



## Legislation Text

---

**File #:** 15-122, **Version:** 1

---

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

**SUBJECT:** City-Owned Real Property Request #15-08 for Bob Hart Square (Merced Center for the Performing Arts/Annual Gala)

### REPORT IN BRIEF

Consider allowing the use/closure of Bob Hart Square on Saturday, August 15, 2015, from 7:00 a.m. to 11:30 p.m., for the Merced Center for the Performing Arts for their annual gala fundraiser (includes the sale of alcohol).

### RECOMMENDATION

**City Council** - Adopt a motion approving the closure of Bob Hart Square on Saturday, August 15, 2014, from 7:00 a.m. to 11:30 p.m. for a gala fundraiser (includes the sale 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, 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 2015-16 Adopted Budget.

## DISCUSSION

The Merced Center for the Performing Arts is requesting approval to use Bob Hart Square for their annual gala fundraiser on Saturday, August 15, 2015, from 7:00 a.m. to 11:30 p.m. (includes set-up/clean-up times). The applicant will be providing tables, chairs, a check-in station, a stage, live entertainment/music (to be played no later than 10:00 p.m. due to nearby residential lofts) and a barricade along the perimeter of the park (Attachment 1). Food and alcohol will be provided by 510 Bistro, an adjacent restaurant located south of the park.

The expected attendance for this event is three hundred people and security will be provided at a ratio of one security guard for every 50 people. Two security guards will be located in front of the main entrance, where the check-in station is located, and others will be patrolling the perimeter of the site.

Moreover, earlier this year the Farmer's Market obtained approval from City Council to use Bob Hart Square and a nearby City Parking Lot for every Saturday morning throughout the year. Representatives from the Merced Center for the Performing Arts contacted the Farmer's Market event organizer (Manuel Alvarado) and he has agreed to allow the Merced Center for the Performing Arts to use Bob Hart Square for their fundraising gala, as shown in Attachment 3.

Permission for the Use of City-Owned Real Property is by policy reserved only for non-profit organizations (City Administrative Policy #A-25). 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 11:30 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 in a ratio of one guard for 50 attendees.
5. Event sponsor shall be responsible for insuring 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 event sponsor shall provide access to disabled-accessible restrooms as required by the California Building Code.
11. 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 requirements.
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.

**History and Past Actions:**

This is the second year the Merced Center for the Performing Arts is requesting to use Bob Hart Square to host their annual gala fundraiser. Last year, City Council approved their request, and no incidents or complaints were reported to staff from that event.

**IMPACT ON CITY RESOURCES**

No appropriation of funds is needed.

**ATTACHMENTS**

Attachment 1 - Location Map

Attachment 2 - Site Plan

Attachment 3 - Letter from Farmer's Market