



Legislation Text

File #: 20-127, **Version:** 1

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SUBJECT: Approval of Street Closure Request #20-03 (Lao Association, with United Way of Merced) for Use of West Main Street Between H and M Streets, Canal Street Between Arbor Lane and West Main Street, and Bob Hart Square, for the Lao New Year Celebration Event on April 18, 2020 from 8:00 AM to 6:00 PM

REPORT IN BRIEF

The Lao Association, with co-sponsor United Way of Merced, is requesting the closure and use of West Main Street between H and M Streets, Canal Street between Arbor Lane and West Main Street, and Bob Hart Square for a celebration of the Lao culture, to include a procession, on Saturday, April 18, 2020, from 8:00 a.m. to 6:00 p.m.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of West Main Street, between H and M Streets (including Canal Street between West Main Street and Arbor Lane and Bob Hart Square), from 8 a.m. to 6 p.m. for the Vendor Fair event, and West Main Street, between H Street and Martin Luther King Jr. Way, from 8 a.m. to 12:30 p.m. (approximately) for the float parking and set-up, on Saturday, April 18, 2020, 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 18, 2020, are listed as follows:

Street Closure with Vendor Fair:

- Streets: W. Main Street, between M Street and Martin Luther King Jr. Way (MLK Jr. Way) - 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 within the event description.

Procession and Cultural Performances:

- Streets: W. Main Street, between I and H Streets (to be used for parking the floats prior to the procession); and W. Main Street between I Street and MLK Jr. Way (to be used to migrate the floats toward the main event area from the staging area) (Attachment 3).
- Closure time requested: 8:00 a.m. to 12:30 p.m., approximately.
- Details provided within the event description.

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, since then, the event has not been held on a consistent basis. The applicant, Sue Emanivong/Lao Association, along with Co-Sponsors, have hosted the parade over the years and until recently have evolved the parade into a more interactive event, the most recent being in 2019. They seek to continue this request every year in April.

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, followed by cultural dance performances in front of Bob Hart Square at the Canal and W. Main Street intersection.

Vendor Fair

As aforementioned, the requested streets for this part of the event is W. Main Street between M

Street and MLK Jr. Way; and Canal Street between W. Main Street and Arbor Lane (the alley between W. Main Street and W. 18th Street) (Attachment 2). Streets will close at 8:00 a.m. on April 18, 2020, and fully reopen by 6:00 p.m. The event itself is scheduled from 10:00 a.m. to 6:00 p.m.

After the closure of the street, Vendors will begin setting up for the day on both sides of W. Main Street (Attachment 2), leaving a 22-foot-wide clearance area for emergency services.

During the vendor fair, there will be a water blessing ceremony, to promote luck and prosperity in the New Year, held in Bob Hart Square Park.

The vendor fair will be open during the procession and performance portion of the event and will end by approximately 6:00 p.m.

Procession and Cultural Performances

The requested streets for the procession portion of the event are: W. Main Street from Canal Street to H Street (Attachment 3). Streets will close at 8:00 a.m. on April 18, 2020, with the area between MLK Jr. Way and H Street to be re-opened at approximately 12:30 p.m., after the procession commences.

The procession will begin at 10:00 a.m. Floats will proceed from H Street, along W. Main Street and turn onto Canal Street. The floats will then park along both sides of Canal Street (leaving a 22-foot-wide clearance area for emergency services) 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 approximately 12:30 p.m., following the procession, barricades on W. Main Street from Martin Luther King Jr. Way to H Street will be removed, reopening those streets, and adjacent businesses, to through traffic. Barricades will remain on W. Main Street from M Street to MLK Jr. Way, 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 4). 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 4).

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. Event Sponsor shall be responsible for making timely arrangements with the City’s Public Works staff to turn on electrical power supply, if needed, in Bob Hart Square Park prior to the event on Saturday, and for turning the supply off after the event.
19. The City no longer provides power to street closures. The Event Sponsor shall be responsible for providing their own generators, if needed, for the vendor tables and activities occurring within the street closure area on W. Main Street and Canal Street.
20. 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 MLK Jr. Way to H Street), 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 and may request power in Bob Hart Square. Vendors will have their own power sources if needed for the vendor fair along W. Main Street and Canal Street.

ATTACHMENTS

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