



## Legislation Text

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File #: 16-244, Version: 1

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**SUBJECT:** Street Closure #16-09 - Street Closure Request for the Merced "Feast" Reception (Merced Main Street Association)

### REPORT IN BRIEF

Consider a request for the closure of City streets and the use of Bob Hart Square with alcohol service.

### RECOMMENDATION

**City Council** - Adopt a motion approving the street closure of Main Street (between Canal Street and M Street) and the use of Bob Hart Square with alcohol service, as requested by the Merced Main Street Association to host the Merced "Feast" Reception, on Thursday, September 22, 2016, from 1:00 p.m. to 11:00 p.m.; 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; 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 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.

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**

Not applicable.

## **DISCUSSION**

### Event Details

The Merced Main Street Association is requesting approval for the closure of City streets and the use of Bob Hart Square to host the Merced “Feast” Reception on Thursday, September 22, 2016, from 1:00 p.m. to 11:00 p.m. (includes set-up and clean-up times, event time will be from 6:30 p.m. to 9:30 p.m.). The event’s main goal is to raise funds for scholarships for Merced County high school seniors intending to pursue a college degree in agriculture or agriculture-related fields. The applicant is working with other non-profit organizations such as the Merced County Farm Bureau, California Women for Agriculture, and Merced Community College to organize and manage the event and to administer the scholarships. As shown on the attached site plan (Attachment 1) the street closure will take place on Main Street, from Canal Street to M Street, and includes a dining area (12 tables) on Main Street. Food will be provided by both 510 Bistro and The Original Merced Certified Farmers’ Market.

Alcohol service will be provided at Bob Hart Square by 510 Bistro. This event will be restricted to people over the age of 21. The entrance will have a check-in station overseen by a security guard and a staff member distributing wristbands to attendees. Additional security guards, at a ratio of 1 guard for every 50 people, will be provided to patrol Bob Hart Square and to manage the exits during the event (Condition #7). The applicant shall be required to comply with all pertinent regulations from Alcoholic Beverage Control and the Merced County Health Department (Conditions #13 and #16). Parking for this event is provided by multiple public parking lots in the Downtown Parking District.

### Requested Streets

The applicant requests the use of Bob Hart Square and the closure of the following streets on Thursday, September 22, 2016, as shown on Attachment 1, subject to the details and conditions outlined in the “Conditions of Approval” section of this report.

- Main Street, both travel lanes, from M Street to Canal Street.

City Administrative Policy #A-25 reserves the use of City-Owned Real Property for non-profit organizations such as the Merced Main Street Association. This application is being sent to City Council for review, 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 City Council.

### 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 11:00 p.m. on the 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 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).

9. 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 event. Event Sponsor shall provide the City with confirmation that the proper notification was given (Attachment 3).

10. 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.

11. 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.

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

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

14. 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.

15. The applicant shall arrange and pay for special event City refuse service or provide other means for trash collection, as deemed appropriate by the City's Public Works Department.

16. Alcoholic beverages may be sold and served during this event subject to the rules and regulations of Alcoholic Beverage Control.

17. 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 9:30 p.m.

## **IMPACT ON CITY RESOURCES**

No appropriation of funds is needed.

## **ATTACHMENTS**

Attachment 1 - Location Map/Site Plan

Attachment 2 - Event Advertisement

Attachment 3 - Notice of Pending Street Closure