



Legislation Details (With Text)

File #: 17-149 **Version:** 1 **Name:**

Type: Consent Item **Status:** Passed

File created: 3/21/2017 **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority

On agenda: 4/17/2017 **Final action:** 4/17/2017

Title: SUBJECT: Street Closure Request #17-05 (Friends of Sober Grad Nite, for Use of W. Main and Canal Streets)

REPORT IN BRIEF

Friends of Sober Grad Nite request the use of City streets for a car show fundraiser on Sunday, April 30, 2017, from 11:00 a.m. to 6:00 p.m.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of W. Main Street between K and M Streets, and Canal Street between W. Main and W. 18th Streets, on Sunday, April 30, 2017, from 11:00 a.m. to 6:00 p.m., subject to the details and conditions outlined in the administrative staff report.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1. Location Map, 2. 2. Site Plan, 3. 3. Event Flyer, 4. 4. Notification of Pending Street Closure

Date	Ver.	Action By	Action	Result
4/17/2017	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

Report Prepared by: Kimberly Nutt, Planning Technician II, Development Services

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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:

“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

Requested Streets:

The applicant requests the use of City streets as listed below, from 11:00 a.m. to 6:00 p.m., for the day's events on Sunday, April 30, 2017 (Attachment 1):

- W. Main Street, between K and M Streets
- Canal Street, between W. Main and W. 18th Streets.

Background

The Friends of Sober Grad Nite organization is requesting the street closure in order to hold a fundraiser - a car show with cars, motorcycles, and vendors - to raise funds for its main cause, Sober Grad Night, in June later this year.

The six-officer organization is a non-profit charity entity. Run exclusively by volunteers, and originally started just to serve the students of Golden Valley High School, the organization and Sober Grad Night “main event” have grown to encompass all area high schools and their graduating seniors, which means larger fundraising needs and goals. Funding for Sober Grad Night comes solely from community donations, ticket sales, and fundraiser events like the proposed street closure.

The approximately 200 volunteers who help with June's Sober Grad Night and who will help with this fundraiser are parents, community members, business owners, and others, who care about making graduation night fun, memorable, and safe for high school seniors.

The Sober Grad Night itself is an event for area high schools, including Merced, Golden Valley, El Capitan, Buhach, and Atwater High School graduating seniors and their guests, offering them a variety of all-night fun and entertaining activities while keeping them safe from the peer-pressure temptations and all-too-often tragic dangers of graduation night teen alcohol abuse.

Event Description

Streets will close to through traffic at 11:00 a.m., then will reopen by 6:00 p.m. The event itself is scheduled to run between 12:00 p.m. (noon) through 5:00 p.m. Emergency access will be provided through the entire closure area at all times, with vehicles parked clear away from the necessary 22-foot clearance (Attachment 2).

The street closure will feature, along W. Main Street between K and M Streets, unique automobiles and motorcycles on display from various local car clubs, individual owners, and custom motorcycle builders.

Crafts, clothing, service, and jewelry and other vendors will line Canal Street between W. Main Street and W. 18th Streets. No food vendors will be recruited to take part, however, as the Friends of Sober Grad Nite organization will have a food booth for their fundraising purposes.

The organizers hope to have approximately 500 people in attendance at this event. The event is free of charge for spectators, with 100% of all proceeds from the food booth and car show entry fees going towards the Grad Night fundraising effort. This is the first year the organization is holding a car show. If a success, they intend to make it a yearly effort.

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 affected streets (Condition #6). To ensure this is done, event organizers are required to provide staff with confirmation that this notification was given. To accomplish this, staff has prepared a standard form that the event sponsor shall complete, photocopy, and distribute to businesses and residences within the stated area (Attachment 4). A copy of this form shall also be signed and submitted to Planning Department staff, affirming that the required businesses and residences were notified.

Conditions of Approval

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

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 event sponsor 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 (385-6866).

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. 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).

6. Event sponsor 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 event. Event Sponsor shall provide the City with confirmation that the proper notification was given (Attachment 3).

7. Event sponsor shall be responsible for removing all equipment and disposing of any trash and debris within and around the closure area that is generated from the event prior to the expiration of the closure permit.

8. The Applicant shall arrange and pay for special event City Refuse service by contacting Public Works at (209) 385-6800.

9. Event sponsor shall provide emergency vehicle access to and through the interior of the closure area at all times. Fire hydrant access shall not be blocked at any time whatsoever.

10. Event sponsor shall provide adequate supervision throughout the closure area and surrounding intersections to ensure the safety of the public gathered, as required by the Police Department.

11. 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.

12. The event sponsor shall be responsible for insuring that all vendors obtain business licenses with the City of Merced (if not currently licensed).

13. The event sponsor, as the only food vendor, shall obtain a Merced County Department of Health permit for food service prior to the event.

14. Alcoholic beverages may not be served or sold at this event.

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

IMPACT ON CITY RESOURCES

The street closure event will be run entirely by volunteers, so no impact on City Police resources is expected.

The organization will need special event refuse services, so there will be a small impact to Public Works, Refuse Division resources, when called upon by the applicant to provide those services. The event sponsor will provide their own power generators for any electricity they need for their food booth.

ATTACHMENTS

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