

RESOLUTION NO. 1192

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, authorizing Destination Des Moines ("Destination Des Moines") to conduct the following community events (hereinafter referred to as "Summer Events"): Fireworks Over Des Moines on July 4, 2012 at the Marina; the Classic Community Barbeque on July 20, 2012 at the Marina; the Des Moines Classic Car and Wooden Boat Show on July 21, 2012 at the Marina; and the Waterland Parade on July 21, 2012 on Marine View Drive from Kent-Des Moines Road to South 216th; and listing conditions under which such permission is granted.

WHEREAS, the City Council finds that community events enhance the quality of life for residents of the City of Des Moines, and

WHEREAS, Destination Des Moines wishes to sponsor and conduct four Summer Events in Des Moines during July, 2012, and

WHEREAS, the City of Des Moines wishes to permit the Summer Events and, at the same time, be held harmless from any liability arising from such activity; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

Sec. 1. Permission to conduct the 2012 Calendar of Summer Events in July, 2012, is granted to Destination Des Moines, subject to the following conditions:

(1) Destination Des Moines shall defend and hold the City of Des Moines harmless from liability.

(2) Destination Des Moines, the co-sponsors and promoters of the Summer Events, will provide financial support for the Events and will pay for event expenses such as portable toilets, garbage collection, paid advertising and/or promotional banners associated with the Events.

(3) The prime leadership of all Event activities shall be non-City personnel and it shall be clearly understood that assistance by City personnel is advisory to Destination Des Moines.

(4) Destination Des Moines will secure all permits and shall provide liability insurance in the amount of two million dollars (\$2,000,000) for each Summer Event. The City of Des Moines shall be named as an additional insured. Proof of such insurance must be delivered to the City thirty (30) days prior to each Summer Event.

(5) As promoters of the Summer Events, Destination Des Moines will be permitted to erect such special signage as is appropriate in the thirty (30) days prior to and during each event. All such signage shall be removed within ten (10) days after each Summer Event.

(8) Normal fees for conduct of the Fireworks Over Des Moines and Waterland Parade Events shall be waived where possible. Fees required by other governmental agencies shall be the responsibility of Destination Des Moines.

(9) An authorized official of Destination Des Moines shall execute a written agreement, on behalf of Destination Des Moines, acknowledging its responsibilities for the conduct of the Summer Events and accepting such limitations as are contained in this resolution in addition to such limitations as may be imposed by the City Council or City Manager, including, but not limited to:

(a) Destination Des Moines agrees to take whatever measures are necessary to prevent damage to City property and to be responsible for any damage that may occur as a result of the Summer Events; and

(b) A Des Moines Police Department Command Officer and/or the Fire Marshall of South King Fire and Rescue will have the authority to close any of the Summer Events down at any time should it be necessary, following assessment of any security issue.

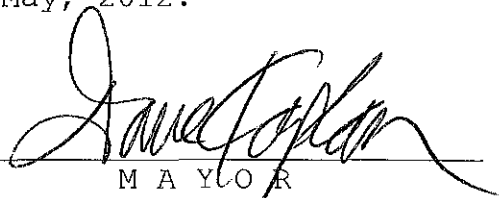
Sec. 2. Upon execution of a written agreement incorporating all the terms and conditions of this Resolution, the City Manager is authorized, at his discretion, to grant permission to Destination Des Moines to use and occupy, for the purpose of the Summer Events, City streets, rights-of-way, and City property.

Sec. 3. The City Manager is authorized, at his discretion, to grant permission to utilize City promotional tools such as the *City Currents*, Parks, Recreation and Senior Services Brochure, City Web Page, and Channel 21 to inform and educate the public about the Summer Events. Destination Des Moines understands that fees to cover City expenses may be charged for this use.

Sec. 4. The City Manager is authorized, at his discretion, to provide City assistance to the Summer Events up to a total value of \$14,000 which may include, without limitation, services by the Police, Public Works, Parks, and Marina Departments for the purpose of logistics coordination, downtown and Marina area traffic control, road closures, parking lot management, and boater and pedestrian safety and rental fees for the use of City property. The City Manager shall provide a report to the City Council on services provided and costs thereof.

Sec. 5. A Waterland Parade Event Operational Plan will be created and approved in writing by the City Manager and Destination Des Moines' promoters prior to the Parade.

ADOPTED BY the City Council of the City of Des Moines, Washington this 17th day of May, 2012 and signed in authentication thereof this 17th day of May, 2012.


M A Y O R

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


Acting City Clerk