


Agenda Report Reviewed by:
 City Manager: 

**CITY OF SEBASTOPOL
 CITY COUNCIL
 AGENDA ITEM**

Meeting Date: July 20, 2021
To: Honorable Mayor and City Councilmembers
From: Fire Chief/Director of Emergency Services
Subject: Discussion and Consideration of City Council Policy for the Annual Fireworks Permit Process & Lottery
Recommendation: That the City Council permanently assigns the Annual Fireworks Show to the Sebastopol Kiwanis Club
Funding: Currently Budgeted: _____ Yes _____ No XX N/A
 Net General Fund Cost: None

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

INTRODUCTION:

This item is to request that the City Council discuss the Annual Fireworks Show Process & Lottery, historically managed and presented by the Sebastopol Kiwanis Club, conducted on the private property of the West Sonoma County Union High School District, Analy High School, located at 6950 Analy Avenue, Sebastopol.

BACKGROUND:

With the adoption of Ordinance 1133, An Ordinance of the City Council of the City of Sebastopol Repealing and Replacing Chapter 8.44, Uniform Fire Code 1971 Edition Relating to Fireworks, of the Sebastopol Municipal Code, to Prohibit the Sale and Use of Fireworks; amend Chapter 15.04, the Fire Chief was directed to create a Council policy for permitting of one permit each year.

DISCUSSION:

The Kiwanis Club is a 501 (c) 3 non-profit charitable organization run by a group of volunteers who are dedicated to changing the world, one child and one community at a time. For the past 45 years the Sebastopol Kiwanis Club has been permitted use of the Analy High School stadium and baseball field for the 3rd of July Fireworks Event. The fireworks show is a huge community event that attracts local community members from Sebastopol and the greater Sonoma County Area. The profits from the Annual Fireworks Show are given back to the community with more than 50% going directly to local students.

Direct Benefits include but are not limited to:

- 9- \$1,000 scholarships to graduating seniors from all campuses
- 3- \$1,000 donations to Project Graduation at all campuses
- Grant Awards to various departments and athletic groups and booster organizations

Due to the global COVID Pandemic the 3rd of July fireworks celebration has been canceled for the past two years. The Sebastopol Kiwanis club has managed to continue to financially support the local community and the students even though the event had been canceled.

At the City of Sebastopol, City Council meeting on May 18, 2021, the Council approved adoption of Ordinance Number 1133. Ordinance 1133 repeals prior ordinances allowing the sale and use of "Safe and Sane" fireworks during regulated hours. The revised ordinance includes newly added language allowing one permit in

each calendar year for a fireworks display show. The City of Sebastopol is responsible for permitting the fireworks show with the licensed and bonded Pyrotechnics Company approved by the State Fire Marshal's Office.

The West Sonoma County High School District is responsible for permitting the use of school facilities to host the event. West Sonoma County High School District staff are concerned about any possibility of rotating use of the facilities for the 3rd of July fireworks show annually from different non-profit groups. The amount of work that goes into running an elaborate fireworks show is immense. Kiwanis and District staff start working on the show details in April and most of the month of June and spend three days setting up and two days breaking down the event. It is a huge undertaking and takes a lot of collaboration and oversight from District staff and Kiwanis volunteer's along with multiple third party vendors.

If the City Council approves a policy that creates a competitive selection process for annual fireworks it will have implications on District staff who oversee and manage this event annually. If the Council approves a policy, staff has prepared a Council policy attached to this agenda item with details below:

The Lottery Policy/Process would require Applicants to complete an Application for the Annual Fireworks Show with the following minimum application requirements:

- Applicant Name, Address, Telephone Number, Email Address, Signature
- What is the primary goal of the fundraiser?
- What previous experiences do you have in hosting such a large event?
- How are Profits given back to our City/Community?
- Would you invite other Non-Profits to join/assist in the fundraiser?
- Would you offer Senior Discounts and Reduced entry fees to the event?
- Provide written Notice of Mitigation of Impact to residents and businesses!
- Application would require Signature of property owner to use their facilities!
- Sign and Date Agreement and Signature Disclaimer!
- Applications Deadline is March 1st of each calendar year!
- Award Announcement is March 31st of each calendar year!

All Applicants would be interviewed by the Fire Chief/Director of Emergency Services to ensure completeness of the application. Incomplete applications would not be considered. Final decision would be the responsibility of the Fire Chief/Director of Emergency Services.

Staff Analysis:

Fire Chief Braga met with all three of the non-profits that had previously sold Safe & Sane Fireworks during the week prior to the 4th of July. The Sebastopol Lions Club, Sebastopol Sea Serpents, and the Veterans of Foreign Wars, Post 3919, all indicated that they support the Sebastopol Kiwanis, and it was the unanimous decision of all three non-profits to support the Kiwanis Club in their continuance of their Annual Fireworks Show.

Public Comment:

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report, such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of this item.

Public Notice:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to scheduled meeting date.

FISCAL ANALYSIS:

There is no direct fiscal impact associated with the recommended action tonight.

RECOMMENDATION:

That the City Council eliminates the Lottery Policy Application Process and permanently assigns the Annual Fireworks Show to the Sebastopol Kiwanis Club.

Attachments:

Annual Fireworks Show Lottery & Permit Process Policy

City Council Policy Number:
Adoption Date of Policy: July 20, 2021

Title of Policy: Annual Fireworks Show Lottery & Permit Process

Background:

The City of Sebastopol has deemed the use of dangerous and safe and sane fireworks, as defined in Health and Safety Code sections 12500, et seq., to pose a risk to public health and safety, and prohibits the use of any kind of firework by members of the general public.

Purpose of Policy:

The purpose of this policy is to create a fair and transparent lottery process for issuance of one permit to be granted in any calendar year per City ordinance.

Policy:

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- Applicant Name, Address, Telephone Number, Email Address, Signature
- What is the primary goal of the fundraiser?
- What previous experiences do you have in hosting such a large event?
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All Applicants would be interviewed by the Fire Chief/Director of Emergency Services to ensure completeness of the application. Incomplete applications would not be considered. Final decision would be the responsibility of the Fire Chief/Director of Emergency Services.

City Council will be notified of lottery permit winner no later than 7 days of decision.

IN COUNCIL DULY APPROVED AND ADOPTED this 20th day of July, 2021.

I, the undersigned, hereby certify that the foregoing Policy was duly adopted by City of Sebastopol City Council following a roll call vote:

City of Sebastopol Council:

VOTE:

Ayes:

Noes:

Absent:
Abstain:

Approved: _____
Mayor Una Glass

Attest: _____
Mary Gourley, MMC, Assistant City Manager / City Clerk