



Legislation Text

File #: 17-168, **Version:** 1

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

SUBJECT: Street Closure Request #17-03 (Merced County Hispanic Chamber of Commerce and the City of Merced, for Use of City Streets and Alleyways for the Merced Cowboy/Vaquero 5-Kilometer and Kids' Half-Mile Runs, in Conjunction with the Merced Mercy Gulch Wild West Community Event)

REPORT IN BRIEF

The Merced County Hispanic Chamber of Commerce and the City of Merced request the use of City streets and alleyways for a 5-kilometer and kids' half-mile running race on Saturday, May 20, 2017, from 7:00 a.m. to 9:30 a.m.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of specific portions of W. Main, Q, W. 23rd, O, W. 20th, Canal, and H Streets, and the use of Bob Hart Square, as detailed in the staff report, on Saturday, May 20, 2017, from 7:00 a.m. to 9:30 a.m., for the Merced Cowboy/Vaquero 5k and Kids' Half-Mile Runs, in conjunction with the Merced Mercy Gulch Wild West Community Event, subject to the details and 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 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 specific sections of City streets and alleyways as listed below, from 7:00 a.m. to 9:30 a.m. for the Merced Cowboy/Vaquero 5k and Kids' half-mile Runs on Saturday, May 20, 2017 (Attachments 1 and 2):

Streets sections requested for the 5k run, in a clockwise loop:

- W. Main Street, between H and Q Streets, which will include the start/finish area
- Q Street, between W. Main and W. 23rd Streets
- W. 23rd Street, between Q and O Streets
- O Street, between W. 23rd and W. 20th Streets
- W. 20th Street, between O and Canal Streets
- Canal Street, between W. 20th and W. 23rd Streets
- W. 23rd Street, between Canal and H Streets
- H Street, between W. 23rd and W. Main Street.

Streets and one alleyway requested for kids' half-mile run:

- Martin Luther King Jr. Way, between W. Main and W. 18th Streets
- K Street, between W. Main and W. 18th Streets
- The alleyway between Martin Luther King Jr. Way and K Street, and between W. 18th and W. Main Streets.

The applicant also requests the use of Bob Hart Square for runner registration and check-in.

The section of W. Main Street between K and M Streets will be closed at the same start time (7:00 a.m.) as, and in conjunction with, the street closure application for the downtown Merced Mercy Gulch Wild West Community Event by Tsunami Collaboration, Inc., and City of Merced, of which this applicant is also a sponsor. This overlapping section of W. Main Street will be used jointly by both applicants for their respective activities. At the conclusion of the morning's running event, this street section will be turned over to the responsibility of Tsunami Collaboration, Inc., for their exclusive use for the rest of the day's Merced Mercy Gulch event.

Event Description

The Merced Cowboy/Vaquero 5k and Kids' Half-Mile Runs, a running event held in conjunction with the Merced Mercy Gulch Wild West Community Event, is being organized by the Merced County Hispanic Chamber of Commerce, under sponsorship of the City of Merced. Mr. Alfonso Garcia, a coach at Buhach Colony High School in Atwater, will be the event's technical advisor. Mr. Garcia has also contributed to other successful running events in the City of Merced, including the "Honey Bun Run" and the "Jingle Bell Run."

This event will be held the morning of Saturday, May 20, 2017, with initial closure of the above-mentioned roads scheduled for 7:00 a.m. Following the last athlete's exit from the course, all barricades and traffic cones will be removed, and all streets will be reopened by 9:30 a.m., with each

section opening after the last runner on the course passes through.

Two separate races will be held: 1) a kids' half-mile race; and, 2) a 5-kilometer race with several different entry categories based on age, for both Men's and Women's Divisions. The top three finishers in each category and division for the 5k run will receive a medal. The timing and result tabulating for all races will be handled under the technical support and advisement of the Buhach Colony High School Cross Country team and coach.

The kids' half-mile run will be contained to a two-block area of downtown and utilizes a City alleyway. The 5k run encompasses a much larger area, but still stays within the downtown and Central Merced area, remaining south of the Bear Creek natural boundary (Attachment 2).

While mostly staying on quiet neighborhood streets, the 5k run does cross M Street in two places: 1) at the intersection of W. Main and M Streets, and, 2) at the intersection of W. 20th and M Streets. The heavier volume of traffic at these two intersections, even early in the morning, will require the assistance of the Merced Police Department. Officers and Sergeants will be working beyond their regular shifts on overtime.

At the quieter neighborhood intersections on the course, volunteer traffic monitors will be provided by both the high school students and the event sponsors. There will be at least one volunteer traffic monitor at the blocked intersections to advise drivers of the race and direct through traffic to side streets, and at least one at the closed alleyways. There also will be additional volunteers along the race routes to safely stop any residential traffic in order to allow the runners to cross to the next road section uninterrupted. All volunteers will wear bright orange shirts or vests to easily be seen and some may be equipped with two-way radios. As this is a City-sponsored event, each volunteer will be required to complete and submit a liability waiver form before being allowed to take part (Condition #13).

Registration for the race is being held online through RunSignUp.com, and the event will be held rain or shine.

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 #5). To ensure this is done, event organizers are now 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 3). 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

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. 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.

4. 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).

5. Event sponsor shall contact all businesses and residences affected by the street closure(s) and the event, 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).

6. The Event Sponsor shall provide traffic monitors/volunteers at an acceptable frequency at each City block and intersection throughout the closure area. The applicant shall consult with the Police Department regarding these matters in order to ensure a safe and successful event for both participants and motorists in the closure vicinity.

7. Event sponsor shall provide and maintain a minimum 22-foot-wide emergency vehicle access path into and through the closure area at all times via movable barriers. Fire hydrant access shall not be blocked at any time whatsoever.

8. The Merced City Police Department or their designee has the authority to immediately cancel and/or re-route all activities requested with this street closure if there is a police or other emergency incident in the area. Application fees are non-refundable.

9. Event sponsor shall be responsible for removing all equipment, trash and debris that is generated from the event, including removal of "no parking" signs, within and around the closure area prior to

the expiration of the closure permit.

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

11. Event sponsor shall be responsible for ensuring that any outside vendors involved with the event obtain a City of Merced business license and a Merced County Environmental Health Food Vendor Permit, if food-related.

12. The applicant/event sponsor shall arrange and pay for special event City Refuse service by contacting Public Works at (209) 385-6800.

13. All volunteers for this City-sponsored event shall be required to complete and submit a "General Release and Waiver for Participants in City-Sponsored Events and Programs" liability waiver before participating.

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

IMPACT ON CITY RESOURCES

The applicant has requested assistance by Merced Police Department traffic control personnel to help maintain safety at the intersections of W. Main and M Streets, and W. 20th and M Streets. As volunteers will be provided at every other intersection on the course, this is the only expected impact to City resources for this event. The estimated cost of providing security at the two requested intersections is \$1,007.

ATTACHMENTS

1. Location Map
2. Course Map
3. Notification of Pending Street Closure