



## Legislation Details (With Text)

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<b>Type:</b>	Consent Item	<b>Status:</b>		Passed	
<b>File created:</b>	4/10/2017	<b>In control:</b>		City Council/Public Finance and Economic Development Authority/Parking Authority	
<b>On agenda:</b>	5/1/2017	<b>Final action:</b>		5/1/2017	
<b>Title:</b>	SUBJECT: Street Closure #17-06, Submitted by Tsunami Collaboration, to Host a Weekly Downtown Street Faire.				
	REPORT IN BRIEF Consider a request for the closure of City streets for a weekly Downtown Street Faire.				
	RECOMMENDATION City Council - Adopt a motion approving the street closures of West Main Street (between M Street and K Street) and Canal Street (between West Main Street and Arbor Lane), as requested by Tsunami Collaboration to host the Merced Downtown Street Faire, every Thursday night from 5:00 p.m. to 10:00 p.m., between June 15, 2017, and August 31, 2017; subject to the conditions outlined in the administrative staff report.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Attachments 1-5.pdf				

Date	Ver.	Action By	Action	Result
5/1/2017	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

*Report Prepared by: Francisco Mendoza-Gonzalez, Planner, Development Services Department*

**SUBJECT:** Street Closure #17-06, Submitted by Tsunami Collaboration, to Host a Weekly Downtown Street Faire.

### REPORT IN BRIEF

Consider a request for the closure of City streets for a weekly Downtown Street Faire.

### RECOMMENDATION

**City Council** - Adopt a motion approving the street closures of West Main Street (between M Street and K Street) and Canal Street (between West Main Street and Arbor Lane), as requested by Tsunami Collaboration to host the Merced Downtown Street Faire, every Thursday night from 5:00 p.m. to 10:00 p.m., between June 15, 2017, and August 31, 2017; subject to the 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 to a future Council meeting (date and time to be specified in the 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.

## **CITY COUNCIL PRIORITIES**

Not applicable.

## **DISCUSSION**

### *Event Details*

Tsunami Collaboration is requesting approval for the closure of City streets to host a Downtown Street Faire every Thursday night from 5:00 p.m. to 10:00 p.m. (includes set-up and clean-up times, event time will be from 6:00 p.m. to 9:00 p.m.), between the dates of June 15, 2017, and August 31, 2017. This event will be organized and managed by Tsunami Collaboration (not City staff). Their main goals are to provide general entertainment for the community, bring exposure to Downtown goods and services, and to encourage more entrepreneurs to open businesses in Downtown. Event vendors will be required to comply with the applicant's Rules and Regulations (Attachment 4), which establish general provisions for this event. Volunteers from the Rescue Mission and local high school clubs will help vendors setup before the event and cleanup during/after the event.

### *Requested Streets*

The applicant requests the closure of the following streets on the days of the street faire, as shown on Attachment 1, subject to the details and conditions outlined in the "Conditions of Approval" section of this report.

- West Main Street, both travel lanes, from M Street to K Street
- Canal Street, both travel lanes, from West Main Street to Arbor Lane

As shown on the attached Site Plan (Attachment 2), the street faire will include a Kids Zone (for games/activities/and non-profit organizations), arts & craft vendors, food vendors (including food trucks), live music, and car shows. The streets will be blocked by reflective metal barricades. This year's street faire will not include a beer garden at Bob Hart Square. Private security will be provided by the applicant. The applicant is requesting additional refuse containers from the Refuse Department, but will not be needing City electricity.

### *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. The applicant 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 three weeks prior to the event.
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. The applicant shall remove all structures, debris, and any other items generated from the event by 10:00 p.m. on each night of the event.
6. The applicant shall comply with all applicable statutes, ordinances, rules, regulations, etc., including all regulations of the City of Merced Fire Department.
7. The applicant 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.
8. The applicant shall be responsible for insuring that all vendors involved with the event obtain a City of Merced Business License by the Monday of the week of the event (by 4:00 p.m.).
9. The applicant shall be responsible for placing and removing all traffic barricades and posting of

parking restrictions where streets are 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).

10. The applicant 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 first event and once a month during the duration of the event. Event Sponsor shall provide the City with confirmation that the proper notification was given (Attachment 5).

11. The applicant shall provide and maintain a minimum 22-foot-wide emergency vehicle access path to and through the interior of the closure area at all times. Fire hydrant access shall not be blocked at any time whatsoever.

12. 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.

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

14. Event sponsor shall contact the Merced County Health Department and comply with all requirements for this type of event prior to each day of the event.

15. 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.

16. Due to the large amount of proposed vendors, City electricity cannot be provided for this event. Vendors shall be responsible for obtaining their own means of energy. Cables or chords used for transferring or producing energy shall be secured to the ground in a manner that is not hazardous for pedestrians.

17. 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 each event.

18. If portable restrooms are provided, the event sponsor shall provide access to disabled-accessible restrooms as required by the California Building Code.

19. Any bounce houses shall be selected from the City of Merced Parks and Recreation's list of pre-approved vendors. The applicant shall ensure that the bounce house is secured in a manner that prevents tipping from wind-loads or general impacts (internal and external).

20. 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.

21. 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 9:00 p.m.

## IMPACT ON CITY RESOURCES

The applicant will need special event refuse services from Public Works, Refuse Division. The applicant will be responsible for paying for these services as stipulated in Condition #20. The event sponsor will provide their own power generators and will not need City electricity. There is no expected impact on City Police resources, as the applicant will provide private security for the street faire. No other impacts to City resources are expected.

## **ATTACHMENTS**

1. Attachment 1 - Location Map
2. Attachment 2 - Site Plan
3. Attachment 3 - Event Overview (From the Applicant)
4. Attachment 4 - Street Faire Rules and Regulations
5. Attachment 5 - Notification of Pending Street Closure