



## Legislation Text

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**File #:** 18-593, **Version:** 1

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*Report Prepared by: Dan Dabney, Police Sergeant, Police Department*

**SUBJECT:** Approval of Street Closure Request by the Martin Luther King Jr. Celebration Committee for the Annual Martin Luther King Jr. Community March and Celebration on January 21, 2019, from West 8<sup>th</sup> Street to West Main Street

### REPORT IN BRIEF

Authorizes the use and closure of Martin Luther King Jr. Way from West 8th Street to West Main Street and a portion of the City parking lot in the 300 block of W. 18th Street on Monday, January 21, 2019, to hold a march, parade and food preparation for the annual Martin Luther King, Jr. parade, march and celebration.

### RECOMMENDATION

**City Council** - Adopt a motion approving the request by Tamara Cobb and the Martin Luther King Jr. Celebration Committee to close Martin Luther King Jr. Way from West 8<sup>th</sup> Street to West Main Street and to cone off a portion of the City parking lot in the 300 block of W. 18<sup>th</sup> Street on Monday, January 21, 2019, in order to hold the march and prepare food as part of a community celebration.

### ALTERNATIVES

1. Approve, as recommended by staff or,
2. Approve, subject to modifications recommended by Council; or,
3. Deny; or,
4. Refer to staff for reconsideration of specific items; or,

### AUTHORITY

Charter of the City of Merced, Section 200  
City of Merced Municipal Code Section 12.42.010  
State of California Vehicle Code Section 21101(e)

### DISCUSSION

On January 21, 2019, a march honoring Dr. Martin Luther King Jr. will be held as part of a community-wide celebration that honors Dr. King's leadership, vision and accomplishments. The march will be held on the City's "Martin Luther King Jr. Way," a local street that was renamed to honor his legacy. The route will begin on Martin Luther King Jr. Way at West 8<sup>th</sup> Street and end in the 300 block of W. Main Street, at the Merced Theatre.

The attached Street Closure request was received from Tamara Cobb and the Martin Luther King Jr. Celebration Committee. The request is to temporarily close 8th Street between "K" Street and Martin Luther King Jr. Way from 10:00 a.m. to 11:00 a.m. to organize and stage the parade participants.

Additionally, the request is to close Martin Luther King Jr. Way/State Highway 59 between West 8th and West Main Street for the parade route.

The parade will start at 11:00 am and will end at approximately 12:00 pm at the West Main Street entrance to the Merced Theatre.

The Martin Luther King Jr. Celebration Committee is also requesting the area of two rows of parking slots in the city parking lot located in the 300 block of West 18<sup>th</sup> Street behind the Merced Theatre be sectioned off for food preparation and informational booths.

The businesses and residences along the March-route should receive ample notification of the event. The event Chairperson, Tamara Cobb, and the Martin Luther King Jr. Celebration Committee will be responsible for notifying the businesses and residents along the March-route.

A completed Cal Trans "Encroachment Permit Application" was submitted to Cal Trans on December 19, 2018. Cal Trans will review and approve the encroachment permit contingent upon all ramp and road closures being accomplished in accordance with guidelines provided by Cal- Trans.

As required by the Encroachment Permit, the California Highway Patrol, Cal-Trans and the Merced Police Department will provide traffic control services for the event.

Any additional City services that are needed will be requested separately and from the appropriate departments.

The Street Closure Request contains the following requirements:

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 \$500,000.00 for property damage and \$500,000.00 for personal injury or a minimum combined single limit coverage of \$500,000.00. 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 \$100,000.00 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 cases, 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 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.

6. Event Sponsor shall be responsible for removing all equipment and disposing of any trash and debris within and around the closure areas that is generated from the event prior to the expiration of the closure permit.

7. The applicant shall arrange and pay for special event City Refuse services by contacting Public Works at (209) 385-6800.

8. Event Sponsor shall provide adequate supervision throughout the course and surrounding intersections to ensure the safety of the participants and the public gathered, as required by the police department.

9. No alcoholic beverages may be served or sold at this event.

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

## **IMPACT ON CITY RESOURCES**

Police Department staffing for this event consists of:

One Sergeant (on-duty)

Four Senior Police Officers/SROs (on duty)

Three Citizen Volunteers

Four Senior Police Officers (on overtime)

Twenty Police Explorer Scouts

Four Adult Civilian Explorer Scout Advisors (Volunteers)

## **ATTACHMENTS**

1. 2019 Martin Luther King March Street Closure Application

2. 2019 Martin Luther King March Certificate of Insurance

3. 2019 Martin Luther King March Cal Trans Encroachment Permit Application
4. 2019 Martin Luther King March Map