



## Legislation Text

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**File #:** 17-166, **Version:** 1

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*Report Prepared by: Kimberly Nutt, Planning Technician II, Development Services*

**SUBJECT:** Street Closure Request #17-02 (Tsunami Collaboration Inc. and the City of Merced, for Use of W. Main and Canal Streets)

### REPORT IN BRIEF

Tsunami Collaboration, Inc. and the City of Merced request the use of City streets for a Merced Mercy Gulch Wild West Community event on Saturday, May 20, 2017, from 7:00 a.m. to 9:00 p.m.

### RECOMMENDATION

**City Council** - Adopt a motion approving the street closures of W. Main Street between K and M Streets, and Canal Street between W. Main Street and the alley between W. Main and W. 18<sup>th</sup> Streets, and the use of Bob Hart Square, on Saturday, May 20, 2017, from 7:00 a.m. to 9:00 p.m., subject to the details and 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 item to a future Council meeting (date and time to be specified in City Council motion).

### AUTHORITY

City of Merced Charter Section 200; California Vehicle Code (CVC) Section 21101(e), 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 of protection of persons who are to use that portion of the street during the temporary closing.”

### CITY COUNCIL PRIORITIES

Not applicable.

### DISCUSSION

Requested Streets

The applicant requests the use of City streets as listed below, from 7:00 a.m. to 9:00 p.m. for the day's events on Saturday, May 20, 2017 (Attachment 1):

- W. Main Street, between K and M Streets
- Canal Street, between W. Main Street and the alley between W. Main and W. 18<sup>th</sup> Streets

Additionally, as part of the event and during the same date and times as noted above, the applicant requests the use of Bob Hart Square.

### Event Background

Originally an event deeply associated in tradition with the Merced County Fair week, the Merced Mercy Gulch "Wild West" community event is again being brought back to life this spring.

Popular in the 1960's, Mercy Gulch Days was held before the Fair each year for many decades, with the last regularly-held event being in 2003. In 2014, in association with the City of Merced's 125<sup>th</sup> anniversary celebration that year, it made a highly-celebrated three-day-long appearance, but has not come back since. Regardless of its longevity, however, each Mercy Gulch event, no matter the sponsor, has celebrated Merced's ranch and livestock-based beginnings with cowboys and cowgirls, ponies and petting zoos, mouth-watering barbeques, vendors and their wares, great live country music, and cowboy hats abound.

### Event Description & Closure Details

This year, the Merced Mercy Gulch Wild West Community event's return is headed by the Tsunami Collaboration, Inc., with the sponsorship of the City of Merced and the Hispanic Chamber of Commerce.

Other local organizations and businesses will be deeply involved in the featured highlights of this day-long celebration of Merced's country roots and may include: a breakfast buffet by the Merced Rotary Club; a best-dressed competition by Zane-It and the Tsunami Collaboration; a barbeque competition by the Merced County Sheriff's Department; and a mustache competition by a trio of local barbershops - Headquarterz Barbershop, Joey O's Barbershop, and The Shop. As the day's events are still being developed, these highlights are subject to changes and additions.

The Merced Rotary Club buffet breakfast will take place in Bob Hart Square.

Under a separate street closure application, but being held in conjunction with the downtown day-long event, will be an early morning 5-kilometer running competition led by the Hispanic Chamber of Commerce. However, the Hispanic Chamber is also a sponsor of this downtown Merced Mercy Gulch event, and will use the requested section of W. Main Street, plus additional streets, in its request. Thus, the two street closure applications will overlap with the joint use of W. Main Street.

All streets associated with this request will close to through traffic at 7:00 a.m., then will reopen by 9:00 p.m. on the day of the event. Emergency access will be provided through the entire closure area at all times.

The event itself is scheduled to begin at 8:00 a.m. and will run through approximately 8:00 p.m. Approximately 1,000 or more people are expected to attend, and the event is free of charge.

The event will feature rows of crafts vendors, photo booths, kids' booths and activities, pony rides and a petting zoo, food vendors, live music, and a car show competition.

No alcohol is proposed to be served in conjunction with this event. The event sponsor encourages attendees of the event to explore the offerings of nearby restaurants and pubs in this regard.

It should also be mentioned that the annual "Ride with the Mayor" organized by the Merced Bicycle Coalition, a separate event that does not require closure of streets, will start from Bob Hart Square at 9:00 a.m. This ride, which features City of Merced Mayor Mike Murphy, is one of the National Bike Month events put on by the Coalition during the month of May. The Mercy Gulch event sponsor welcomes the Merced Bicycle Coalition by way of accommodating their ride start into the day's events and venues. The Mayor, when done with the ride, will take part in the Merced Mercy Gulch festivities afterwards.

At least seventy-two hours (three days) prior to the street closures, the event organizers are required to notify nearby businesses and residences within one half-mile of the affected streets (Condition #5). To ensure this is done, event organizers are required to provide staff with confirmation that this notification was given. To accomplish this, staff has prepared a standard form that the event sponsor shall complete, photocopy, and distribute to businesses and residences within the stated area (Attachment 4). A copy of this form shall also be signed and submitted to Planning Department staff, affirming that the required businesses and residences were notified.

#### Conditions of Approval

The event and street closure will be subject to the following conditions, if approved:

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. 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.

4. Event sponsor shall be responsible for placing and removing all traffic barricades and posting of parking restrictions where street is 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).

5. Event sponsor shall contact all businesses and residences affected by the street closure(s), advising them of the hours, conditions, and reason thereof within one half-mile of the encroachment area at least seventy-two (72) hours prior to the event. Event Sponsor shall provide the City confirmation that the proper notification was given (Attachment 4).

6. Supervision/security shall be provided by the event sponsor to ensure the safety of event participants and the public, if required by the Police Department.

7. Event sponsor shall provide and maintain a minimum 22-foot-wide emergency vehicle access path into and through the closure area at all times via movable barriers. Fire hydrant access shall not be blocked at any time whatsoever.

8. 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. Application fees are non-refundable.

9. Event sponsor shall be responsible for removing all equipment, trash and debris, including removal of "no parking" signs, within and around the closure area that is generated from the event prior to the expiration of the closure permit.

10. Alcoholic beverages may not be served or sold at this event.

11. Event sponsor shall be responsible for ensuring that all vendors involved with the event obtain or already possess a current City of Merced business license.

12. Event sponsor shall be responsible for ensuring that all food vendors obtain the required food service permits and related inspections from the Merced County Environmental Health Department, to be able to cook, sell, or serve food and beverages for consumption at this event.

13. If needed, the applicant/event sponsor shall arrange and pay for special event City Refuse service by contacting Public Works at (209) 385-6800.

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

## **IMPACT ON CITY RESOURCES**

As the downtown festival portion of the Merced Mercy Gulch celebrations will be handled entirely by volunteers, and the City of Merced is a sponsor, the event is not expected to significantly impact any City resource.

The applicant has expressed an interest in enlisting the assistance of the Merced City Police Department's Explorer Scouts for security needs, and has asked the Merced County Sheriff's Department for officers, as well, due to the co-sponsorship of the Merced County Hispanic Chamber of Commerce. Additionally, the applicant may provide additional security guards, as needed.

It is expected that the existing refuse receptacles in the Downtown area will be able to accommodate the amount of refuse generated from the event. However, due to the amount generated and the large area involved, the receptacles will need to be emptied immediately afterward, requiring an estimated two employees for four hours at an average rate of \$25.83 per hour (non-inclusive of benefits).

Alternatively, the applicant may choose to order additional containers, if desired. In that event, there would be a small impact to the Refuse Department for delivery and pickup/emptying of the containers.

In regards to electricity, the applicant states that they will need power in Bob Hart Square only. All other vendors and activities will have their own generators.

## **ATTACHMENTS**

1. Location Map
2. Site Plan
3. Event Flyer
4. Notification of Pending Street Closure