



MEETING DATE: 8/4/08

ITEM NO:

6

## COUNCIL AGENDA REPORT

DATE: July 21, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

SUBJECT: APPROVE REQUEST BY THE BILLY JONES WILDCAT RAILROAD FOR AN 11 DAY 'HAUNTED HARVEST FESTIVAL' EVENT IN OAK MEADOW PARK BETWEEN THE DATES OF OCTOBER 16 AND OCTOBER 31, 2008

### RECOMMENDATION:

Approve request by the Billy Jones Wildcat Railroad for an 11 day 'Haunted Harvest Festival' event in Oak Meadow Park between the dates of October 16 and October 31, 2008.

### BACKGROUND:

The Police Department has processed an application from Billy Jones Wildcat Railroad as the non-profit sponsor of a Haunted Harvest Festival at Oak Meadow Park for a period of 11 days between October 16 and October 31, 2008. The event application is for 11 days of use of Oak Meadow Park from 7-10 p.m. on the following dates:

- Thursday through Sunday, October 16-19
- Thursday through Sunday, October 23-26
- Wednesday through Friday, October 29-31

The sponsor is collaborating with "Skeleton Coast," a group of local actors who have staged Halloween events in Los Gatos and other cities over the past several years.

The Skeleton Coast group presented a Halloween event at Oak Meadow Park in collaboration with the Los Gatos Police Foundation in the late 1990's until approximately 2003. That event was discontinued due to the excessive level of staff time required to organize and manage the event. This application will not require any dedicated staff time, except for that required and reimbursed through the event application process.

PREPARED BY: Scott R. Seaman, Chief of Police

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Reviewed by: \_\_\_\_\_ Assistant Town Manager Town Attorney

\_\_\_\_\_ Clerk Administrator Finance \_\_\_\_\_ Community Development

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MAYOR AND TOWN COUNCIL

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Staff reviewed the event in June and was generally supportive of the application. Staff has determined that while Skeleton Coast is not a 'not for profit' organization itself, it is also not a commercial venture. The prior experience of Police Department staff is consistent with current understanding that Skeleton Coast is comprised of a group of committed actors who stage Halloween events and, for the most part, use any proceeds to pay for future productions. Under the current application, Skeleton Coast and the sponsor intend to make donations of net event proceeds to four separate charitable organizations including:

- Billy Jones Wildcat Railroad
- Los Gatos/Monte Sereno Police Foundation
- Disaster Aid Response Team
- Susan G. Komen Breast Cancer Foundation

#### DISCUSSION:

Regular special events are defined in the Municipal Code as events of three days or less. This event, at 11 days, falls outside of the definition of a special event and therefore must be approved by Council. The group which is collaborating with Billy Jones Wildcat Railroad has presented a larger version of this event at Oak Meadow Park previously. Staff has worked with the key member of Skeleton Coast and knows him to be capable of presenting a quality and well-managed event.

The Town's Logistics Team reviewed the application in June, 2008. Representatives of Parks and Public Works, Police and Community Services were involved in the meeting. This application involves three issues for consideration by Council:

1. The use involves park use after normal operating hours
2. The event will occupy a portion of Oak Meadow Park for two weeks ahead of the event and through the weekend following the event
3. This use involves a partnership between a non-profit organization and a group which, while not a fully commercial enterprise, is not precluded from generating commercial revenue.

Staff does not see the use of the park after hours as problematic in this application. The event, by its very nature, relies on darkness to create the Halloween atmosphere. Closure at 10:00 p.m. is expected to prevent excessive noise impact on adjacent neighborhoods. PPW staff has determined that the footprint of the planned use is acceptable and will not negatively impact other public uses of the park. There is no current Town policy which prohibits commercial or quasi-commercial entities partnering with not for profit groups to present an event in park space.

Since the initial application, the event promoters have reduced the scale of the event. Elements which would have drawn an older teen audience have been eliminated. The remaining event will be focused primarily on younger children.

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To address the issue of whether this is a commercial event operating within the auspices of a not for profit organization, staff is proposing to require a final financial accounting of the event. Staff will evaluate the event after it concludes to assess impacts, if any, upon the park, neighborhoods, traffic and staff resources to inform any future requests for this event or a similar event. Additionally, staff will be developing recommendations for Town policy regarding use of parks.

CONCLUSION:

Staff recommends approval of the event.

ENVIRONMENTAL ASSESSMENT:

Is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT

This application will require reimbursement of Town costs, including staff, consistent with special event guidelines. A financial accounting of the event will be provided following the conclusion of the event.

Attachments:

Distribution:



**TOWN OF LOS GATOS**  
**SPECIAL EVENT PERMIT**

DATES OF EVENT: THURSDAY, OCTOBER 16<sup>TH</sup> through SUNDAY, OCTOBER 19, 2008  
THURSDAY, OCTOBER 23<sup>TH</sup> through SUNDAY, OCTOBER 26, 2008  
WEDNESDAY, OCTOBER 29<sup>TH</sup> through FRIDAY, OCTOBER 31, 2008

TIMES OF EVENT: 7:00 P.M. TO 10:00 P.M.

NATURE OF EVENT: THE HAUNTED HARVEST FESTIVAL

SPONSOR OF EVENT: BILLY JONES WILDCAT RAILROAD

LOCATION OF EVENT: OAK MEADOW PARK

CONDITIONS OF APPROVAL:

FOLLOWING ARE ATTACHED:

- A. ORIGINAL APPLICATION
- B. HOLD HARMLESS
- C. INSURANCE POLICY (1,000,000/2,000,000)
- D. ADMINISTRATIVE FEE (\$129)

ADDITIONAL SPECIAL EVENTS CONDITIONS MUST BE MET PRIOR TO APPROVAL OF THIS PERMIT:

- 1. Sponsor shall meet all standards as established by the Health Department.
- 2. Sponsor shall meet all standards as established by the Fire Department.
- 3. Sponsor will pay in advance for the Special Event Application fee of \$129.00.
- 4. Sponsor shall obtain permission, and follow all standards as established by the Town of Los Gatos Department of Parks and Public Works, including paying the rental fees to rent the areas of the park for the entire time of the event.
- 5. Sponsor to pay the cost of one (1) Park Service Officer assigned to the event. The cost is determined by the Director of Parks and Public Works
- 6. Sponsor will be responsible for providing a dumpster for the event and placed in Oak Meadow Park in a location approved by the Director of Parks and Public Works.
- 7. Sponsor to be responsible for park cleanup during the event, cleaning the entire event area at the closing of each night to the satisfaction of the Los Gatos Director of Parks and Public Works.
- 8. Sponsor shall provide sanitation facilities for event participants and placed within 200 feet of the event if required by the Director of Parks and Public Works.
- 9. Sponsor shall be responsible for all costs for repairs of any damages to the grounds or the facilities, caused by the event.

10. All vendors will be properly licensed through the Town of Los Gatos.
11. Sponsor shall obtain a temporary sign permit from the Planning Department, for the use of any temporary signs.
12. No alcohol is to be sold or consumed at the event site
13. Sponsor will obtain and follow the conditions set forth in the Noise Amplification Permit.
14. Sponsor will be responsible for supplying cones and/or barricades during the event and place them where needed (on Blossom Hill Road) under the direction of the Park Service Officer. Sponsor will also be responsible to assign members of their staff to monitor traffic on Blossom Hill Road during each night of the event.
15. Sponsor shall be responsible for providing a first aid station in the park and also provide licensed, professional medical personnel.
16. Sponsor shall have all event props and equipment removed from the park by the date established by the Director of Parks and Public Works.
17. Sponsor to donate 5% of the NET proceeds from the Haunted Harvest Festival event to the Los Gatos Police Foundation at the conclusion of the event. Other non-profit organizations, such as the Susan G. Komen Breast Cancer Foundation, will receive donations from the proceeds of this event.
18. Sponsor will provide the Town a financial accounting of the event at the conclusion of the event.
19. This permit may be revoked at any time without cost or consequence to the Town of Los Gatos upon determined by the Chief of Police of unacceptable impacts to public health, safety, traffic or neighborhoods.

APPROVED: \_\_\_\_\_

DENIED: \_\_\_\_\_

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SCOTT R. SEAMAN  
CHIEF OF POLICE

ROUTING:      TOWN CLERK              BRIEFING              COMMUNICATIONS      SPONSOR