



DATE: May 17, 2016

CATEGORY: Consent

DEPT.: Community Services

TITLE: **Street Closure, Parking Lot Closure, Sound Amplification, and Festival Area Designation for the 4th Annual Oktoberfest**

RECOMMENDATION

1. Adopt a Resolution to Approve the Closure of Certain Streets in the Downtown Area and Lot No. 2 on Saturday, October 1, 2016, at 2:30 a.m., until Sunday, October 2, 2016, at 10:00 p.m., for the 4th Annual Oktoberfest, 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 7:00 p.m. on Saturday, October 1, and Sunday, October 2, 2016, within the event area, under conditions as specified.

BACKGROUND

The applicant is the Chamber of Commerce Mountain View (see Attachment 2—Special Event Application), in partnership with Steins Beer Garden and Tied House Brewery & Café. The Mountain View Oktoberfest has been extremely successful in the three years it has operated in Mountain View. Due to the number of people attending the event, the applicant is looking to expand the footprint of the event to include Bryant Street between Villa Street and Dana Street, and Dana Street between Wild Cherry Lane and Bryant Street (Attachment 3—Traffic Control Plan). This will allow the applicant to expand from Parking Lot No. 2 and create a better flow at the event.

ANALYSIS

The nature of this event necessitates an event permit pursuant to Council Policy K-14. There will be live entertainment at various times, necessitating a permit pursuant to City Code, Section 3.17.2, subject to conditions listed herein. The Special Event Policy, K-14, states new and/or first-time special event requests shall be approved by 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 Mountain View Oktoberfest events similar in size and scope would not come back to Council but, rather, would be processed administratively.

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 Two Million Dollars (\$2,000,000), including Liquor Liability. 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 will publicize "No Pets" on all promotional material and post "No Pets" signs at the event.
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 predesigned location within the festival 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 7:00 p.m. on Saturday, October 1, and Sunday, October 2, 2016.

7. Decibel level of the amplification shall be subject to reduction upon the request of any Police Officer.
8. Persons within the festival area are exempt from City Ordinance (21.70), prohibiting alcohol consumption in public spaces.
9. Tickets for alcoholic beverages will be sold until one-half hour prior to the close of the event each day; alcohol service will cease 15 minutes prior to the close of the event each day.
10. Applicant shall pay for rental of public toilets, barricades, and traffic control devices as deemed necessary by the City.
11. Applicant shall utilize social media to communicate information regarding parking restrictions in downtown Mountain View.
12. Applicant and 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 requirements and information, visit www.MVrecycle.org.
13. 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 (\$0.10) for each recycled paper, cloth, or plastic carryout bag (2.25 mil or thicker) for customer purchases. For additional requirements and information, visit www.MVrecycle.org.
14. Applicant shall provide for sufficient garbage, recycling, and composting services, as determined by the City Solid Waste and Recycling Section, to manage the waste generated by vendors and the public. All services are to be provided by the City's exclusive hauler, Recology. The applicant pays for garbage and composting service, and the City provides recycling at no charge unless containers are contaminated.
15. Applicant shall follow these procedures in setting up and managing the wastes produced by vendors and the public.

16. Applicant shall provide and review all City-provided garbage and recycling procedures with vendors, volunteers, and employees.
17. 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.
18. Applicant shall provide a first-aid station within the festival area which can easily be accessed by emergency services.
19. Applicant shall provide space within the festival area for any group which may wish to exercise First Amendment-protected rights.
20. 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.
21. Applicant shall post detour signs directing motorists around the street closures.
22. 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.
23. Applicant shall provide the Police and Fire Departments with a copy of the conditions and policies given to all vendors.
24. Applicant shall require that all food vendors protect the street from spills with a nonslip surface. Cardboard and tarps will not be permitted.
25. Applicant shall provide an updated map and matrix to the City identifying each food booth, generator, and tent location three weeks prior to the event.
26. Applicant will provide booths that comply with fire safety regulations for all food vendors.
27. All vendors will be notified that only the use of diesel generators will be allowed at the festival.

28. Applicant will notify vendors of approved locations to access water and electricity.
29. Applicant must make a final follow-up with the primary Mountain View Police Officer on duty prior to leaving the event.

FISCAL IMPACT

The total approximate cost for Police, Fire, Streets, and Community Services, and a 5 percent administration fee is \$17,000, to be paid entirely by the applicant.

ALTERNATIVES

1. Do not approve the closure of portions of Bryant Street and Dana Street as described in the report and require the event to be contained in Parking Lot No. 2.
2. Provide other direction.

PUBLIC NOTICING

Agenda posting and notice (Attachment 4 – Public Noticing Letter) will be delivered by hand or mailed to all affected businesses and residents.

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MP-JRM/7/CAM
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- Attachments:
1. Resolution
 2. Special Event Application
 3. Traffic Control Plan
 4. Public Noticing Letter