File #: 19-517, **Version:** 1

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

SUBJECT: Approval of Street Closure Request #19-14 by the Merced County Office of Education to Host the 18th Annual Lights on After School Event, on Thursday, October 24, 2019, From 1:30 p.m. to 10:00 p.m. on W. Main Street Between M and K Streets, Canal Street Between W. Main and W. 18th Streets, and K Street Between W. 18th and W. Main Streets

REPORT IN BRIEF

Considers approving a request by the Merced County Office of Education for the closure and use of City streets for the 18th Annual Lights on After School event. The request seeks the approval to close W. Main Street (between M and K Streets), Canal Street (between W. Main and W. 18th Streets), and K Street (between W. 18th and W. Main Streets), but keeping the intersection open to allow westbound traffic along Main Street to move southbound on K Street and northbound traffic on K Street to move eastbound on Main Street. The event is proposed on Thursday, October 24, 2019, from 1:30 p.m. to 10:00 p.m.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of W. Main Street between M and K Streets, Canal Street between W. Main and W. 18th Streets, and K Street between W. 18th and W. Main Streets (but keeping the intersection open to allow westbound traffic along Main Street to move southbound on K Street and northbound traffic on K Street to move eastbound on Main Street), on Thursday, October 24, 2019, from 1:30 p.m. to 10:00 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), 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
The Merced County Office of Education (MCOE) is requesting to hold its 18th Annual "Lights on After School" event on downtown streets on the evening of Thursday, October 24, 2019. The event will begin at 5:00 p.m., and is expected to end at 8:00 p.m.

Launched nationally in October 2000, "Lights On After School" is a coordinated nationwide event celebrating afterschool programs and their important role in the lives of children, families, and communities. Organized nationwide by The Afterschool Alliance, and partnered on the national level with groups including the American Heart Association's Voices for Healthy Kids, Alliance for a Healthier Generation, Camp Fire, National Recreation and Parks Association, the YMCA, and 4-H National Youth Science Day, the simultaneous events throughout the United States seek to draw attention to the many ways afterschool programs support students by offering them opportunities to learn new things and discover new skills.

Locally, the Merced event will feature games, information booths, performances by local groups, music, and a children's walking parade through the closure area (Attachment 2). The MCOE expects an attendance of approximately 2,500 people.

Requested Streets

The applicant requests the closure of the following streets on Thursday, October 24, 2019, from 1:30 p.m. to 10:00 p.m., as shown on Attachments 1 and 2, subject to the details and conditions outlined in the Conditions of Approval:

- W. Main Street, between M and K Streets
- Canal Street, between W. Main and W. 18th Streets.
- K Street, between W. Main and W. 18th Streets (but keeping the intersection open to allow westbound traffic along Main Street to move southbound on K Street and northbound traffic on K Street to move eastbound on Main Street)

Temporary barricades will be placed at the intersections of M and W. Main Streets, at the crosswalk on the eastern side of M Street; K and W. Main Street, at the cross walk on the western side of K Street and at the crosswalk on the northern side of W. Main Street (leaving the intersection open for through traffic); Canal and W. 18th Streets, at the crosswalk on the southern side of W. 18th Street; and at the intersection of K Street and W. 18th Street, at the crosswalk on the southern side of W. 18th Street (Attachments 1 and 2). Vehicles will still be able to gain access to the public parking lots northwest of the event via W. 18th Street.

The event sponsor has ordered the placement of temporary restroom facilities for the public's use during the event, including a handicapped-accessible unit. They will be placed at the southern end of Bob Hart Square, at Canal Street.

At least seventy-two hours (three days) prior to the event, the event organizers are required to notify nearby businesses and residences within one half-mile of the affected streets (Condition #6). To ensure this task has been completed, event organizers are required to provide staff with confirmation that this notification was given. Staff has prepared a standard form that the event sponsor shall complete, photocopy, and distribute to businesses and residences within the stated area (Attachment 3). 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, volunteers, except for loss caused solely by the gross negligence of the City. Acceptance by the 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, 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 event sponsor shall obtain, at its sole cost and expense, special events coverage insuring the City and its officers, 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 of Merced Insurance/Risk Management Department, 209-385-6979.

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. 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).

6. 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 (Attachment 3).

7. Event sponsor shall provide and maintain a minimum 22-foot-wide emergency vehicle access path to and through the interior of the closure area at all times. Fire hydrant access shall not be blocked at any time whatsoever.

8. Event sponsor shall provide adequate supervision and security throughout the area, a minimum of 1 security guard for every 100 people, to ensure the safety of the participants and the public gathered, as required by the Police Department.

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 removing all equipment and disposing of any trash and debris within and around the closure area that is generated from the event prior to the expiration of the closure permit.

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

12. Event sponsor shall be responsible for ensuring that any outside vendors involved with the event obtain a City of Merced business license and a Merced County Environmental Health Food Vendor Permit, if food-related.

13. Each booth, if any, that will have cooking (with a maximum of three booths per block) must follow all fire prevention guidelines and regulations set by the fire department including, but not limited to, using fire-rated tents, keeping a distance of no less than 50 feet from other cooking tents, and having a fire extinguisher on hand that includes a current State Fire Marshal service tag.

14. If needed, the applicant/event sponsor shall arrange and pay for special event City Refuse and/or recycling container service(s) by contacting Public Works at (209)385-6800.

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

IMPACT ON CITY RESOURCES

There will be very little impact on City resources in association with this street closure.

The event has not needed additional refuse containers for past years’ events, and they expect this

will remain the same. However, the event does generate some recyclable waste and thus will need recycling container services from Public Works. The event sponsor would be required to make arrangements with the Public Works' Refuse Division for those services (Condition #14).

ATTACHMENTS

1. Location Map
2. Event Site Plan
3. Notice of Pending Street Closure form

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