



## Legislation Text

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**File #:** 18-212, **Version:** 1

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

**SUBJECT:** City Owned Real Property Request #18-02 for Bob Hart Square (Mercy Medical Center Merced Foundation for a Dinner Fundraiser)

### REPORT IN BRIEF

Consider allowing the exclusive use of Bob Hart Square by the Mercy Medical Center Merced Foundation for the bi-annual "Taste of Merced" fundraiser, to include the serving of alcohol, on Friday, September 28, 2018, from 2:00 p.m. to 10:00 p.m.

### RECOMMENDATION

**City Council** - Adopt a motion approving the exclusive use of Bob Hart Square Park on Friday, September 28, 2018, from 2:00 p.m. to 10:00 p.m., as requested by the Mercy Medical Center Merced Foundation, for the "Taste of Merced" fundraiser (includes the serving of alcohol); 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, 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 Mercy Medical Center Merced Foundation is requesting approval to use Bob Hart Square for their bi-annual dinner fundraiser on Friday, September 28, 2018, from 2:00 p.m. to 10:00 p.m.

(includes set-up and clean-up times).

This event includes live music, entertainment, food provided by local restaurants, and alcohol provided by a local service club. Funds raised from the event will benefit Mercy Medical Center's Surgical Services, which helps to provide charitable care and services to the people of Merced County.

The event will begin set-up for the event at 2:00 p.m., with the event itself scheduled to run from 6:00 p.m. to 9:00 p.m. Use of the park includes a 24-foot-wide stage for the live music, approximately 38 tables with chairs for restaurant vendors and guest seating, cocktail tables with no chairs, portable restrooms, and check-in stations at the gated entry points.

A temporary six-foot-tall chain link fence will be installed around the entire perimeter of the park, leaving room on the sidewalk for passing pedestrians along W. Main Street and walking through from Canal Street to W. Main Street, and vice versa. There will be four five-foot-wide emergency exit points in the fencing, with one of those exit points being the main entrance for the event.

The event expects an attendance of 500 guests. Security is required for the event at a minimum of one guard per fifty guests, per Merced Police Department requirements. Security staff will be stationed at each of the four entry points in the fencing and within the event itself.

Following the event, all structures will be taken down, and the park will be cleaned up, in order to be completely finished with use of the park by the requested end time of 10:00 p.m.

Conditions of Approval:

1. 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. 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.
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 10:00 p.m. on the night of the event.
5. Event sponsor shall be responsible for making arrangements with the City's Public Works Refuse

Department's staff to deliver and remove refuse containers for use during the event and for any necessary clean-up afterwards.

6. Event sponsor shall comply with all applicable statues, 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 caterers 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 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. No music shall be played later than 10:00 p.m.

### **IMPACT ON CITY RESOURCES**

The event will require the use of electricity outlets in Bob Hart Square, and will also require the use of special event refuse containers. The event sponsor will contact Public Works to arrange for those needed items.

Event attendees and event staff will be using the City-owned public parking lots along W. 16<sup>th</sup> Street on either side of Canal Street on the evening of the event.

Traffic is not expected to be affected; therefore, no traffic control services are necessary.

### **ATTACHMENTS**

1. Location Map
2. Site Plan