



## Legislation Text

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File #: 16-377, Version: 1

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**SUBJECT:** City-Owned Real Property Request #16-11 (510 Bistro and Playhouse Merced for Octoberfest Beer Garden)

### REPORT IN BRIEF

Consider allowing the use of Bob Hart Square on Saturday, September 24, 2016, from 4:00 p.m. to 11:00 p.m., for 510 Bistro and Playhouse Merced to host their first annual Octoberfest Beer Festival.

### RECOMMENDATION

**City Council** - Adopt a motion approving the use of Bob Hart Square (including the sale of alcohol) on Saturday, September 24, 2015, from 4:00 p.m. to 11:00 p.m. for the Octoberfest Beer Festival; subject to the conditions outlined in the administrative staff 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, 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

510 Bistro and Playhouse Merced are requesting approval for the use of Bob Hart Square on Saturday, September 24, 2016, from 4:00 p.m. to 11:00 p.m. (includes set-up and clean-up times) to host their first annual Octoberfest beer festival (Attachment 1). The applicant will provide tables, chairs, a stage for live music (to be played no later than 10:00 p.m. due to close proximity to residential lofts), and multiple check-in stations (Attachment 2). Food will be provided by 510 Bistro

and beer will be provided by a variety of brewers that will serve marzen lagers only. The festival will include a taste challenge where attendants rank their favorite brewers. The winner will be featured at 510 Bistro as the draft beer of the month during October.

The expected attendance for this event is two hundred people and security will be provided at a ratio of one security guard for every fifty people. Three security guards will oversee the entrance and exits to the park, and the other security guard will patrol the interior of the park. The applicant is working with the Police Department to ensure that their private security satisfies the Police Department's requirements.

City Administrative Policy #A-25 reserves the use of City-Owned Real Property for non-profit organizations. Playhouse Merced is a non-profit organization, but 510 Bistro is not a non-profit organization. However, a portion of the proceeds from this event will go towards helping a local business and the event itself will help bring exposure to Downtown Merced and adjacent businesses. This application is being sent to the City Council for approval 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 the City Council.

**Conditions of Approval:**

1. Applicant shall furnish the City with acceptable insurance for this event. The specified type of insurance is identified within the agreement for use of the facility.
2. Applicant shall remove all structures, debris, and any other items generated from the event by 11:00 p.m. on the night of the event.
3. Applicant shall comply with all applicable statutes, ordinances, rules, regulations, etc., including all regulations of the City of Merced Fire Department.
4. Event sponsor 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. Security guards shall be provided at a ratio of one guard for 50 attendees.
5. Event sponsor shall be responsible for ensuring that all vendors involved with the event obtain a City of Merced business license.
6. Event sponsor shall contact the Merced County Health Department and comply with all requirements for this type of event prior to the day of the event.
7. 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.
8. Any modifications to the electrical system shall be approved by City staff. Only a state licensed electrician shall be allowed to make any modifications to the electrical system. All modifications shall be reverted back to the original condition after the event.
9. 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 the event.
10. The applicant shall provide access to disabled-accessible restrooms as required by the California Building Code.
11. 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.
12. Alcoholic beverages may be sold and served during this event subject to the rules and

regulations of the California Alcohol Beverage Control.

13. 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 10:00 p.m.
14. The applicant shall install a six-foot-tall chain link fence around the perimeter of the parks or as required by the Police Department.

## **IMPACT ON CITY RESOURCES**

No appropriation of funds is needed.

## **ATTACHMENTS**

1. Location Map
2. Site Plan