



**DATE:** February 11, 2014

**CATEGORY:** Consent

**DEPT.:** Community Services

**TITLE:** **Street Closure, Sound Amplification, Festival Area Designation, and Animal Ban for A La Carte and Art in Mountain View**

### **RECOMMENDATION**

1. Adopt a Resolution Approving the Closure of Certain Streets in the Downtown Area from 2:00 a.m., Saturday, May 3, 2014, to 10:00 p.m., Sunday, May 4, 2014, for the A La Carte and Art Festival in Mountain View, to be read in title only, further reading waived.
2. Approve the operation of a sound amplification device by the applicant between 9:00 a.m. and 6:00 p.m. on Saturday, May 3, 2014, and Sunday, May 4, 2014, within the festival area, under conditions as specified.
3. Approve a festival area designation for the area of the street closure.
4. Approve an animal ban as requested by the applicant within the festival area designation.

### **BACKGROUND**

The applicant is Julie Smiley, acting on behalf of the Central Business Association (CBA) (Attachment 2). A La Carte and Art in Mountain View will take place between 10:00 a.m. and 6:00 p.m. on Saturday, May 3, 2014, and Sunday, May 4, 2014, and will feature the vending of merchandise, food, and beverages. Tickets for alcoholic beverages will be sold until 5:30 p.m. Alcohol beverage service will stop at 5:45 p.m. There will be entertainment, including amplified music, display and informational booths, and activities for children. This event occurred last year without incident.

## DISCUSSION

The nature of this event necessitates an event permit pursuant to Council Policy K-14. There will also be live, amplified entertainment at various times, necessitating a permit pursuant to City Code Section 3.17.2, subject to conditions listed herein.

### Conditions of Permit Issuance

Violation 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 sponsor 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).
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 4).
4. Applicant will publicize "No Pets" on all promotional material and post "No Pets" signs at the event.
5. Applicant will publicize "no Segway use" on all promotional material and post "No Segway Use" signs at the event.
6. Applicant shall follow all policies governing use of Civic Center Plaza.
7. The location of any sound amplification device(s) shall be stationary and confined to a predesignated location within the festival area. This location shall be approved by the City in advance of the event.
8. Sound amplification shall be restricted to the hours of 9:00 a.m. to 6:00 p.m. on Saturday, May 3, 2014, and 9:00 a.m. to 6:00 p.m. on Sunday, May 4, 2014.

9. Persons within the festival area are exempt from City Ordinance (21.70) prohibiting alcohol consumption in public spaces.
10. Decibel level of the amplification shall be subject to reduction upon the request of any Police Officer.
11. Applicant shall pay for rental of public toilets, barricades, and traffic control devices as deemed necessary by the City.
12. Applicant shall provide for sufficient garbage and recycling services to manage the waste produced by vendors and the public as follows:
  - Provide two 20-yard debris boxes, one 30-yard covered box for cardboard recycling and two 6-yard mixed recycling dumpsters for waste and recycling generated at the event by vendors and the public.
  - Place 48 special event recycling frames next to each temporary garbage event box at each intersection along Castro Street and at intersections along Hope Street. Place any remaining recycling frames and temporary garbage event boxes along Castro Street between intersections.
  - Bag the black City litter cans to prevent public and vendor use. Provide garbage containers next to hand-wash stations near public toilets.
  - City will locate special event recycling trailer on the north side of Dana Street near the intersection with Bryant Street. Trailer will be locked at all times when not in use.
  - Unlock recycling dumpsters and debris boxes by 8:00 a.m. for vendors and event workers. Lock containers at the end of each day 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 box. Vendors shall consult with 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 and empty glass bottles, aluminum and tin cans, plastic bottles and cups marked with a No. 1 through No. 4 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 garbage.
  - Wastewater shall be placed in wastewater tanks located near vendor location. No wastewater of any type may be disposed in street gutters, storm drains, or landscaping.
  - Provide training to vendor staff to ensure garbage, recycling, charcoal, and wastewater are properly handled for public health and safety.
- After the events, flatten and recycle all temporary garbage containers (cardboard event boxes) and place on sidewalk near the mixed recycling dumpsters. Do not leave these containers at street corners.
13. 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.

14. Applicant shall provide a first-aid station within the festival area which can easily be accessed by emergency services.
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, 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 post detour signs directing motorists around the street closures.
18. 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](http://www.unidocs.org).
19. Applicant shall provide the Police and Fire Departments with a copy of the conditions and policies given to all vendors.
20. Applicant shall require that all food vendors protect the street from spills with a nonslip surface. Cardboard and tarps will not be permitted.
21. 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.
22. Applicant will provide booths that comply with fire safety regulations for all food vendors.
23. Notification to all vendors that only the use of diesel generators will be allowed at the festival.
24. Applicant will notify vendors of approved locations to access water and electricity.
25. 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 event site at conclusion of festival.

### Financial Disclosure

According to the financial disclosure form submitted by the applicant (Attachment 3) in 2013, expenses for A La Carte and Art were \$95,866, revenue was \$142,992 and profits to the CBA were \$47,126, all of which was retained by the agency.

### FISCAL IMPACT

The total estimated cost for Police, Fire, Community Services, Solid Waste, and Streets services is \$19,000 (\$18,150 to be paid by the applicant and \$850 to be subsidized by the City per Council Policy K-14).

### ALTERNATIVES

1. Do not approve the event or specific components of the event.
2. Provide other direction.

### PUBLIC NOTICING

Agenda posting; notice will be delivered by hand through the Central Business Association.

Prepared by:

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Recreation Supervisor

Approved by:

J.P. de la Montaigne  
Community Services Director

Daniel H. Rich  
City Manager

MP/7/CAM  
207-02-11-14CR-E-2

- Attachments:
1. Resolution
  2. Special Event Application
  3. 2013 Financial Disclosure Form
  4. Public Notification Letter