



Legislation Details (With Text)

**File #:** 19-160      **Version:** 1      **Name:**

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

**File created:** 3/21/2019      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority

**On agenda:** 4/15/2019      **Final action:** 4/15/2019

**Title:** SUBJECT: Approval of City-Owned Real Property Use Request #19-04 by The Regents of the University of California, Merced (UC Merced) for the Use of Bob Hart Square Park to Host the Class of 2019 Graduation Reception, Which Includes Serving Alcohol on Friday, May 3, 2019, from 12:00 p.m. to 11:00 p.m.

**REPORT IN BRIEF**

Considers approving a request by UC Merced allowing the exclusive use of Bob Hart Square Park on Friday, May 3, 2019, from 12:00 p.m. to 11:00 p.m. (event time 7:00 p.m. to 10:30 p.m.), for the Graduating Class of 2019's graduation reception, which includes the serving of alcohol.

**RECOMMENDATION**

City Council - Adopt a motion approving the exclusive use of Bob Hart Square Park on Friday, May 3, 2019, from 12:00 p.m. to 11:00 p.m., for a graduation reception (including the serving of alcohol); subject to the conditions outlined in the administrative report.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan

Date	Ver.	Action By	Action	Result
4/15/2019	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

*Report Prepared by: Stephani Davis, Development Services Tech II, Planning Division/Development Services*

**SUBJECT:** Approval of City-Owned Real Property Use Request #19-04 by The Regents of the University of California, Merced (UC Merced) for the Use of Bob Hart Square Park to Host the Class of 2019 Graduation Reception, Which Includes Serving Alcohol on Friday, May 3, 2019, from 12:00 p.m. to 11:00 p.m.

**REPORT IN BRIEF**

Considers approving a request by UC Merced allowing the exclusive use of Bob Hart Square Park on Friday, May 3, 2019, from 12:00 p.m. to 11:00 p.m. (event time 7:00 p.m. to 10:30 p.m.), for the Graduating Class of 2019's graduation reception, which includes the serving of alcohol.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the exclusive use of Bob Hart Square Park on Friday, May 3, 2019, from 12:00 p.m. to 11:00 p.m., for a graduation reception (including the serving of alcohol); subject to the conditions outlined in the administrative report.

## ALTERNATIVES

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

## AUTHORITY

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, alley, 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

The Regents of the University of California, Merced, are requesting approval for their 10<sup>th</sup> annual Graduation Reception, for the graduating class of 2019. Through the years, this event has been held at various locations, with the first four held atop the parking garage at M and W. 18th Streets. After being held at The Vista event center, located outside the City limits for two years in a row, the event came back to downtown Merced at Bob Hart Square in 2015 with great success. In 2016, the introduction of the serving of wine during the toast at the reception also attained its goal of encouraging the graduates to stay downtown and patronize area businesses.

This year, the UC organizers expect approximately 475 students to attend. There will also be approximately 15 staff members there for registration and set-up of tables and chairs, as well as other faculty and staff, including the Chancellor.

The event, more particularly described as a celebratory reception of peers than a graduation party, will feature fully-catered hors d'oeuvres provided by Five Ten Bistro Restaurant at the park, a DJ for dancing and background music, a singer and guitarist, photo booth, and a short program.

### *Serving of Alcoholic Beverages in City Parks*

In 2016, the UC organizers made a major change from previous years' receptions in adding the serving of wine to the graduates at the reception for the toast. Consequently, as the serving of wine is again proposed, the UC's request to use the park must be reviewed and approved by the City Council, per Merced Municipal Code (MMC) 9.12.020, which requires Council authorization for any alcohol served in any City park or public place (see full Code Section noted above under "Authority").

As all the graduates will be over 21 years of age by the date of the event, UC staff assures the City that there will be no underage attendees. However, preventative procedures will be in place to assure control. Organizers will be requiring picture identification at the entrance to the event perimeter, and

each student will be issued a wristband identifying them with the event, along with two drink tickets (maximum of two six-ounce drinks per graduate). No person that is underage will be permitted to enter the event.

Additionally, Five Ten Bistro, under whose ABC license the wine will be served, will be under specific instruction to spot-check identification if there is any question of age, and to pour the glasses sparingly.

All attendees will be required to stay within the event perimeter at all times, with no in/out privileges. Those who leave early will not be permitted back in.

With the wine being served, the event organizers will have additional security on hand. Four UC police officers and four CSO's will staff all entrances to Bob Hart Square at all times, and UC staff will assist as needed.

As they will be with their peers and UC faculty and staff, the event organizers assure City staff that the graduates will be mature and respectful with the inclusion of wine with the event.

#### Conditions of Approval

1. Applicant shall furnish the City with acceptable insurance for this event. As part of the mutual covenants, promises, and agreements contained within the "Agreement for Use of Facility" contract to be fully executed between the City and the Regents of the University of California, the event sponsor shall purchase special events insurance coverage through Special Event Liability Group Trust, RPG, administered by HUB International Services, Inc., or through related entities acceptable to the City. Said insurance shall name the City, and its respective officers, officials, employees, volunteers, and agents as additional insureds and must also be approved by the City's Insurance Coordinator and the City Attorney's Office before the event is held. The event sponsor shall also maintain in full force: workers' compensation insurance, general liability, and automobile insurance, and provide certificates of insurance and endorsements as such.
2. Event sponsor shall be responsible for making arrangements with the City's Public Works' staff to turn on and off the power supply in the park before and after the event.
3. Event staff and attendees shall use the large parking lots along W. 16th Street between W. Main and W. 16th Streets. Attendees shall be instructed not to use parking along W. Main Street for the evening, in order to avoid adverse impact to businesses and other downtown patrons.
4. Event sponsor shall remove all structures, debris, and any other event-generated items from the park and surrounding gutters and sidewalks prior to 11:00 p.m. on the night of the event.
5. If needed, event sponsor shall be responsible for making arrangements with the City's Public Works Refuse Department's staff to deliver and remove curbside refuse containers for use during the event and for any necessary clean-up afterwards.
6. Event sponsor shall comply with all applicable statutes, ordinances, rules, regulations, etc., including all regulations of the City of Merced Fire Department, including obtaining permit(s) for any tents or canopies used for the event.

7. All provisions of the Fire Code shall apply. This includes, but is not limited to, posting no-smoking signs in any tented areas as required, no parking within 20 feet of any tent, all requirements for any cooking in a tent, and including any temporary and portable electrical power supplies that may be used.

8. Event sponsor shall provide adequate supervision and security throughout the area to ensure the safety of the participants and the public, as required by the Merced Police Department. At minimum, security guards shall be provided at one officer per 50 attendees.

9. Event sponsor and its caterer shall comply with all requirements of the Merced County Health Department with regards to the serving of food.

10. Event sponsor shall ensure that any independent vendors, such as DJ's, portable toilet rental companies, photo booth vendors, bartenders, and caterers, obtain or hold current business licenses with the City of Merced.

11. 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.

12. The event sponsor shall provide access to disabled-accessible restrooms, as required by the California Building Code.

13. Alcoholic beverages may be served during this event, subject to the strict rules, regulations, and restrictions of the California Alcohol Beverage Control.

14. Noise from music or other activities shall be kept to a minimum, so as not to disturb the nearby residential loft units. Music volume shall be turned down at 10:00 p.m., and no music shall be played later than 10:30 p.m.

15. The "Agreement for Use of Facility" between the City of Merced and the Regents of the University of California shall be fully-executed by both parties prior to the event, with insurance requirements also met, or the event shall not occur.

## **IMPACT ON CITY RESOURCES**

No appropriation of funds is necessary.

A small impact to Public Works' Facilities staff is expected, such as staff time in arranging for and turning on electricity in the park to make it available to the event's power needs, along with a general park clean-up the day before. The event organizers will be required to leave the park clean of any trash and debris it generates. Five Ten Bistro Restaurant will place any such debris in their existing City-service container, so additional refuse bins for the event are not necessary.

There is no expected impact to City Police resources, as the UC will be providing officers from their own staff. No other City resource impacts are expected.

## **ATTACHMENTS**

1. Location Map

## 2. Site Plan