



Legislation Text

File #: 18-325, Version: 1

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SUBJECT: City-Owned Real Property Exclusive Use Request #18-10 (Greater Merced Chamber of Commerce), for Use of Bob Hart Square, to Include the Service of Alcohol

REPORT IN BRIEF

The Greater Merced Chamber of Commerce requests the use of Bob Hart Square for their Vino and Tapas Tasting fundraiser event, to include the service of alcohol, on Saturday, October 6, 2018, from 3:00 p.m. to 9:30 p.m.

RECOMMENDATION

City Council - Adopt a motion approving the exclusive use of Bob Hart Square Park on Saturday, October 6, 2018, from 3:00 p.m. to 9:30 p.m. for the Vino and Tapas Tasting fundraising event (including the service of alcohol); subject to the conditions outlined in the administrative 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, alley, 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

Background

The Greater Merced Chamber of Commerce will be holding a fundraising event, on Saturday,

October 6, 2018, and is requesting the use of Bob Hart Square from 3:00 p.m. to 9:30 p.m. The event is planned to begin at 5:30 p.m. and will end by 8:30 p.m. The Chamber is expecting between 250 and 300 attendees.

The fundraiser will be an adult-only event providing tapas and wine tasting. The Five Ten Bistro and UC Merced will provide the food. However, other restaurants or food vendors may participate as well. The Five Ten Bistro will provide the wine for the event.

The event will have 7 food booths (tents) and 5 wine booths all within Bob Hart Square. Attendees will be able to sample the food and wine at each booth. All food and wine is included with the price of admission. Alcohol will not be sold separately.

Event Details

All alcohol served will be contained within the existing fenced areas of Bob Hart Square, and all entrances into and out of the park will be staffed by security guards to ensure that all alcohol consumption remains contained to the park area (Attachment 2 and 3). Identification will be checked for each attendee to ensure appropriate age requirements.

Regarding park access, in order to comply with Fire Code requirements, there will need to be a minimum 5-foot-wide clear, unobstructed path at each of the entrances to the park area.

The event site plan indicates that food booths will be located around the perimeter of the park with the wine booths in between the food booths and in the center of the park. The main entrance to the event would be at the registration table located along the diagonal pathway running between the Rossi Fountain and the clock at W. Main Street. Because of the Fire Code requirement to have a 5-foot-wide path at all access points to the park, guests could come and go through any of the three entrances to the park. However, there will be a security guard at each of the entrances to monitor access and to ensure alcohol is not carried beyond the event area.

A minimum of three security guards for the park access areas and one guard for each 50 persons in attendance will be required.

There will be a total of 7 tents (10' x 10') used for the food booths. Per the Fire Code, the tents shall be spaced a minimum of 12 feet apart.

The event sponsor will be responsible for refuse and park clean up after the event. They will work with the Refuse Department to coordinate having refuse containers delivered for the event. The event will need the City's electrical supply in the park for power for lighting during the event.

Conditions of Approval:

1. Event Sponsor shall 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 complete and file with the City a special events, general liability and automobile policy of at least \$500,000 combined limit for bodily injury and property damage which covers the entire event. 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 special events, general liability and automobile coverage, naming the City and its officers, agents, and employees 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.
3. Event staff and attendees shall be encouraged to use the large parking lots along W. 16th Street between M and K Streets for the evening, in order to avoid adverse impact to businesses and other downtown patrons.
4. Event Sponsor shall remove all structures, debris, and any other event-generated items from the park and surrounding gutters and sidewalks prior to 10:00 p.m. on the night of the event.
5. Event Sponsor shall comply with all applicable statutes, ordinances, rules, regulations, etc., including all regulations of the City of Merced Fire Department, including obtaining permit(s) for any large tents or canopies used for the event.
6. All provisions of the Fire Code shall apply. This includes, but is not limited to, posting no-smoking signs in any tented areas as required, no parking within 20 feet of any tent, all requirements for any cooking in a tent, and including any temporary and portable electrical power supplies that may be used.
7. Event Sponsor shall provide adequate supervision and security throughout the area to ensure the safety of the participants and the public, as required by the Merced Police Department. Security guards shall typically be provided at one officer per 50 attendees. An additional 3 guards shall be provided for each access point to the park.
8. Event Sponsor and its caterers, restaurateurs, and vendors shall comply with all requirements of the Merced County Health Department with regards to the serving of food and drink.
9. Event Sponsor shall ensure that any independent vendors and services, such as DJ's, portable toilet rental companies, photo booth vendors, bartenders, and caterers, obtain or hold current business licenses with the City of Merced.
10. Event Sponsor shall be responsible for making timely arrangements with the City's Public

Works staff to turn on and off the electrical power supply in the park before and after the event.

11. Any temporary modifications of the City's electrical system in the park shall be approved by City staff. Only a State-licensed electrician shall be permitted to make any such modifications. All modifications shall be completely removed and reverted back to the original system after the event.

12. The Event Sponsor shall provide access to disabled-accessible restrooms, as required by the California Building Code.

13. Alcoholic beverages may be served during this event, subject to the strict rules, regulations, and restrictions of the California Alcohol Beverage Control (ABC). A temporary one-day event alcohol license (Type 77 or suitable) shall be obtained by the applicant and a copy provided to Planning staff prior to the start of the event.

14. Noise from music or other activities shall be kept to a minimum, so as not to disturb the nearby residential loft units. Music shall not be played later than 10:00 p.m. at the expiration of the permit to use the park, or by the termination of the event itself.

15. Event Sponsor shall be responsible for making arrangements with the City's Public Works Refuse Department's staff to deliver and remove special event curbside refuse containers for use during the event and for any necessary cleanup afterwards.

16. The event is approved to use seven 10-foot by 10-foot canopies or unenclosed tents. Per Fire Code requirements, the canopies (or tents) shall be spaced a minimum of 12 feet apart.

17. Per Fire Code requirements, the three access points to Bob Hart Square shall not be blocked. A minimum 5-foot-wide clear, unobstructed path shall be provided at each access point. Each access point shall be provided with a security guard.

IMPACT ON CITY RESOURCES

No appropriation of funds is necessary.

A small impact to Public Works' Facilities staff is expected, such as staff time in arranging for and turning on electricity in the park to make it available to the event's power needs, along with a general park cleanup the day before.

The event organizers will be required to leave the park cleaned of any trash and debris it generates. Additional refuse containers would be needed for the event. Delivery of the containers would be arranged with the Public Works Department. The event sponsor is required to pay for all refuse services (Conditions #10 and #15).

There is no expected impact to City Police resources, as the applicants will be providing their own security. No other City resource impacts are expected.

ATTACHMENTS

1. Location Map

2. Event Site Plan
3. Photographs - Bob Hart Square entrance points