



Legislation Details (With Text)

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**File created:** 5/10/2016      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority

**On agenda:** 6/6/2016      **Final action:** 6/6/2016

**Title:** SUBJECT: Street Closure #16-08 for the Merced Community Development Corporation to Host a Weekly Street Faire in Downtown.

REPORT IN BRIEF

Consider a request for the closure of City streets and the use of Bob Hart Square.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of West Main Street (between K Street and N Street, but open at West M Street), Canal Street (between West Main Street and Arbor Lane), N Street (between West Main Street and the alley north of West 16 Street), and the use of Bob Hart Square, as requested by the Merced Community Development Corporation to host the Merced Downtown Street Faire, every Thursday night from 5:00 p.m. to 10:00 p.m., between June 16, 2016, and September 1, 2016; subject to the conditions outlined in the administrative staff report.

Sponsors:

Indexes:

Code sections:

**Attachments:** 1. Location Map.pdf, 2. Site Plan.pdf, 3. Rules and Regulations.pdf, 4. Notification of Pending Street Closure.pdf

Date	Ver.	Action By	Action	Result
6/6/2016	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

*Report Prepared by: Francisco Mendoza-Gonzalez, Planner, Development Services*

**SUBJECT:** Street Closure #16-08 for the Merced Community Development Corporation to Host a Weekly Street Faire in Downtown.

REPORT IN BRIEF

Consider a request for the closure of City streets and the use of Bob Hart Square.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of West Main Street (between K Street and N Street, but open at West M Street), Canal Street (between West Main Street and Arbor Lane), N Street (between West Main Street and the alley north of West 16 Street), and the use of Bob Hart Square, as requested by the Merced Community Development Corporation to host the Merced Downtown Street Faire, every Thursday night from 5:00 p.m. to 10:00 p.m., between June 16, 2016, and September 1, 2016; subject to the 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 to a future Council meeting (date and time to be specified in the motion)

## AUTHORITY

City of Merced Charter Section 200; California Vehicle Code (CVC) Sections 21100(a) and 21101(e), the latter as follows:

"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.

Merced Municipal Code Section 9.12.020 - Serving or drinking liquors on street:

*"It is unlawful, and a misdemeanor, subject to punishment in accordance with Chapter 1.12 of the code, for any person to serve, drink, consume, or have in his/her possession an open container containing any spirituous, vinous, malt, or any other intoxicating liquors in or upon any of the streets, sidewalks, alleys, parks, parking lots, or any public place in the city, unless otherwise permitted by the Merced Municipal Code or authorized by the City Council."*

## CITY COUNCIL PRIORITIES

Not applicable.

## DISCUSSION

### Event Details

The Merced Community Development Corporation is requesting approval for the closure of City streets and the use of Bob Hart Square to host a Downtown Street Faire every Thursday night from 5:00 p.m. to 10:00 p.m. (includes set-up and clean-up times, event time will be from 6:00 p.m. to 9:00 p.m.), between the dates of June 16, 2016, and September 1, 2016. This event will be organized and managed by the Merced Community Development Corporation (not City staff) and the organizer's main goals are to bring exposure to Downtown goods and services and to attract more businesses to the Downtown area. Event vendors will be required to comply with the applicant's Rules and Regulations (Attachment 3), which establish general provisions for this event. Volunteers from the Rescue Mission and local high school clubs will be used to help vendors set-up before the event and clean-up during/after the event. The applicant has contacted the City's Refuse Department to arrange for Special Event Service with 8 to 12 containers.

### Requested Streets

The applicant requests the use of Bob Hart Square and the closure of the following streets on the

days of the street faire, as shown on Attachment 1, subject to the details and conditions outlined in the “Conditions of Approval” section of this report.

- N Street, both travel lanes, from the alley north of West 16 Street to West Main Street (a portion of Section 1).
- West Main Street, both travel lanes, from N Street to M Street (a portion of Section 1).
- West Main Street, both travel lanes, from M Street to K Street (a portion of Section 2).
- Canal Street, both travel lanes, from West Main Street to Arbor Lane (a portion of Section 2).

As shown in attached Site Plan (Attachment 2), the applicant has organized the Street Faire into three different sections. Section 1 includes general food vendors, food trucks, portable bathrooms, a bounce house, pony rides, and activities/entertainment for children. Section 2 includes retail vendors, produce vendors, live music (at Canal Street and West Main Street), non-profit booths, and a car show. Section 3 (Bob Hart Square) will have a beer garden.

The beer garden will be enclosed by six-foot-tall chain link fence and have one entrance and exit on West Main Street, and another exit on the southeast corner of Bob Hart Square. The entrance will have a check-in station overseen by a security guard and a staff member distributing wristbands to customers over the age of 21. Additional security guards, at a ratio of 1 guard for every 50 people, will be provided to patrol the beer garden and to manage the exits at all times during the event (Condition #7). The applicant will be required to comply with all pertinent regulations from Alcoholic Beverage Control and the Merced County Health Department (Conditions #14 and #21).

### Street Closure Expansion Plan

Even though the applicant is requesting approval for the closure of Sections 1 and 2, the applicant does not anticipate occupying both sections until the later months of the Street Faire. The applicant will begin the Street Faire by occupying Section 2 and Bob Hart Square only. After this area is fully occupied by vendors, the applicant will expand the Street Faire westward into Section 1. M Street will remain open for vehicles traveling north and south, and crossing guards will be provided at this intersection to help people cross the street as allowed by the traffic signals (crossing guards will not be allowed to stop or direct vehicular traffic). When the Street Faire is expanded to include Section 1, the applicant will be responsible for contacting the Police and Fire Departments so that they may plan their safety routes accordingly.

City Administrative Policy #A-25 reserves the use of City-Owned Real Property for non-profit organizations. The Merced Community Development Corporation is not a non-profit organization; however, a portion of their weekly proceeds (approximately 5%) will be donated to a non-profit (organization to be determined the week of the event). This application is being sent to City Council for review, because alcohol will be served at this event. Merced Municipal Code Section 9.12.020 prohibits any person to sell, serve, or consume alcohol on any street, sidewalk, alley, park, or parking lot owned by the City of Merced, unless an exception is granted by City Council.

### Conditions of Approval

1. By applying for the street closure request, 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 officers, 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 remove all structures, debris, and any other items generated from the event by 10:00 p.m. on each night of the event.

6. The applicant shall comply with all applicable statutes, ordinances, rules, regulations, etc., including all regulations of the City of Merced Fire Department.

7. The applicant shall provide adequate supervision and security throughout the area to ensure the safety of the participants and the public gathered, as required by the Merced Police Department.

8. The applicant shall be responsible for insuring that all vendors involved with the event obtain a City of Merced Business License by the Monday of the week of the event (by 4:00 p.m.).

9. The applicant shall be responsible for placing and removing all traffic barricades and posting of parking restrictions where streets are 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).

10. The applicant shall contact all businesses and residences affected by the street closures, advising them of the hours, conditions, and reason thereof within one half-mile of the closure area at least seventy-two (72) hours prior to the first event and once a month during the duration of the event. Event Sponsor shall provide the City with confirmation that the proper notification was given (Attachment 4).
11. The applicant shall provide and maintain a minimum 22-foot-wide emergency vehicle access path to and through the interior of the closure area at all times. Fire hydrant access shall not be blocked at any time whatsoever.
12. 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.
13. All other provisions addressed in Ordinance #1941 Chapter 12.42 (Temporary Street Closures) shall apply.
14. Event sponsor shall contact the Merced County Health Department and comply with all requirements for this type of event prior to each day of the event.
15. All provisions of the Fire Code shall apply. This includes, but is not limited to, posting no-smoking signs in all tent areas as required, no parking within 20-feet of any tent, all requirements for cooking within a tent, and including temporary and portable electrical power supplies.
16. Due to the large amount of proposed vendors, City electricity cannot be provided for this event. Vendors shall be responsible for obtaining their own means of energy. Cables or chords used for transferring or producing energy shall be secured to the ground in a manner that is not hazardous for pedestrians.
17. The applicant shall provide all necessary information relating to the use of any tents to the Fire Department and shall obtain all necessary permits for the use of tents prior to the date of each event.
18. The event sponsor shall provide access to disabled-accessible restrooms as required by the California Building Code.
19. Any bounce houses shall be selected from the City of Merced Parks and Recreation's list of pre-approved vendors. The applicant shall ensure that the bounce house is secured in a manner that prevents tipping from wind-loads or general impacts (internal and external).
20. The applicant shall arrange and pay for special event City refuse service. This can be done by contacting the City's Public Works Department at (209) 385-6800.
21. Alcoholic beverages may be sold and served during this event subject to the rules and regulations of Alcoholic Beverage Control.
22. The noise from music or other activities shall be kept to a minimum so as not to disturb the nearby lofts. Music may be played no later than 9:00 p.m.

## **IMPACT ON CITY RESOURCES**

No appropriation of funds is needed.

## **ATTACHMENTS**

Attachment 1 - Location Map

Attachment 2 - Site Plan

Attachment 3 - Street Faire Rules and Regulation

Attachment 4 - Notification of Pending Street Closure