



## Legislation Text

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**File #:** 19-105, **Version:** 1

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

**SUBJECT:** Approval of Street Closure Request #19-01 by Merced Main Street Association to Host the 4<sup>th</sup> Annual Merced FEAST Farm-to-Table Event, Located on W. Main Street Between M and Canal Streets (Including Bob Hart Square) which Includes the Serving of Alcohol, on Thursday, September 19, 2019, from 12:00 p.m. to 11:00 p.m. and Friday, September 20, 2019, from 3:00 p.m. to 10:30 p.m.

### REPORT IN BRIEF

Considers approving a request by the Merced Main Street Association for the closure and use of City streets and Bob Hart Square on Thursday and Friday, September 19 and 20, 2019, for the 4<sup>th</sup> Annual “Merced FEAST” farm-to-table event. The request seeks approval to close W. Main Street, between M and Canal Streets and Bob Hart Square on Thursday, September 19, 2019, from 12:00 p.m. to 11:00 p.m. and Bob Hart Square on Friday, September 20, 2019, from 3:00 p.m. to 10:30 p.m.

### RECOMMENDATION

**City Council** - Adopt a motion approving the street closure of W. Main Street between M and Canal Streets, and the use of Bob Hart Square, on Thursday, September 19, 2019, from 12:00 p.m. to 11:00 p.m., and the use of Bob Hart Square, on Friday, September 20, 2019, from 3:00 p.m. to 10:30 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), and Merced Municipal Code Section 9.12.020, as follows:

“CVC 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 person who are to use that portion of the street during the temporary closing.”*

And, “MMC 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, alleys, 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**

### Requested Streets and City Facilities

The applicant requests the use of City streets and facilities as listed below and illustrated on Attachments 1 through 3:

Thursday, September 19, 2019, from 12:00 p.m. to 11:00 p.m.:

- W. Main Street, between M and Canal Streets
- Bob Hart Square Park
- Alcohol will be served at this event.

Friday, September 20, 2019, from 3:00 p.m. to 10:30 p.m.:

- Bob Hart Square Park
- Alcohol consumption will be contained to 510 Bistro restaurant area only. No alcohol will be consumed in the park.

### Background

The Merced Main Street Association (MMSA) is requesting the street closure in order to hold the 4<sup>th</sup> Annual Merced FEAST (Festival Engaging Agriculture Sustainability to the Table) event.

As the event website explains, “This event will feature fares from only Merced County Farms, which will be artfully prepared by local area celebrity chefs, highlighting our wonderful and diverse food cultures of this Central Valley Region.” And the “goal of this farm-to-table event is to explore new and interesting ways to connect Merced County residents to the local foods and the farming community that produces them. This mission will be accomplished by presenting FEAST dinner guests with a multi-course meal with menu creations based around what agricultural products are in season, harvested from farmer’s fields in Merced County. Our dinner hosts will include local dignitaries and celebrities who will greet attendees and be assigned by local FFA, 4-H, and vocational food service students with presenting small bites during our pre-dinner festivities.”

The event is co-sponsored together with the MMSA by the Merced Certified Farmers Market, the Downtown Neighborhood Association, UC Merced, and Merced College. 2017 sponsors also included Foster Farms, Joseph Farms, California Women for Agriculture, Rabobank, and the Merced County Farm Bureau.

### Event Description

#### FEAST Dinner:

The applicant proposes to close W. Main Street between M and Canal Streets, and reserve Bob Hart Square Park for their exclusive use, beginning at 12:00 p.m. on Thursday, September 19, 2019. The event itself will run from 5:30 p.m. to 9:30 p.m., and streets will reopen by 11:00 p.m. (Attachments 1 and 2).

Plentiful time before and after the event is being allowed for set-up and takedown of tables, chairs, and necessary equipment, event décor, and table settings. The tables for the dinner will be set up along the middle of W. Main Street within the street closure area. A full bar will be set up in Bob Hart Square, with the rest of the park reserved for reception and conversation (Attachment 2).

No tents or other weather protection are proposed at this time; however, in the event of a forecast of rain during the event, tents may be erected with Planning Department and Fire Chief approval, along with any required permits (Condition #13).

The catering and alcohol service will be provided by the 510 Bistro restaurant. The event will be restricted to those attendees who are 21 years of age or older. Guests will check in at the entrance staffed by security and will receive wristbands to wear during the event.

The event sponsor will need to provide their own electricity during the FEAST event on Thursday. If use of City-supplied electricity is requested for the use of Bob Hart Square on Friday, the event sponsor will be responsible for making arrangements prior to the event with appropriate City staff to make the electricity hookups available (Condition #19).

Security guards will be provided at a minimum ratio of one guard per fifty guests, as is normally required by the Police Department, to ensure that alcohol consumption is contained to the event area (Condition #8).

The applicant is required to notify all businesses and residences affected by the street closure within one-half mile with information on the range of time that the street will be closed and the reason. This notice must be given at least seventy-two (72) hours prior to the street first being closed off. The applicant must then confirm with Planning Department staff that this notice was distributed to those businesses and residences (Condition #7 and Attachment 5).

#### Music on the Square:

The applicant proposes to use Bob Hart Square Park from 3:00 p.m. to 10:30 p.m. for their “Music on the Square” event on Friday, September 20, 2019. The concert itself will run from 5:30 p.m. to 9:30 p.m. (Attachments 1 and 3).

Plentiful time is being allowed prior to the concert to ensure the park is cleared and ready for the musicians and attendees. The musicians will be setting up on the park’s patio area near the fountain that is adjacent to the gated outdoor seating of 510 Bistro. Attendees can either sit at the restaurant or bring chairs/blankets to listen from the park’s lawn area (Attachment 3).

No chairs, tables, or tents are proposed be set up by the applicant at this time. However, in the event of a forecast of rain during the event, tents may be set up with Planning Department and Fire Chief approval and any required permits (Condition #13).

Music will be amplified, but will be over by 9:30 p.m., with respect to nearby residences. Power for amplification and microphones will be supplied by the 510 Bistro restaurant for the concert.

The event is free to the public. Alcohol drinks will be available from 510 Bistro restaurant as part of their normal business operations; however, the consumption of alcohol must stay contained within the restaurant's existing patio enclosure. The applicant will be responsible for ensuring that alcoholic drinks are not taken into or consumed by attendees seated in the park's lawn area (Condition #12).

Ample parking for both FEAST events is provided nearby at the City public parking lots along W. 16<sup>th</sup> Street, and bathrooms will be provided inside the restaurant.

### Conditions of Approval

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

1. By applying for the street closure and use of City-owned real property, 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 provide and maintain a minimum 22-foot-wide emergency vehicle access path into and through the street closure area at all times via movable barriers. Fire hydrant access shall not be blocked at any time whatsoever.

7. 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).

8. 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 City of Merced Police Department. Security guards shall be provided at a minimum of one guard per each fifty guests.

9. 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.

10. 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 the end of the event.

11. Event sponsor shall be responsible for dismantling and removing all equipment, temporary structures, trash, and debris within and around the closure area generated by the event prior to the expiration of the closure permit.

12. Alcoholic beverages may be sold, served, or consumed during the street closure event on September 19, 2019, subject to the rules and regulations of the California Alcoholic Beverage Control. Alcohol shall not be sold, served, or consumed in the park area of Bob Hart Square during the concert event on September 20, 2019; all alcohol consumption will be contained to the bar and patio area of 510 Bistro. The event sponsor will be responsible for ensuring strict compliance with requirements and restrictions for both events.

13. In the event of expected rain for either event, the event sponsor may include the use of tents at the event with Planning and Fire Department approvals, including any necessary fire permits for larger tents.
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 9:30 p.m.
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 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. Event sponsor shall provide access to disabled-accessible restrooms, as required by the California Building Code.
18. 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 Department/Refuse Division.
19. Event Sponsor shall be responsible for making timely arrangements with the City's Public Works staff to turn the electrical power supply in the park on and off before and after the "Music on the Square" event proposed for September 20, 2019. The Event Sponsor shall provide generators, if needed, for the FEAST event proposed for Thursday, September 19, 2019.
20. 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.
21. All other provisions addressed in Ordinance #1941 Chapter 12.42 (Temporary Street Closures) shall apply.

## **IMPACT ON CITY RESOURCES**

As each event proposed will be handled entirely by volunteers, the event is not expected to significantly impact any City resource.

Security will be provided by the applicant, and as any refuse waste generated by the event will be by 510 Bistro's staff during preparation of the dinner and at the bar, the restaurant's existing refuse services at the alley will be sufficient.

The applicant will need to provide their own generators for the FEAST dinner, so there will be no impact on City resources. Power will not be needed for the concert in Bob Hart Square (supplied by the restaurant).

## **ATTACHMENTS**

1. Location Map-Merced FEAST & Music on the Square

2. Site Plan - FEAST dinner (Thursday)
3. Site Plan - Music on the Square (Friday)
4. Pictures from Previous Events
5. Notification of Pending Street Closure