

STAFF REPORTS

CITY COUNCIL
JANUARY 25, 2005

To: Mayor and City Council
From: George J. Rodericks, City Manager

SUBJECT: SPECIAL STUDY FOR SCHOOL PARKING AUTHORIZATION

BACKGROUND

On occasion the City Council receives a request from a community group and/or school-sponsored group hosting a special event at one of the local school sites to allow parking in areas where parking is prohibited. Most often, these requests are for events occurring outside of normal school operating hours and normal school traffic is not an issue. Examples of events that have occurred in the past include the Drum Line Show and the Band Booster Car Show.

Recently, the City Council was approached by a local school community group requesting that the traffic control devices be covered to allow parking at Villa Park Elementary School on Lincoln Street and Center Drive during normal school hours to accommodate holiday parties. Allowing parking in areas where parking is currently prohibited during normal school operating hours increases the City's liability in the event of an accident.

FINDINGS

The Government Code provides that a public entity is not liable for injury caused by the plan or design of a construction of, or an improvement to, public property where such a plan or design has been approved in advance of the improvement by the public entity. To trigger the applicable affirmative defense of design immunity, an improvement must conform to an approved plan. The California Joint Powers Insurance Authority represents the City irregardless of whether the City Council approved the removal of the signage under an approved plan or by a separate affirmative act, without benefit of a plan. However, the CJPIA has stated that absent an approved plan by a traffic engineer, an affirmative action by the City Council to remove a traffic control device places the City in a more tenuous liability position.

It is staff's recommendation that a traffic study be conducted to assess what signage can be safely removed at each school location to accommodate special events. The City Council can then use the study for each school as a "pre-approved" plan for the removal of traffic control devices for special events. Parties seeking to have the signs bagged should follow the established procedure for special event requests by submitting a request in writing to be considered by the City's Public Safety Committee with a recommendation to the City Council at a Public Meeting.

FISCAL IMPACT

There are sufficient funds in the Special Studies and Reports section of the Engineering budget in the 2004/2005 Operating Budget to complete the study. It is estimated that the cost of the study will not exceed \$500.

RECOMMENDATION

It is recommended that the City Council direct staff to prepare the study for each school site for use by the City's Public Safety Committee when evaluating special requests for removal of traffic control devices.