



Legislation Details (With Text)

File #: 20-063 **Version:** 1 **Name:**

Type: Consent Item **Status:** Passed

File created: 1/24/2020 **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority

On agenda: 2/18/2020 **Final action:** 2/18/2020

Title: SUBJECT: Approval of Street Closure Request #20-01 by Merced LGBTQ Alliance to Host the Annual Merced LGBTQ Alliance Pride 2020 Event, Located on W. Main Street Between M and K Streets (Including Bob Hart Square); and Canal Street Between W. Main Street and Arbor Lane, on Saturday, May 2, 2020, from 10:00 a.m. to 11:00 p.m.

REPORT IN BRIEF

Considers approving a request by the Merced LGBTQ Alliance for the closure and use of City streets and Bob Hart Square on Saturday, May 2, 2020, for the Annual Merced LGBTQ Alliance Pride 2020 event. The request seeks approval to close W. Main Street, between M and K Streets, including Bob Hart Square, and Canal Street between W. Main Street and Arbor Lane, on Saturday, May 2, 2020, from 10:00 a.m. to 11:00 p.m.

RECOMMENDATION

City Council - Adopt a motion approving the street closure of W. Main Street between M and K Streets, including the use of Bob Hart Square, and Canal Street between W. Main Street and Arbor Lane, on Saturday, May 2, 2020, from 10:00 a.m. to 11:00 p.m., subject to the details and conditions outlined in the administrative staff report.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Location Map.pdf, 2. Site Plan_SC 20-01.pdf, 3. Pending Closure Notice.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|--|----------|--------|
| 2/18/2020 | 1 | City Council/Public Finance and Economic Development Authority/Parking Authority | approved | Pass |

Report Prepared by: Stephani Davis, Development Services Technician II, Planning Division

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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 person who are to use that portion of the street during the temporary closing.”

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

Requested Streets and City Facilities

The applicant requests the use of City streets and facilities as listed below and illustrated on Attachments 1 and 2:

Saturday, May 2, 2020, from 10:00 a.m. to 11:00 p.m.:

- W. Main Street, between M and K Streets
- Bob Hart Square Park
- Canal Street, between W. Main Street and Arbor Lane

Event Description

PRIDE 2020:

For several years, the Merced LGBTQ Alliance have held annual Pride events located within the Merced Applegate Park. Last year was the inaugural year of holding the event within the downtown; they plan to continue this new tradition for a second year with this street closure request.

The applicant proposes to close W. Main Street, between M and K Streets; Canal Street, between W. Main Street and Arbor Lane; and reserve Bob Hart Square Park for their exclusive use, beginning at 10:00 a.m. on Saturday, May 2, 2020. The event itself will run from 4:00 p.m. to 9:00 p.m., and streets will reopen by 11:00 p.m. (Attachments 1 and 2).

The event will include tables along Main Street for vendors and other affiliates who will be providing merchandise; food vendors will be lined along Canal Street. In Bob Hart Square Park, the sponsor will be placing a bounce house for guests to enjoy, with the rest of the park reserved for guests to intermingle (Attachment 2). In the street of Bob Hart Square, there will be a stage for local performances and poetry readings. Ample time is allowed, before and after the event, for set-up and takedown of tables, the bounce house, the stage, and necessary equipment.

The event sponsor will need to provide their own electricity, if necessary, for the vendor tables or activities occurring in the street closure (W. Main Street and Canal Street). If use of City-supplied electricity is requested for use in Bob Hart Square during the event, the sponsor will be responsible for making arrangements prior to the event with appropriate City staff to make the electricity hookups available (Condition #17).

Security guards will be provided at a minimum ratio of one guard per one-hundred guests, as is normally required by the Police Department for events that will not be serving or selling alcohol (Condition #8).

The applicant is required to notify all businesses and residences affected by the street closure within one-half mile with information on the range of time that the street will be closed and the reason. This notice must be given at least seventy-two (72) hours prior to the street first being closed off. The applicant must then confirm with Planning Department staff that this notice was distributed to those businesses and residences (Condition #7 and Attachment 3).

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 3).

8. Adequate supervision and security throughout the event perimeter shall be provided by the event sponsor to ensure the safety of event participants and the public, as required by the City of Merced Police Department. Security guards shall be provided at a minimum of one guard per each one-hundred guests.

9. 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.

10. Event sponsor shall be responsible for placing and removing all traffic barricades and posting of parking restrictions where street is closed. "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.

11. 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.

12. Noise from music or other activities shall be kept to a minimum, so as not to disturb the nearby residential loft units. Music shall not be played later than 9:00 p.m.
13. Event 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.
14. Event sponsor and 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.
15. Event sponsor shall provide access to disabled-accessible restrooms, as required by the California Building Code.
16. 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.
17. Event Sponsor shall be responsible for making timely arrangements with the City's Public Works staff to turn the electrical power supply in the park on and off before and after the event on Saturday, May 2, 2020. The Event Sponsor shall provide generators, if needed, for the vendor tables and activities occurring within the remaining street closure area on W. Main Street (between M and K Streets) and Canal Street (between W. Main Street and Arbor Lane).
18. Any temporary modifications of the City's electrical system in the park shall be approved by City staff. Only a State-licensed electrician shall be permitted to make any such modifications. All modifications shall be completely removed and reverted back to the original system after the event.
19. All other provisions addressed in Ordinance #1941 Chapter 12.42 (Temporary Street Closures) shall apply.

IMPACT ON CITY RESOURCES

As the event proposed will be handled entirely by members of the Merced LGBTQ Alliance, the event is not expected to significantly impact any City resource.

The applicant may need to arrange for special event City refuse and use of City-supplied electricity for the use of Bob Hart Square, if needed.

The event sponsor will be providing security for the event and generators for any electricity needed within the street closures on W. Main Street, between M and K Streets and Canal Street, between W. Main Street and Arbor Lane.

ATTACHMENTS

1. Location Map
2. Site Plan
3. Notification of Pending Street Closure