



Legislation Text

File #: 16-371, **Version:** 1

Report Prepared by: Maria Mendoza, Development Associate, Office of Economic Development

SUBJECT: Street Closure Request for 2016 Cap and Town Festival

REPORT IN BRIEF

Request the use of City Streets and Bob Hart Square.

RECOMMENDATION

City Council - Adopt a motion approving the sale and consumption of alcoholic beverages on a City street, subject to the conditions for alcohol sales listed in the administrative report; the use of Bob Hart Square; and the closure of West Main Street from "M" Street to Martin Luther King Jr. Way, "K" Street from the alley north of West 16th Street to the alley south of West 18th Street, and Canal Street from West Main Street to West 18th Street on Saturday, September 10, 2016, from 8:00 a.m. until Sunday, September 11, 2016 at 12:00 a.m. for the 2016 Cap and Town Festival.

ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to other than recommended by staff; or,
3. Deny; or,
4. Refer back to staff for reconsideration of specific items as requested by Council; or,
5. Continue to a future meeting (date and time to be specified in Council motion).

AUTHORITY

City of Merced Charter Section 200; California Vehicle Code (CVC) Sections 21100(a) and 21101(e), the latter 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."

For the request for an alcohol beverage sales area/beer garden, authority is provided under: Section 200 of the City of Merced Charter; Merced Municipal Code Section 9.12.020, as follows:

"9.12.020. 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

As provided for in the 2016-17 Adopted Budget.

DISCUSSION

Event Description

The Cap and Town event is a celebration held in recognition of academic excellence in Merced area schools. This year, the Greater Merced Chamber of Commerce will spearhead the event with the City of Merced as a co-sponsor. The event hosts thousands of students, visitors, and residents of Merced as they enjoy the music and fun provided in Downtown Merced.

The Festival activities will begin at 10:00 a.m. on Saturday, September 10, 2016 and end at 10:00 pm. As in previous years, activities and entertainment will also be provided, including live bands, kids' activities and a rock climbing wall. Craft and food vendors along with school clubs and organizations will also be in attendance. A Beer/Wine Garden will be provided for those who are of age to consume alcoholic beverages.

Street Closure Details:

The street closure area proposed is West Main Street from M Street to Martin Luther King Jr. Way, and Canal Street from West Main Street to West 18th Street. Bob Hart Square at the intersection of Canal and West Main Street will be used, as well. The closure duration requested is from 8:00 a.m. on Saturday, September 10, 2016 to approximately 12:00 a.m. on Sunday, September 11, 2016.

Because there is angled parking on K Street between West 18th Street and West 16th Street that would only allow vehicles to exit the area by passing through the street closure area, K Street will be closed to north/south traffic from West Main Street to the alley between West 18th Street and West Main Streets and from West Main Street to the alley between West 16th Street and West Main Streets (Attachment 1).

Barricades will be placed on K Street at the alley entrances immediately to the north and south of the West Main and K Streets intersection. Subsequently, any traffic turning onto K Street from West 18th Street or West 16th Street will be diverted to either alley entrance. Additional barriers will be placed at the ends of the closure area, on West Main Street at M Street and at Martin Luther King Jr. Way, and on Canal Street at West 18th Street (Attachment 1).

Local businesses will be notified prior to the festival date, as downtown parking will be affected.

No conditions of approval are required for the street closure as the City of Merced is a co-sponsor. However, notification shall still be made to affected local businesses and residences advising them of the hours and reasons for the closure within a one-half mile radius at least seventy-two (72) hours prior to the event (Attachment 3).

In addition, “No Parking” signs shall be posted at least twenty-four (24) hours prior to the towing of any vehicle(s) per California Vehicle Code Section 22651(m). These requirements are placed on all street closures approved by the City of Merced.

Beer Garden:

As in the past, a beer garden is proposed as part of the Cap & Town street closure.

The proposal will be a joint partnership between The Greater Merced Chamber of Commerce and Daron McDaniel doing business as DBMAC, Inc. DBMAC, Inc. has been in the business for over 15 years and has successfully hosted beer gardens at various functions.

All City of Merced, County of Merced and California Alcohol Beverage Control rules and regulations pertaining to the sale of alcohol in public will be adhered to.

Police Department Consideration

Staff and the Greater Merced Chamber met with the Police Department to set the guidelines for the enclosure and operation of the Alcoholic Beverage Sales Area. The issues discussed centered on public safety and resulted in a list of agreed-upon conditions.

Conditions of Approval for Alcoholic Beverage Sales Area:

1. Contingent upon the approval of Cap and Town Street Closure Request, approval of the Alcoholic Beverage Sales Area is granted for the day of Saturday, September 10, 2016, with hours of operation from 12:00 p.m. to 9:00 p.m.
2. Alcoholic Beverage Sales Area sponsor shall furnish the City with a Certificate of Liability Insurance with coverage no less than \$500,000 and naming the City of Merced, its officers, agents and employees as additional insureds.
3. Approval is granted only to the Greater Merced Chamber of Commerce with cooperation from Daron McDaniel doing business as DBMAC, Inc.
4. Alcoholic Beverage Sales Area sponsor shall be responsible for placing a barricade acceptable by California Alcoholic Beverage Control's regulations, around the perimeter of the Alcoholic Beverage Sales Area during the approved hours of operation.
5. No one under the age of twenty-one (21) can be admitted into the Alcoholic Beverage Sales Area.
6. Only beer, wine and champagne may be sold in the enclosure area.
7. Beer, wine, and champagne must be served in clear plastic cups.
8. Alcohol sales in the Alcohol Beverage Sales Area must cease at 9:00 p.m. on Saturday, September 10, 2016.
9. Event sponsor must provide wristbands to patrons in the enclosure area at all times.
10. There must be one security guard per fifty people in the enclosure area, one security guard validating identification cards, and one security guard at each entrance to the enclosure area.
11. Security guards must be easily identifiable by their attire.
12. Alcohol Beverage Sales Area sponsor shall comply with all applicable statutes, ordinances, rules, regulations, etc., including all regulations of the City of Merced Fire and Police Departments.
13. Subject area shall be clean and clear of debris including a washing down after the event.
14. All City of Merced, County of Merced, and California Alcohol Beverage Control rules and regulations shall be strictly adhered to.

History and Past Actions:

Event Background

The Cap & Town Festival was first held in 2009, mainly as a way to accommodate the large number of people wishing to view the First Lady Michelle Obama's keynote speech for the limited-admission graduation ceremony at UC Merced, while also providing a family-oriented setting for food, music and games. City staff along with community partners successfully ran the festival from 2009 - 2014. 2015 was a year of transition for the Downtown as the Merced Main Street Association was awarded the contract for Downtown functions. Subsequently, Cap & Town was not held. Recognizing that Cap & Town is a great community event, The Greater Merced Chamber of Commerce and the City plan to once again host the festival. Plans for the festival will be similar to prior years but vendor and entertainment location specifics are currently being worked out (Attachment 2). Instead of the festival taking place when school is out, it will take place at the beginning of the school year to garner increased student participation.

At the 2010 Cap & Town, a beer garden was successfully added to the event. No problems were reported with the beer garden in past years.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed.

ATTACHMENTS

1. Closure Location and Detail Map
2. Site Plan
3. Street Closure Notification