



Legislation Details (With Text)

**File #:** 24-116      **Version:** 1      **Name:**

**Type:** Consent Item      **Status:** Passed

**File created:** 1/25/2024      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency

**On agenda:** 2/20/2024      **Final action:** 2/20/2024

**Title:** SUBJECT: Approval of Street Closure Request #24-02 by Velo Promo, LLC to Host the 37th Annual Merced Criterium Bicycle Race, to Include M Street, from West 21st to West 18th Streets; West 18th Street, from M to N Streets; and N Street, from West 18th Street to West 21st Street, Including the Merced County Courthouse Loop on Sunday, March 3, 2024, from 6:00 A.M. to 5:00 P.M.

REPORT IN BRIEF

Considers approving a request by Velo Promo, LLC for the closure and use of City streets on Sunday, March 3, 2024, for the 37th Annual Merced Criterium Bicycle Race. The request seeks approval to close M Street, between W. 21st and W. 18th Streets; W. 18th Street, between M and N Streets; and N Street, from W. 18th Street to W. 21st Street, including the Merced County Courthouse loop from 6:00 a.m. to 5:00 p.m.

RECOMMENDATION

City Council - Adopt a motion approving the street closure of M Street, between W. 21st and W. 18th Streets; W. 18th Street, between M and N Streets; and N Street, from W. 18th Street to W. 21st Street, including the Merced County Courthouse loop on Sunday, March 3, 2024, from 6:00 a.m. to 5:00 p.m., subject to the details and conditions outlined in the Administrative Staff Report.

Sponsors:

Indexes:

Code sections:

**Attachments:** 1. Location Map, 2. Closure/Course map, 3. Traffic Control Plan (including signs), 4. Race Information, 5. "Notification of Pending Street Closure" form, 6. No Parking sign template

| Date      | Ver. | Action By   | Action   | Result |
|-----------|------|---|----------|--------|
| 2/20/2024 | 1    | City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency | approved | Pass   |

*Report Prepared by: Jessie Lee, Development Services Technician I, Planning Division*

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## RECOMMENDATION

**City Council** - Adopt a motion approving the street closure of M Street, between W. 21<sup>st</sup> and W. 18<sup>th</sup> Streets; W. 18<sup>th</sup> Street, between M and N Streets; and N Street, from W. 18<sup>th</sup> Street to W. 21<sup>st</sup> Street, including the Merced County Courthouse loop on Sunday, March 3, 2024, from 6:00 a.m. to 5:00 p.m., subject to the details and conditions outlined in the Administrative Staff Report.

## ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to modifications as conditioned by Council; or,
3. Deny the request completely; or,
4. Refer back to staff for reconsideration of specific items as requested by Council; or,
5. Continue item to a future Council meeting (date and time to be specified in City Council motion).

## AUTHORITY

City of Merced Charter Section 200; California Vehicle Code (CVC) Section 21101(e), as follows:

“CVC 21101. Local authorities, for those highways under their jurisdiction, may adopt rules and regulations by ordinance or resolution on the following matters:

*(e) Temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designates by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.”*

## CITY COUNCIL PRIORITIES

Not applicable.

## DISCUSSION

### Event Background

This race was first held in 1987 as part of a race series for the U.S. National Team, then based in the Fresno region, and has remained under the direction of the same race promoter, Velo Promo, LLC (Attachment 4). It was held in Merced every year in February, from 1987 to 2016; no race was held in 2017 or 2018; the race was reinstated from 2019 to 2020; was suspended in 2021 to 2022; and reinstated in 2023.

Sunday’s racing will be criterium-style, a popular type of road racing that consists of a series of multi-lap races around downtown streets, usually in loops of less than a mile in length. Separate races for different age and ability categories will be held throughout the day, rain or shine.

### Street Closure Details

The course for the day’s racing activities is a clockwise loop of streets starting and ending at the

intersection of M Street and W. 19<sup>th</sup> Street and including the streets as follows: M Street, following west down W. 18<sup>th</sup> Street, and northward along N Street, leading through the Merced County Courthouse loop, following east down W. 21<sup>st</sup> Street back to M Street (Attachment 2).

Street intersections within the race loop will be unavailable to through traffic on race day, except for emergency vehicles. The race sponsor will obtain separate approval from Merced County to use the areas within Courthouse Park that are County-owned property (Condition #19).

Initial set-up for the event will begin at approximately 6:00 a.m. on Sunday, March 3, 2024, with full street closure by 6:00 a.m. Racing will begin at 8:00 a.m. and end by approximately 3:30 p.m., with all streets reopening thereafter by 5:00 p.m.

The announcer/referee stand will be located on the west side of the intersection of W. 19<sup>th</sup> and N Streets. The rider registration and first aid station will be located at the northwest corner of M and W. 19<sup>th</sup> Streets (Attachment 3). Additionally, although the course will be accessible from other streets, an emergency vehicle access point has been designated at the intersection of W. 18<sup>th</sup> and M Streets (Condition #6).

The Sponsor has indicated that there are no additional activities planned with this event, such as food vendors or game booths. If these are added, each vendor shall be properly licensed and permitted with the appropriate agencies, and special events insurance will be required of the applicant (Condition #12). The race is insured by USA Cycling, Inc., the governing body for sanctioned cycling events in the United States.

At least seventy-two hours (three days) prior to the street closures, the event organizers are required to notify nearby businesses and residences within one-half-mile of the requested streets (Condition #7). To ensure this is done, event organizers are required to provide staff with confirmation that this notification was given, and staff has prepared a standard form that the event sponsor shall complete, photocopy, and distribute to the affected individuals within the stated area (Attachment 5).

### Conditions of Approval

The event and street closure will be subject to the following conditions, if approved:

1. By applying for the street closure and use of City-owned real property, the Permittee shall agree to indemnify, protect, defend (with counsel selected by the City), save, and hold City, its officers, employees, agents, and volunteers harmless from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of Event Sponsor or Event Sponsor's officers, employees, agents, volunteers, and participants during performance of the Event, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of Event Sponsor or its officers, employees, agents, volunteers, or participants, or resulting from the negligence of the City, its officers, employees, agents, and volunteers, except for loss caused solely by the gross negligence of the City. Acceptance by City of insurance certificates and endorsements required for this Event does not relieve Event Sponsor from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.

2. Prior to engaging in the event, Event Sponsor shall provide the City with a Certificate of Liability Insurance evidencing coverage in an amount of no less than \$500,000 for property damage and \$500,000 for personal injury or a minimum combined single limit coverage of \$500,000. Said policy shall stipulate that this insurance will operate as primary insurance and that no other insurance will be called on to cover a loss covered thereunder. Additional insured endorsements evidencing this coverage, naming the City of Merced, its Officers, Employees, and Agents as additional insureds, must be submitted to the City prior to the event. This certificate shall provide that thirty (30) days written notice of cancellation shall be given to the City. Certificates of Insurance shall also be provided for Automobile insurances of all automobiles used for the event. If the Event Sponsor has any employee(s), full workers' compensation insurance shall be provided with a limit of at least \$100,000 for any one person as required by law.
3. The applicant shall obtain, at its sole cost and expense, special events coverage insuring the City and its officer, employees, volunteers, and agents from any and all claims relating to the project. Special events coverage may be obtained through private insurance or is available through application with the City Clerk's office three weeks prior to the event.
4. Failure to comply with any law, rule, or regulation applicable to the use of said streets shall be grounds to revoke any such permit and, in such circumstances, the Chief of Police shall immediately revoke said permit. The Event Sponsor or permit holder, in such case, shall have the right to appeal said revocation to the City Council.
5. The applicant shall comply with all applicable statutes, ordinances, rules, regulations, etc., including all requirements of the City of Merced Fire Department.
6. Event sponsor shall provide and maintain a minimum 22-foot-wide emergency vehicle access path into and through the street closure area at all times via movable barriers. Fire hydrant access shall not be blocked at any time whatsoever.
7. Event sponsor shall contact all businesses and residences affected by the street closure(s), advising them of the hours, conditions, and reason thereof within one half-mile of the encroachment area at least seventy-two (72) hours prior to the event. Event Sponsor shall provide the City confirmation that the proper notification was given (Attachment 5).
8. The Merced City Police Department or their designee has the authority to immediately cancel all activities requested with this street closure if there is a police or other emergency incident in the area. Application fees are non-refundable.
9. Event sponsor shall be responsible for placing and removing all approved traffic barricades and posting of parking restrictions where street is closed as required by the City of Merced Police Department. "No Parking" signs shall be posted at least twenty-four (24) hours prior to towing of vehicle(s) per California Vehicle Code Section 22651(m). All barricades and signs shall be removed by the event sponsor immediately following the end of the event.
10. Event sponsor shall be responsible for dismantling and removing all equipment, temporary structures, trash, and debris within and around the closure area generated by the event prior to the expiration of the closure permit.
11. Event sponsor shall provide adequate supervision throughout the course and surrounding

intersections to ensure the safety of the participants and the public gathered, as required by the Police Department.

12. If vendors will be included during the event, the sponsor shall be responsible for ensuring that all independent vendors and services involved with the event obtain or already possess a current City of Merced business license and insurance.

13. In the instance that food vendors or game booths are included during the event, the sponsor will ensure that all food vendors and caterers shall comply with all requirements of the Merced County Environmental Health Department with regards to the preparation and serving of food and drink.

14. Event sponsor shall provide access to disabled-accessible restrooms, as required by the California Building Code.

15. Event sponsor shall arrange and pay for special Event City Refuse service, or provide other suitable means for trash collection, as deemed appropriate by the City of Merced Public Works Department/Refuse Division.

16. All other provisions addressed in Ordinance #1941 Chapter 12.42 (Temporary Street Closures) shall apply.

17. No alcoholic beverages may be served or sold at this event.

18. Event Sponsor shall obtain separate approval from Merced County to use the areas within Courthouse Park that are County-owned property.

## **IMPACT ON CITY RESOURCES**

For many years, this race ran safely and successfully without Police support, due to experienced volunteers and well-placed barricades and warning signs, and the event sponsor expects to be able to run the event similarly this year. No City staffing is necessary. Therefore, there is no expected impact to the City's budget with this event.

## **ATTACHMENTS**

1. Location Map
2. Closure/Course map
3. Traffic Control Plan (including signs)
4. Race Information
5. "Notification of Pending Street Closure" form
6. No Parking sign template