



## Legislation Text

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**File #:** 16-281, **Version:** 1

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

**SUBJECT:** City-Owned Real Property Request #16-06 for Bob Hart Square (Mercy Medical Center Merced Foundation Dinner Fundraiser)

### REPORT IN BRIEF

Consider allowing the exclusive use of Bob Hart Square for the Mercy Medical Center Merced Foundation Dinner Fundraiser (includes the sale of alcohol) on Friday, September 23, 2016, from 2:00 p.m. to 10:00 p.m.

### RECOMMENDATION

**City Council** - Adopt a motion approving the use of Bob Hart Square on Friday, September 23, 2016, from 2:00 p.m. to 10:00 p.m., as requested by the Mercy Medical Center Merced Foundation for a dinner 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

Not applicable.

### DISCUSSION

The Mercy Medical Center Merced Foundation is requesting approval to use Bob Hart Square for their annual dinner fundraiser on Friday, September 23, 2016, 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 various local restaurants), and alcohol (provided by a local service club). As shown in the attached site plan, the fundraiser includes a stage, tables (22), portable restrooms (5), check-in stations, and a temporary six-foot tall chain link fence around the perimeter of the park. Check-in stations will be overseen by security guards at all times and two security guards will be responsible for patrolling the interior of Bob Hart Square.

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 10:00 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 ensuring 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 fifth year that the Mercy Medical Center Merced Foundation has requested approval to use Bob Hart Square for a dinner fundraiser. City Council approved all prior requests. As of the date that this report was written, no incidents or complaints have been reported to Planning staff regarding those events.

**IMPACT ON CITY RESOURCES**

No appropriation of funds is needed.

**ATTACHMENTS**

1. Attachment 1 - Location Map
2. Attachment 2 - Site Plan