

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

Meeting Date: <u>06/25/12</u>		Item Number: <u>C-2</u>	
CITY COUNCIL AGENDA ITEM: 1) Adoption of a Resolution Granting a Fireworks Permit Jointly to the Culver City Exchange Club and Pyro Spectaculars to Conduct the Annual Fireworks Display Sponsored by the City of Culver City and the Culver City Exchange Club to be held on July 4, 2012; and 2) Approval of a License Agreement Authorizing the Culver City Exchange Club's Use of the City's GEM Car for the Fourth of July Event.			
Contact Person/Dept.: Dan Hernandez, PRCS Director		Phone Number: (310) 253-6655	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☐ Attachments: ☒	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (Email) Meetings and Agendas – City Council (06/21/12); (Email) Culver City Exchange Club (06/21/12).			
Department Approval: Dan Hernandez (by P. Reynolds) (06/18/12)		City Attorney Approval: Carol Schwab (by H. Baker) (06/21/12)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (06/21/12)		City Manager Approval: John M. Nachbar (06/21/12)	
<u>RECOMMENDATION:</u> Staff recommends the City Council 1) adopt a Resolution granting a permit jointly to the Culver City Exchange Club (the "Exchange Club") and Pyro Spectaculars to conduct the annual fireworks display sponsored by the City of Culver City and the Exchange Club to be held on July 4, 2012; and 2) approve a license agreement authorizing the Exchange Club's use of the City's GEM car for the Fourth of July event. <u>BACKGROUND:</u> The City of Culver City and the Exchange Club have been co-sponsors of the Annual Fourth of July Fireworks Display for the past several years. Culver City Municipal Code (CCMC) Sections 9.02.210 and 9.02.220 authorize the City Council, by resolution, to grant a permit for a public display of fireworks to be conducted on July 4th. The Exchange Club routinely requests the use of the City's GEM car for the transportation of event volunteers and event-related supplies immediately before, during and after the celebration. The Exchange Club's use of the City's GEM car requires the execution of a license agreement setting forth the duties and			

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responsibilities of the Exchange Club relating to this use, including insurance and indemnification requirements

DISCUSSION:

GEM Car License Agreement

As in past years, the Exchange Club has requested the use of the City's GEM car for the transportation of event volunteers and event-related supplies immediately before, during and after the celebration. Staff recommends the City Council approve a license agreement with the Exchange Club with the same terms and conditions of the previous agreement and authorize the City Attorney's Office to prepare such agreement consistent with the City Council's direction this evening.

Fireworks Display Permit

The Exchange Club and Pyro Spectaculars have applied jointly for a permit to conduct the fireworks display for the 2012 Fourth of July event. Unfortunately, one of the final and most important pieces of documentation for the event, the Liability Insurance Certificate from Pyro Spectaculars, was not received by the City until June 5, 2012. This document is important because although the Exchange Club secures General Liability Insurance for the event and the City has purchased Supplemental Event Insurance for the Fourth of July Fireworks Show, the only insurance that covers incidents related to the fireworks display is that purchased by Pyro Spectaculars. Additionally, both Pyro Spectacular's and the Exchange Club's Proof of Insurance Certificates listing the City of Culver City as an additional insured were necessary to get a discount on the City's Supplemental Event Insurance. That documentation reduced the City's Supplemental Event Insurance premium from \$2,568.11 to \$2,067.68.

The Exchange Club's Fireworks Permit application is complete and their General Liability Insurance Certificate is in order. As of the date of the submission of this staff report, the City Attorney's Office is in the process of reviewing documents related to Pyro Spectaculars' Liability Insurance. Pyro Spectaculars is cooperating with the City and it is expected that the additional insurance documents for the Fourth of July public display of fireworks will be received within the week. Further, the completion of these documents is a requirement of permit issuance.

2011-2012 Discussions and Recommendations

The 2011 Fourth of July Event had twice as many participants as compared to the prior year, possibly because several surrounding cities cancelled or rescheduled their fireworks shows. Although the reinstatement of the Marina Del Rey Fireworks Event this year may take some of the pressure off of Culver City's event, last year's increase in public participation highlighted various issues of concern to staff, some of which have been developing over the past several years. Both the Fire Department

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and the Police Department (specifically, the Traffic Bureau) articulated these concerns in their after-action reports.

In order to discuss these concerns and share information between City Departments, a meeting was held in September 2011. Subsequently, a memo summarizing past and projected costs associated with the Fourth of July event, logistical issues and proposed changes to the terms and conditions for the 2012 event was issued to the City Manager by the PRCS Director. Detailed reports from Police, Fire, Public Works/Traffic, Public Works/Streets, and PRCS/Parks were included with the memo. On May 1, 2012, a representative of the Exchange Club met with City staff to discuss changes to the Fourth of July Event terms and conditions. These terms and conditions are included in the attached Proposed Resolution.

FISCAL ANALYSIS:

In addition to the purchase of \$2,067.68 in Supplemental Event Insurance noted above, the City Council has approved funds in the amount of \$24,000 for this event as part of the City Council Adopted Budget for Fiscal Year 2012/2013. Based on last year's costs and including projections based on the additional staff time and resources related to the new terms and conditions of the event (where available; ***noted in bold italics***), it is estimated that the City will also provide the following in-kind services for the 2012 Fourth of July Event:

City Resource	Amount	Description
<i>Police Personnel</i>	<i>\$21,015</i>	<i>Overtime expense for 6 Sergeants, 45 Officers and 12 Non-Sworn Personnel. Not included in the \$21,015 is a savings of approximately \$7,587 in overtime costs because it is anticipated that 15 Reserve Officers will volunteer a total of 105 hours to assist at the Event.</i>
<i>Fire Personnel</i>	<i>\$4,800</i>	<i>Seven recruit firefighters and one supervisor.</i>
Fire/ Inspections	\$1,200	Approximate cost of 2 Fire Prevention Inspectors performing inspections both before and during the event.
<i>Public Works/Traffic</i>	<i>\$1,204</i>	<i>Traffic Engineering Manager will be present at the Event from 4:00 p.m. - 11:00 p.m. on July 4, 2012.</i>
<i>Public Works/Traffic</i>	<i>\$1,500</i>	<i>Rental of additional equipment for traffic control (delineators, traffic cones, type II barricades and street signs).</i>
Public Works/Streets	\$6,072	<u>Street Division</u> : Personnel expense, equipment and materials; including an additional <i>\$251</i> for 7 hours overtime for one Public Works staff member to assist the Traffic Engineering Manager.
Public Works/Refuse	\$570	Delivery, empty, removal of eight 3-cubic yard bins.
Parks	\$3,465	Personnel expense (salary + benefits); no overtime.
In-Kind Total	\$39,826	Estimated

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Based on the estimated costs outlined in the table above, the in-kind cost to the City this year is closer to \$40,000 as opposed to the \$30,000 noted in the Fiscal Year 2012/13 Budget Book.

ATTACHMENT:

Proposed Resolution.

MOTIONS:

That the City Council:

1. Adopt a Resolution granting a permit jointly to the Culver City Exchange Club and Pyro Spectaculars to conduct the annual fireworks display sponsored by the City of Culver City and Exchange Club to be held on July 4, 2012; and,
2. Approve a license agreement authorizing the Exchange Club's use of the City's GEM car at the Fourth of July event; and,
3. Authorize the City Attorney to review/prepare the necessary documents; and,
4. Authorize the City Manager to execute such documents on behalf of the City.