



Legislation Text

File #: 18-143, **Version:** 1

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SUBJECT: Street Closure Request #18-07 (Tsunami Collaboration, with Merced Main Street Association, for Use of City Streets for the Lao New Year Celebration event)

REPORT IN BRIEF

The Tsunami Collaboration, with co-sponsor Merced Main Street Association, request the use of City streets for a celebration of the Lao culture, to include a parade, on Saturday, April 28, 2018, from 9:00 a.m. to 6:00 p.m.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of W. Main Street between H and M Streets and Canal Street between W. Main and W. 18th Street, and the use of a portion of City Parking Lot #6 on Saturday, April 28, 2018, from 9:00 a.m. to 6:00 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 and 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 specific streets and times of closure for this two-part event to be held on Saturday, April 28, 2018, are listed as follows:

Street Closure with Vendor Fair:

- Streets: W. Main Street, between H Street and Martin Luther King Jr. Way (Attachment 2).
- Parking lot: A portion of City Parking Lot #6
- Closure time requested: 9:00 a.m. to 6:00 p.m.
- Details provided below.

Parade and Cultural Performance:

- Streets: W. Main Street, between its intersection at Martin Luther King Jr. Way and M Street; and Canal Street, between W. Main and W. 18th Street (Attachment 3).
- Closure time requested: 10:00 a.m. to 5:00 p.m.
- Details provided below.

Background

Shortly after the Vietnam War, Laotian refugees began arriving in the United States. According to the U.S. Census estimates, by 1980, the Laotian population in the United States reached 47,683, a number which more than tripled by 1990, to 147,375. In the 1980's, more than 10,000 of those Laotian refugees settled in the farming communities of the Central Valley, enriching its already-diverse population, and Merced was no exception.

In 1987, the Lao Association of Merced, in an effort to both preserve and showcase the rich cultural heritage of Laos, held Merced's first Lao New Year celebration, and again the following year. However, in the 30 years since, while similar events have been held by other cultures, the Lao New Year event has not been held.

The applicant, Sue Emanivong/Tsunami Collaboration, along with the Merced Main Street Association, seeks to bring the event back this year, and continue it in April of each year hereforth.

Event Description

The resurrected Lao New Year Celebration will contain two parts: a vendor fair, with a food booth hosted by the Lao Association of Merced and Bangkok Thai Restaurant (235 W. Main Street), and a parade, with cultural dance performances in front of Bob Hart Square at the Canal and W. Main Street intersection. Details of each of the two parts are explained separately below.

Specific features of the event as a whole are: "Giving Alms to Monks" (10:00 a.m.), parade with decorated floats (1:30 p.m.), cultural dance performances (approximately 2:00 p.m.), and a "Baci Blessing" (4:00 p.m.). The first and last events are traditional rituals observed by Buddhist and Lao communities; the former, traditionally performed by monks before the first meal of the day. The latter is a blessing ceremony performed to celebrate important events, such as the Lao New Year.

Vendor Fair

As listed above, the requested streets for this part of the event is W. Main Street between H Street and Martin Luther King Jr. Way, as well as the portion of City Parking Lot #6 that is closest to The

Bangkok Thai Restaurant (Attachment 2). Streets will close at 9:00 a.m. on April 28, 2018, and fully reopen by 6:00 p.m. The event itself is scheduled from 10:00 a.m. to 5:00 p.m.

After the closure of the street, approximately five parade floats will line up within the closure area facing west towards Martin Luther King Jr. Way. Vendors will begin setting up for the day behind the floats extending to I Street and on both sides of W. Main Street, leaving a 22-foot-wide clearance area for emergency services. Additionally, the eastern half of Parking Lot #6 will be closed between W. Main Street and the alley between W. Main and W. 18th Streets. The alley will remain open.

After the parade begins at 1:30 p.m. (see below), the barricades will be moved back approximately 100 feet, parallel to the first drive aisle of Parking Lot #6 and the W. Main Street driveway of Donut Kings (260 W. Main Street). By doing so, Marie's Mexican Kitchen (259 W. Main Street) and Donut Kings will retain use of and W. Main Street access to their customary parking areas for the remaining duration of the closure time (Attachment 2).

In the reserved half of Parking Lot #6, the Lao Association of Merced and Bangkok Thai Restaurant will host a food booth, with proceeds going to the Lao Association. Tables and chairs will be provided, as well as a music d.j., and two temporary bathrooms will be placed at the northern end of the area at the alley (alley will remain open).

Lastly, the portion of W. Main Street between H and I Street will be reserved for use by the event for parking of the parade floats after the parade ends and while the vendor fair is disassembled.

The vendor fair will be open during the parade and performance portion of the event and will end by approximately 5:00 p.m. The requested sections of W. Main Street and the reserved section of Parking Lot #6 will fully reopen by 6:00 p.m.

Parade and Cultural Performances

As listed above, the requested streets for the parade portion of the event are: W. Main Street from the vendor fair closure at Martin Luther King Jr. Way to M Street and Canal Street from W. Main to W. 18th Street (Attachment 3).

It should be noted that W. Main Street between Canal and M Streets will not be used for the parade, but its closure is necessary for traffic control purposes.

As stated above, parade floats will be lined up in the vendor fair closure area. At 10:00 a.m., the requested streets for the parade will be closed. At 1:30 p.m., the parade will begin.

Floats will proceed on W. Main Street two blocks to Canal Street, will turn right onto Canal Street, and will proceed up Canal Street until the last float clears the intersection. At this point in the parade, all participating floats will be on Canal Street between W. Main and W. 18th Street. The floats will then park, and the dancers that were riding on the floats will assemble and perform for spectators in the intersection of W. Main and Canal Streets.

Behind the parade, as the last float passes through the intersection of W. Main and K Streets, barricades on W. Main Street from Martin Luther King Jr. Way to K Street will be removed, reopening those streets to through traffic. Barricades will remain on W. Main Street at K Street while performers dance at Canal and W. Main Streets.

After the last dance and ritual is performed, by approximately 5:00 p.m., this portion of the Lao New Year event will be over. The floats will be driven back to the vendor fair area and parked in the reserved street closure area on W. Main Street between H and I Streets, and the remaining street sections of W. Main Street (K to M Streets) and Canal Street (W. Main to W. 18th Street) will be reopened.

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 #8). To ensure this is done, event organizers are now 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 5). 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. The applicant shall obtain, at its sole cost and expense, special events coverage insuring the City and its officer, 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 comply with all applicable statutes, ordinances, rules, regulations, etc., including all requirements of the City of Merced Fire Department.
6. 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). All barricades and signs shall be removed by the event sponsor immediately following end of the event.
7. Event sponsor shall be responsible for dismantling and removing all equipment, temporary structures, trash, and other debris within and around the closure area generated by the event prior to the expiration of the closure permit.
8. 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).
9. Adequate supervision and security throughout the event perimeter shall be provided by the event sponsor to ensure the safety of event participants and the public, as required by the Police Department.
10. 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.
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. Application fees are non-refundable.
12. 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.
13. Alcoholic beverages may not be served or sold at this event.
14. Noise from music or other activities shall be kept to reasonable levels so as not to disturb the nearby residential areas.
15. Event sponsor shall be responsible for ensuring that all independent vendors and services involved with the event obtain or already possess a current City of Merced business license.

16. Event sponsor and all food and drink vendors and caterers shall comply with all requirements of the Merced County Environmental Health Department with regards to the preparation and serving of food and drink.

17. The applicant/event sponsor shall arrange and pay for special event City Refuse service, or provide other suitable means for trash collection, as deemed appropriate by the City of Merced Public Works/Refuse Division.

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

IMPACT ON CITY RESOURCES

The street closure event will be run entirely by volunteers, with hired security by a local guard company.

The applicant has been in communication with Police Department staff and may need assistance with the closing of streets for the parade. Police Department staff recommends the use of six officers and one sergeant.

There will be a small impact to the Public Works Department, as special event refuse service will be requested by the event sponsor. Vendors will have their own power sources if needed, and power for the food booth will be obtained from the Bangkok Thai Restaurant owners.

ATTACHMENTS

1. Location Map
2. Vendor Fair Site Plan
3. Parade Site Plan
4. Event Flyer
5. Notice of Pending Street Closure form