

INDIAN WELLS CITY COUNCIL

May 16, 2024



To: City Council
From: City Manager Department
Prepared by: Micaela Wilkey, Senior Management Analyst
Subject: **Ordinance Establishing Rules for City Parks and Finds the Action to be Exempt from the California Environmental Quality Act (CEQA)**

RECOMMENDED ACTIONS:

Council **INTRODUCES** Ordinance to be read by title only and further reading waived, adding Chapter 9.90 to the Municipal Code establishing rules for city parks in Indian Wells; and

FINDS that the ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15304, where the proposed amendment consists of minor public or private alterations to the condition of land, water or vegetation as there is no possibility the activity in question will have a significant effect on the environment.

DISCUSSION:

At the March 2, 2023, City Council meeting, the Council approved the design and development of a new park at the corner of Eldorado and Fairway Drive. With the park being completed and opened on April 15, 2024, it is recommended that that Council adopt rules for city-park use. It is the city's intent is to promote clean, safe, accessible, and inviting parks within Indian Wells.

It is the City of Indian Wells policy to lead with education and raising awareness to achieve compliance with the parks, but in cases where education does not work, and to address any potential chronic or serious issues, the city should reserve the right to take further action. DRD hosted four community meetings at the Indian Wells Golf Resort to solicit community and stakeholder input on the park. These meetings provided opportunities for members of the public to express support for or concern about the project and to provide valued input about what should or should not be included at the park. Meetings were held on:

- Monday, February 28, 2022
- Tuesday, March 1, 2022

- Wednesday, March 2, 2022 (remote meeting)
- Tuesday, May 3, 2022

Based on those numerous community engagements, an ordinance was drafted addressing how to establish rules for the park.

The ordinance adds the following to the Municipal code:

- **Hours and Rules of Conduct:** The hours that a public park and recreational facilities are open for use and the governing use of the park by the public shall be established by the City Manager, directly or through delegation. The City Manager shall cause the hours and rules to be posted at each public park or recreational facility at which they will be enforced and shall cause a list of such hours and rules to be maintained on file in the office of the City Clerk.
- **Entry Prohibited:** No person shall enter or remain in any public park or recreational facility in the City at any time during the hours when the park or recreational facility is closed to the public.
- **No Camping:** Camping is prohibited in all city parks and recreational facilities.
- **Enforcement:** Any violation of a park regulation established and posted under this chapter is a violation of this code.

A violation of the municipal code is a misdemeanor punishable by a fine of not more than \$1000, imprisonment not to exceed six months, or both as listed in Chapter 1.16 General Penalty of the municipal code.

Staff recommends the City Council introduce an Ordinance establishing rules for City Parks. Park Rules will be posted at all city park facilities.

FISCAL IMPACT:

There is no fiscal impact with this action.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The adoption of the proposed ordinance is not subject to review under the California Environmental Quality Act ("CEQA") because the amendment would not cause any direct physical change or any reasonably foreseeable indirect physical change in the environment. Therefore, adoption of the ordinance is not a "project" subject to CEQA. (Cal. Pub. Res. Code § 21065; 14 Cal. Code Regs. § 15378.) Adoption of the ordinance is exempt because the amendment has no potential for causing a significant impact on the environment. (14 Cal. Code Regs. § 15061(b)(3).)

ATTACHMENTS:

1. Ordinance