



DATE: October 7, 2014

CATEGORY: Consent

DEPT.: Community Services

TITLE: **Street Closure, Sound Amplification, and Festival Area Designation for the German International School of Silicon Valley's German Holiday Market**

RECOMMENDATION

1. Adopt a Resolution to Approve the Closure of Certain Streets in the Downtown Area on Saturday, December 13, 2014, at 3:00 a.m. until Sunday, December 14, 2014, at 1:00 a.m. for the German International School of Silicon Valley German Holiday Market, to be read in title only, further reading waived (Attachment 1 to the Council report).
2. Approve the operation of a sound amplification device by the applicant between 11:00 a.m. and 9:00 p.m., Saturday, December 13, 2014, within the event area, under conditions as specified.

BACKGROUND

The applicant is the German International School of Silicon Valley (see Attachment 2 – Special Event Application). Last year they held a very successful first annual Holiday Market on Civic Center Plaza. Due to the number of people attending the event, the applicant is looking to expand the footprint of the event and include Mercy Street from Bryant Street to Castro Street. This will allow for vendors to set up on the street creating a better flow at the event.

DISCUSSION

The nature of this event necessitated an Event Permit pursuant to Council Policy K-14. There will be live amplified entertainment at various times, necessitating a permit pursuant to City Code Section 3.17.2, subject to conditions listed herein. The updated Special Event Policy, K-14, states new and/or first time special events requests shall be approved by the City Council, but recurring similar events can be approved administratively. Since this request is different from last year and includes street closures, we are bringing it to City Council for approval. If approved, future German

International School of Silicon Valley's German Holiday Market that is similar size and scope would not present to Council but process administratively.

Conditions of Permit Issuance

Violations of any of the conditions listed herein will result in the revocation of permit authority by any Police Officer or authorized City representative and cessation of the event.

1. The event sponsors will be charged fees and services based on actual costs incurred by all City departments. One-half of all applicable estimated costs are to be paid four weeks prior to the event.
2. Applicant shall arrange for insurance, as required by the City, specifically a Certificate of Insurance and an endorsement naming the City, its officers, officials, employees, and volunteers as additional insured in a minimum amount of One Million Dollars (\$1,000,000). It is understood and agreed that the applicant, its agents, employees, or officers assumes all risks and agrees to defend, indemnify, and hold the City of Mountain View, its officers, agents, and employees harmless from any liability for damage or claims of same, including, but not limited to, personal injury, property damage, and death, and cost or expense which may arise from the alleged willful or negligent acts or omissions of applicant, its officers, agents, or employees in connection with the permitted event activities.
3. Applicant shall contact all businesses within the affected street closure area, advise them of this event, and advise them that any opposition to the event can be expressed to Council on the date this item is to be heard (Attachment 3).
4. Applicant will publicize "No Segway Use" on all promotional material and post "No Segway Use" signs at the event.
5. The location of any sound amplification device(s) shall be stationary and confined to a predesignated location within the event area. This location shall be approved by the City in advance of the event.
6. Sound amplification shall be restricted to the hours of 11:00 a.m. to 9:00 p.m. on Saturday, December 13, 2014.
7. Decibel level of the amplification shall be subject to reduction upon the request of any Police Officer.

8. Tickets for alcoholic beverages will be sold until one-half hour prior to the close of the event; alcohol service will cease 15 minutes prior to the close of the event.
9. Persons within the festival area are exempt from City Ordinance (21.70), prohibiting alcohol consumption in public spaces.
10. Applicant shall pay for rental of public toilets, barricades, and traffic-control devices as deemed necessary by the City.
11. Applicant and its vendors shall comply with the City's Polystyrene Foam Food Service Ware Ordinance. No food provider shall dispense prepared food or beverage using polystyrene foam food service ware, whether provided for a charge or no charge, including complimentary samplings and tastings. For additional information and a copy of the vendor packet visit www.MVrecycle.org.
12. Applicant and vendor shall comply with the City's Reusable Bag Ordinance. No vendor shall provide thin plastic carryout bags (less than 2.25 mil thick) for customer purchases. Vendors must charge a minimum of ten cents (\$.10) for each recycled paper, cloth, or plastic carryout bag (2.25 mil or thicker) for customer purchases. For additional information and a copy of the vendor packet visit www.MVrecycle.org.
13. Applicant shall provide for sufficient garbage and recycling services to manage the waste produced by vendors and the public as follows:
 - Provide one 4 cubic yard trash bin, three 6 cubic yard mixed recycling bins, and one 4 cubic yard compost bin.
 - Provide 20 "clearstream" event recycling frames, 20 "clearstream" compost frames, and 20 special event boxes. "Clearstream" and event trash boxes are to be placed side-by-side and distributed evenly and strategically throughout the festival area. The actual number of each container is to be determined by staff prior to the event date.
 - Unlock recycling containers for vendors and event workers at the beginning of the event. Lock containers at the end of the event to prevent theft (scavenging). Applicant shall not give permission or allow scavenging of recyclables from garbage or recycling containers and should seek assistance from the Police Department, if necessary.

- Provide vendors with the following information:
 - No burned charcoal/mesquite—hot, cold, or wet—in debris boxes. Vendors shall consult with the Fire Department for Best Management Practices (e.g., metal containers with lids shall be provided by the vendors and used for disposal of used charcoals/mesquite coals). Vendors are responsible for removing the used coals from the event and properly disposing of same at their place of business.
 - Vendors must bag all garbage and place it in debris boxes. Vendors shall not use public garbage containers, cardboard event boxes, or leave garbage at street corners.
 - Vendors must place all recycling in the white mixed recycling dumpsters or in the white flattened cardboard dumpsters. If dumpsters are full, place flattened cardboard and bags of bottles and cans near the sidewalk next to the mixed recycling dumpsters.
 - Recycling items accepted include flattened cardboard, empty glass bottles, aluminum and tin cans, plastic bottles, and cups marked with a No. 1 through No. 7 recycling symbol.
 - Recycling items not accepted include plastic milk crates, plastic five-gallon buckets, paper milk cartons, unflattened cardboard, waxed cardboard, plastic wrap, plastic bags, plastic drinking cups, or plastic utensils, even if these items are marked with a No. 1 through No. 7 recycling symbol. Put these items in the garbage.
 - Wastewater shall be placed in wastewater tanks located near the vendor location. No wastewater of any type may be disposed of in street gutters, storm drains, or landscaping.
 - Provide training to the vendor staff to ensure garbage, recycling, charcoal, and wastewater are properly handled for public health and safety.
- After the event, flatten and recycle all temporary garbage containers (cardboard event boxes) and place inside the covered cardboard recycling container. If these are full, place cardboard in the mixed recycling dumpsters. If these are full, place in the dumpster bins. Do not leave any garbage or recycling on the streets or sidewalks.

14. Applicant shall provide for proctors and monitors to facilitate order at the event. Such proctors will be responsible for providing services deemed necessary by the City, including by way of example, but not limited to, a central command center, first-aid stations, lost-and-found stations, lost children stations, City parking lots, etc.
15. Applicant shall provide space within the festival area for any group which may wish to exercise First Amendment-protected rights.
16. Applicant shall follow all legal directions requested by any Police Officer or authorized City representative, including the temporary or complete cessation of any or all components of the event if, in the Police Officer's judgment, the cessation is necessary to ensure the public safety.
17. Applicant shall notify all vendors of County standards for fire prevention for festival event and cooking booths. Documents can be found online at www.unidocs.org.
18. Applicant shall provide the Police and Fire Departments with a copy of the conditions and policies given to all vendors.
19. Applicant shall require that all food vendors protect the parking lot from spills with a nonslip surface. Cardboard and tarps will not be permitted.
20. Applicant shall provide an updated map and matrix to the City identifying each food booth, generator, and tent location two weeks prior to the event.
21. Applicant will provide booths that comply with fire safety regulations for all food vendors.
22. Notification to all vendors that only the use of diesel generators will be allowed at the event.
23. Applicant will notify vendors of approved locations to access water and electricity.
24. Applicant must make a final follow-up with the primary Mountain View Police Officer on duty prior to leaving the event area and also do a final walk-through of the event site at the conclusion of the event.

FISCAL IMPACT

The total approximate cost for Police, Fire, Streets, Solid Waste Recycling, and Community Services is \$8,500, to be paid entirely by the applicant.

CONCLUSION

In summary, the German International School of Silicon Valley is proud to promote the local community and bring to downtown Mountain View the European tradition of an open market. This event also supports City Council direction to increase programming at the Civic Center Plaza. With the success of last year's event, this is a wonderful addition to the long legacy of vibrant events in the downtown.

ALTERNATIVES

1. Do not approve the closure of Mercy Street and require the event to be contained at Civic Center Plaza.
2. Provide other direction.

PUBLIC NOTICING

Agenda posting and copy of the report to the German International School, Chamber of Commerce, Central Business Association, and Old Mountain View Neighborhood Association. Notice will be delivered by hand or mailed to all affected businesses and residents.

Prepared by:

Michele Petersen
Recreation Supervisor

John R. Marchant
Recreation Manager

Approved by:

J.P. de la Montaigne
Community Services Director

Daniel H. Rich
City Manager

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- Attachments:
1. Resolution
 2. Special Event Application
 3. Public Noticing Letter