



Agenda Item:

57

COUNCIL COMMUNICATION

City Manager's Office

GENERAL INFORMATION

Agenda Date: 09/26/05
Agenda Item Type: Resolution

Communication No.: 05-541
Roll Call No.:

Submitted by: Diane Rauh, City Clerk/Street Use Team Coordinator

SUBJECT—

Appeal from Shannon Larson, Producer, Bad Kids, Inc., to reverse the Street Use Team's decision to deny their Street Closure request. Denial by the Street Use Team allows the applicant to appeal the decision to the City Council.

SYNOPSIS—

On September 15, 2005, Bad Kids Inc., submitted a Street Closure Application. The request is to close Cherry Street from 8th to 9th on Sunday, September 25 from 11:00 AM to 4:00 PM. The purpose of the closure is to crash an un-manned motorcycle from the top of the Wells Fargo parking ramp onto Cherry Street, to shoot video for a video production.

FISCAL IMPACT—

Unknown at this time.

RECOMMENDATION—

Uphold the decision of the Street Use Team

BACKGROUND—

The request of Bad Kids Inc. is an unusual request and is outside the normal scope of the Street Use Team. After consultations with the City Manager, City Attorney, City Engineer and City Traffic Engineer, the decision was made to deny the request. The staff consulted did not see a public benefit to this request. Further, it was the general consensus that the applicant's proposal "is reasonably likely to

cause injury to person or property”, which is one of the specific criteria the Street Use Team must consider when reviewing applications.

If the City Council reverses the decision of the Street Use Team, I would recommend that this request be removed from the Street Use Team process, and that the City Council refer the issue to the City Attorney to enter into negotiations with Bad Kids Inc. to ensure that this proposal is carried out in a safe and responsible manner to eliminate risk to the City.

Following is a list of some of the items that should be considered/required:

1. Obtain written permission from Wells Fargo, for use of their ramp.
2. Arrange a meeting(s) (similar to the Street Use Team) with all affected Departments
3. Detail a process to reimburse the City for any costs or damage and for full restoration of any City property -- street, sidewalk, parking meters, streetlights, etc.
4. Safety Plan addressing streets closed to traffic and closed pedestrian ways. Plan must include:
 - a. Coordination with and written approval from adjacent property owners to restrict exiting from buildings within the hazard zone
 - b. Identify a hazard zone that shows anticipated impact site and appropriate clear zones that account for flying debris and potential over- or under-shooting of impact zone
 - c. Identify location of safety monitors to ensure no persons enter safety zone and provide adequate communication and control to terminate activities in event the safety zone is compromised
5. Emergency response plan in case of fire or injury
6. Four to six off-duty Police Officers for crowd control, (by-standers), traffic control and security
7. Environmental clean-up plan that addresses clean-up of debris including protection of storm sewers from fuel and other materials--possible release of hazardous materials into the sewer system, (Haz-Mat Team on premises)
8. Plan that mitigates possible release of flammable liquids
9. City’s standard Indemnification and Waiver of Subrogation (including property and occupational injury)
10. The following insurance requirements:
 - a. Workers Compensation, Employers Liability, General Liability, and Automobile Liability Insurance, with limits as approved by the City Risk Manager.
 - b. It is likely that the City's Manuscripted Additional Insured, Governmental Immunities and Cancellation and Material Change Endorsements would also be required. However, additional limits and coverage could be required--this will depend on the final detailed description of this staged event that is submitted by the sponsors.