



## Legislation Text

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**File #:** 19-091, **Version:** 1

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*Report Prepared by: Stephani Davis, Development Services Tech II, Planning Division*

**SUBJECT:** Approval of Street Closure Request #19-02 (Lao Association, with Merced Main Street Association) for Use of West Main Street between K and M Streets for the Lao New Year Celebration Event on April 13, 2019 from 8:00 AM to 6:00 PM

### REPORT IN BRIEF

The Lao Association, with co-sponsor Merced Main Street Association, is requesting the closure and use of West Main Street between K and M Streets for a celebration of the Lao culture, to include a procession, on Saturday, April 13, 2019, from 8:00 a.m. to 6:00 p.m.

### RECOMMENDATION

**City Council** - Adopt a motion approving the street closures of W. Main Street, between K and M Streets (including Canal Street between W. Main and Arbor Lane), from 8 a.m. to 6 p.m. for the Vendor Fair event, and W. Main Street, between I and K Streets, from 8 a.m. to 1 p.m. for the float parking and set-up, on Saturday, April 13, 2019, 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, processions, 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 13, 2019, are listed as follows:

#### *Street Closure with Vendor Fair:*

- Streets: W. Main Street, between M Street and K Street - including Canal Street, from W. Main Street to Arbor Lane (Attachment 2).
- Closure time requested: 8:00 a.m. to 6:00 p.m.
- Details provided below.

#### *Procession and Cultural Performances:*

- Streets: W. Main Street, between Martin Luther King Jr. Way and I Street (to be used for parking the floats prior to the procession); and W. Main Street from K Street and Martin Luther King Jr. Way (to be used to migrate the floats toward the main event area from the staging area) (Attachments 3 and 4).
- Closure time requested: 8:00 a.m. to 1:00 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/ Lao Association, along with the Merced Main Street Association, seek to bring the event back this year, and continue it in April of each year here forth.

### Event Description

The resurrected Lao New Year Celebration will contain two parts: a vendor fair, with food booths from different vendors, hosted by the Lao Association of Merced, and a procession, 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.), procession with decorated floats (12:30 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.

The applicant also requested the use of Bob Hart Square for one of their water blessing ceremony, through a separate submittal; because this event will not be serving alcohol, this request will be processed at staff level.

### Vendor Fair

As listed above, the requested streets for this part of the event is W. Main Street between M Street and K Street; and Canal Street between W. Main Street and Arbor Lane (the alley between W. Main Street and W. 18<sup>th</sup> Street) (Attachment 2). Streets will close at 8:00 a.m. on April 13, 2019, 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, Vendors will begin setting up for the day on both sides of W. Main Street and Canal Streets (Attachment 2), leaving a 22-foot-wide clearance area for emergency services.

The vendor fair will be open during the procession and performance portion of the event and will end by approximately 5:00 p.m.

### Procession and Cultural Performances

As listed above, the requested streets for the procession portion of the event are: W. Main Street from M Street to I Street (Attachment 4). Streets will close at 8:00 a.m. on April 13, 2019, with the area between K and I Streets to be re-opened at 1 p.m., after the procession commences

The procession will begin at 12:30 p.m. Floats will proceed from Martin Luther King Jr. Way, along W. Main Street and stop at M Street. The floats will then park on W. Main Street and remain for the duration of the vendor fair, so event participants can take pictures in front of them. After the floats are parked, dancers that were riding on the floats will assemble and perform for spectators in the intersection of W. Main Street and Canal Street, in front of Bob Hart Square.

As stated above, at 1:00 p.m., following the procession, barricades on W. Main Street from Martin Luther King Jr. Way to I Street (including the intersection at K Street) will be removed, reopening those streets, and adjacent businesses, to through traffic. Barricades will remain on W. Main Street from M Street to K Street, and Canal Street from W. Main Street to Arbor Lane, for the Vendor Fair.

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 5).
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.

With the extension of the street closure to include W. Main Street (from K Street to Martin Luther King Jr., Way), the applicant is not requesting assistance from the Police Department; they plan to use

volunteers for traffic control.

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.

## **ATTACHMENTS**

1. Location Map
2. Vendor Fair Site Plan
3. Float Staging Area Site Plan
4. Procession Site Plan
5. Notice of Pending Street Closure form