety Ordinance

**APPROVED**  
BY THE CITY COUNCIL

**RESOLUTION NO. 98-634**

**DEC 15 1998**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

OFFICE OF THE  
CITY CLERK

ON DATE OF \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY MANAGER  
TO EXECUTE A LICENSE AGREEMENT WITH THE  
U.S. POSTAL SERVICE FOR USE OF THE PROPERTY  
AT 19<sup>th</sup> and R STREETS, CITY OF SACRAMENTO,  
STATE OF CALIFORNIA**

**WHEREAS**, the City of Sacramento wishes to manage a skateboard park facility at 19<sup>th</sup> and R Streets in the Central City to provide recreational opportunities for skateboard and in-line skate enthusiasts as part of the City's commitment to park, recreation and youth activities;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

The City Manager is hereby authorized to enter into a License Agreement with the U.S. Postal Service for a period of three months without termination and to continue on a month-to-month basis until such time when a thirty (30)-day written termination notice is received by either party.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

**APPROVED**  
BY THE CITY COUNCIL

**DEC 15 1998**

OFFICE OF THE  
CITY CLERK

**ORDINANCE NO. 98-052**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE ADDING SECTION 27.04.091 TO THE SACRAMENTO CITY CODE, REQUIRING PERSONS WHO RIDE A SKATEBOARD AT A CITY SKATEBOARD FACILITY TO WEAR A HELMET, ELBOW PADS, AND KNEE PADS AT ALL TIMES, ADDING SECTION 27.04.092 DESIGNATING THE SKATEBOARD FACILITY AS A RECREATIONAL AREA IN WHICH IN-LINE SKATING IS PERMITTED, AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1.**

Section 27.04.091 is hereby added to the Sacramento City Code, to read as follows:

27.04.091 Helmet, elbow pads, and knee pads required at City skateboard facilities

Any person riding a skateboard at any skateboard park or facility owned, leased, or operated by, or licensed to, the City of Sacramento, including but not limited to a skateboard facility located on property owned by the United States Postal Service on the north side of R Street between 18th Street and 19th Street, shall wear a helmet, elbow pads, and knee pads at all times while so riding.

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

**SECTION 2.**

Section 27.04.092 is hereby added to the Sacramento City Code, to read as follows:

27.04.092 Designation of certain property as recreational area where in-line skating is permitted.

Pursuant to California Health and Safety Code Section 115800.1, the City of Sacramento hereby designates that certain property on the north side of R Street between 18th and 19th Streets, owned by the United States Postal Service and licensed for use by the City of Sacramento, as a recreational area in which in-line skating is permitted.

The designated property shall be adequately posted with notices advising the public that in-line skating in the designated property by adults is deemed to be a hazardous recreational activity and that the City of Sacramento may not be liable for injuries incurred by persons participating in the hazardous recreational activity on the designated property.

**SECTION 3.**

This ordinance is hereby declared an emergency measure to take effect immediately. The grounds for the emergency are: The United States Postal Service plans to place a fence around property which it owns on the north side of R Street between 18th Street and 19th Street to prevent skateboarders from using the property. The City desires to facilitate continued use of the property for skateboarding purposes. Therefore, the City intends to lease, or obtain a license to use, the property from the United States Postal Service. When operated under the City's lease or license, the skateboard facility will not be supervised on a regular basis. State law requires operators of skateboard parks to require a skateboard rider to wear a helmet, elbow pads, and knee pads. Further, state law relieves a local public agency from the obligation to supervise riders for compliance with the helmet, elbow pads and knee pads requirement if the local public agency (1) adopts an ordinance requiring any person riding a skateboard at the facility to wear a helmet, elbow pads, and knee pads; and (2) posts signs at the facility affording reasonable notice that any person riding a skateboard in the facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation under the ordinance. In order to comply with state law and protect the City from liability for injuries to persons not wearing the required safety equipment, it is necessary that this ordinance take effect immediately so that it will be in effect when the City's skateboard facility is first made available for use.

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

DATE ENACTED:  
DATE EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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ON DATE OF DEC 15 1998

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98-052

DATE ADOPTED:

DEC 15 1998

DATE ENACTED:  
DATE EFFECTIVE:

JOE SERNA, JR.

MAYOR

ATTEST:

VALERIE BURROWES

CITY CLERK

SACRAMENTO CITY COUNCIL

BY: VALERIE A. BURROWES  
CITY CLERK

AD NO. 8777  
RUN 1 TIME: DECEMBER 22, 1998  
2 PUB. PROOFS

FOR CITY CLERK USE ONLY

ORDINANCE NO.

98-052

DATE ADOPTED:

DEC 15 1998