



## Legislation Text

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**SUBJECT:** Approval of Street Closure Request #19-05 by the Merced County Hispanic Chamber of Commerce to Host the Third Annual Merced Cowboy/Vaquero 5-Kilometer and Kids' Half-Mile Runs for Saturday, May 18, 2019, From 5:00 a.m. to 12:00 p.m. Within the Downtown Perimeter of W. Main Street Between Canal and H Streets, H Street Between Main and 23<sup>rd</sup> Streets, W. 23<sup>rd</sup> Street Between H and Q Streets, Q Street Between 23<sup>rd</sup> and 18<sup>th</sup> Streets, and 18<sup>th</sup> Street From Q to Canal Streets and Approval of Request to Extend the Closure of W. Main Street, from Canal Street to M Street for Vendor Setup

### REPORT IN BRIEF

Considers approving a request by the Merced County Hispanic Chamber of Commerce for the closure and use of City Streets on Saturday, May 18, 2019, for the Third Annual Merced Cowboy/Vaquero 5-Kilometer and Kids' Half-Mile Runs. The request seeks approval to close several streets in the Downtown area as well as a street closure for Vendor setup from 5:00 a.m. to 12:00 p.m.

### RECOMMENDATION

**City Council** - Adopt a motion approving the street closures of W. Main Street (between H and Canal Streets), Canal Street (between W. Main Street and W. 18<sup>th</sup> Street), W. 18<sup>th</sup> Street (between Canal and Q Streets), Q Street (between W. 18<sup>th</sup> and W. 19<sup>th</sup> Streets), W. 19<sup>th</sup> Street (between Q and P Streets), P Street (between W. 19<sup>th</sup> and W. 20<sup>th</sup> Streets), W. 20<sup>th</sup> Street (between Q and P Streets), Q Street (between W. 20<sup>th</sup> and W. 21<sup>st</sup> Streets), W. 21<sup>st</sup> Street (between P and Q Streets), P Street (between W. 21<sup>st</sup> and W. 22<sup>nd</sup> Streets), W. 22<sup>nd</sup> Street (between P and Q Streets), Q Street (between W. 22<sup>nd</sup> and W. 23<sup>rd</sup> Streets), W. 23<sup>rd</sup> Street (between H and Q Streets), and H Street (between W. 23<sup>rd</sup> and W. Main Streets); and the closure of W. Main Street (between Canal and M Streets) for Vendor setup, as detailed in the staff report. The event will be held on Saturday, May 18, 2019, from 5:00 a.m. to 12:00 p.m. (event time from 7:30 a.m. to 11:30 a.m.), for the Merced Cowboy/Vaquero 5K and Kids' Half-Mile Runs, 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 Merced County Hispanic Chamber of Commerce is requesting the use of specific sections of City streets as listed below, on Saturday, May 18, 2019, from 5:00 a.m. to 12:00 p.m., for the Merced Cowboy/Vaquero 5K and Kids' Half-Mile Runs (Attachment 2):

- W. Main Street, between H and Canal Streets
- Canal Street, between W. Main and W. 18<sup>th</sup> Streets
- W. 18<sup>th</sup> Street, between Canal and Q Streets
- Q Street, between W. 18<sup>th</sup> and W. 19<sup>th</sup> Streets
- W. 19<sup>th</sup> Street, between Q and P Streets
- P Street, between W. 19<sup>th</sup> and W. 20<sup>th</sup> Streets
- W. 20<sup>th</sup> Street, between Q and P Streets
- Q Street, between W. 20<sup>th</sup> and W. 21<sup>st</sup> Streets
- W. 21<sup>st</sup> Street, between P and Q Streets
- P Street, between W. 21<sup>st</sup> and W. 22<sup>nd</sup> Streets
- W. 22<sup>nd</sup> Street, between P and Q Streets
- Q Street, between W. 22<sup>nd</sup> and W. 23<sup>rd</sup> Streets
- W. 23<sup>rd</sup> Street, between H and Q Streets
- H Street, between W. 23<sup>rd</sup> and W. Main Streets

In addition, the applicant is requesting to extend the closure on W. Main Street, from Canal Street to M Street for their vendors to set up. The applicant will be providing 5 portable restrooms near Bob Hart Square, and 3 water stations throughout the course. The applicant will need special event City refuse services. Riggs Ambulance will be on-call in case of emergencies.

### **Event Description**

The Merced Cowboy/Vaquero 5K and Kids' Half-Mile Runs are sponsored by the Merced County Hispanic Chamber of Commerce. Mr. Alfonso Garcia, a cross country and track coach at Buhach Colony High School in Atwater, will be the event's technical advisor. Mr. Garcia has also contributed to other running events within the City of Merced, including the "Honey Bun Run" and the "Jingle Bell Run."

This event will be held the morning of Saturday, May 18, 2019, with initial closure of the above-

mentioned roads scheduled for 5:00 a.m. Following the last runner's exit from the course, all barricades and traffic cones will be removed, and all streets will be reopened by 12:00 p.m., with each intersection opening after the last runner on the course passes through.

The Kids' Half-Mile Run will be contained to a four-block area within Downtown by using Main Street to go back and forth between Canal Street and H Street. The 5K run encompasses a much larger area within the downtown and Central Merced area, remaining south of Bear Creek (Attachment 2).

At the local street intersections on the course, volunteer traffic monitors will be provided by both the Buhach Colony High School's cross country team and the Merced County Hispanic Chamber of Commerce. There will be at least two volunteer traffic monitors at the blocked intersections to advise drivers of the race. There also will be additional volunteers along the race routes to safely stop any residential traffic in order to allow the runners to cross to the next road section uninterrupted. All volunteers will wear bright orange shirts or vests to easily be seen and most will be equipped with cell phones to communicate with the event coordinator.

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 #5). To ensure this is done, event organizers are 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 4). A copy of this form shall also be signed and submitted to Planning Department staff, confirming that the required businesses and residences were notified.

The applicant will need to provide their own generators to supply electricity for their sound systems during this event. The City no longer allows the use for street closures.

### Conditions of Approval

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. 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.

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 closure(s) and the event, 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).

6. The Event Sponsor shall provide traffic monitors/volunteers at an acceptable frequency at each City block and intersection throughout the closure area. The applicant shall consult with the Police Department regarding these matters in order to ensure a safe and successful event for both participants and motorists in the closure vicinity.

7. 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.

8. The Merced City Police Department or their designee has the authority to immediately cancel and/or re-route all activities requested with this street closure if there is a police or other emergency incident in the area. Application fees are non-refundable.

9. Event sponsor shall be responsible for removing all equipment, trash and debris that is generated from the event, including removal of "no parking" signs, within and around the closure area prior to the expiration of the closure permit.

10. Alcoholic beverages may not be served or sold at this event.

11. The applicant/event sponsor shall arrange and pay for special event City Refuse service by contacting Public Works at (209) 385-6800.

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

13. The event sponsor shall provide traffic control plans to the Engineering Department. These plans shall be reviewed and approved by the City Engineer.

## **IMPACT ON CITY RESOURCES**

As the City no longer provides access for use of our electricity for street closures, the applicant will need to provide generators for their sound system during their event.

As volunteers will be provided at the intersections on the course, there will be no impact to City resources for this event.

## **ATTACHMENTS**

1. Location Map
2. Course Map
3. Vendor Site Plan
4. Notification of Pending Street Closure