



City of Arts & Innovation

Governmental Affairs Committee Memorandum

TO: GOVERNMENTAL AFFAIRS COMMITTEE **DATE: JUNE 7, 2017**

FROM: MUSEUM & CULTURAL AFFAIRS DEPARTMENT **WARD: 1**

SUBJECT: AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING TITLE 13 OF THE RIVERSIDE MUNICIPAL CODE BY ADDING CHAPTER 13.21 ESTABLISHING REGULATIONS FOR THE FESTIVAL OF LIGHTS, DESIGNATING MAIN STREET RIVERSIDE AND SURROUNDING STREETS AS A NON-PUBLIC FORUM AT SPECIFIED TIMES DURING THE FESTIVAL OF LIGHTS AND PROVIDING LEGISLATIVE FINDINGS THERETO – DIRECT SUBMITTAL

ISSUE:

Adoption of an ordinance of the City of Riverside, California, amending Title 13 of the Riverside Municipal Code by adding chapter 13.21 establishing regulations for the Festival of Lights, designating Main Street Riverside and surrounding streets as a non-public forum at specified times during the Festival of Lights and providing legislative findings thereto.

RECOMMENDATION:

That the Governmental Affairs Committee recommend to the City Council adoption of an Ordinance adding Chapter 13.21 to the Riverside Municipal Code Chapter establishing a non-public forum on the Pedestrian Mall during High Traffic Days.

BACKGROUND:

The Mission Inn Hotel & Spa created a world class event twenty-four years ago. On September 19, 2006, the City Council approved the supplemental appropriation and funds transfer request for the enhancement of The Mission Inn Hotel & Spa's Festival of Lights. This became a single celebration with The Mission Inn Hotel & Spa in partnership with the City of Riverside. The Mission Inn Festival of Lights (Festival) is one of Riverside's annual signature events aiming to highlight The Mission Inn and Riverside's pride with a family-friendly holiday celebration and creating a significant economic impact for Riverside.

The Festival usually runs from the day after Thanksgiving to the first week in January. The Museum & Cultural Affairs staff coordinates the Festival through partnerships with The Mission Inn Hotel & Spa, Greater Riverside Chambers of Commerce, Keep Riverside Clean and Beautiful, Riverside Downtown Partnership and other City departments. This past year the Festival had approximately 75,000 attendees for the Switch-On Ceremony and approximately 500,000 attendees for the entirety of the Festival. Staff estimates that these numbers will increase due to

the 25th year of the Festival. Several enhancements were made to the event this past year both in programming and in logistics. Several notable changes from the 2016 Festival were new attractions and 24-hour security. Both of these helped the event grow and stay safe for attendees and vendors.

As the event and attendance has grown since 2006, staff has consistently evaluated the event for security and the experience of the attendees, businesses and vendors in response to growth and increase in attendance. Staff balances information from other agencies, national and international incidents and issues, local issues and concerns and updates our plans accordingly. Security, safety, the enjoyment and the well-being of our attendees, businesses and vendors is a priority for the 25th Anniversary and the future.

DISCUSSION:

The Festival has experienced many performers that draw a crowd and end up blocking path of travel on the Pedestrian Mall, surrounding streets and even spill onto City streets. Over the last three years the number of performers has grown substantially along with the attendance of the Festival. This has inhibited police and fire from quickly responding to calls for service in the Festival area. As well as staff has had no mechanism to keep pedestrian pathways clear and flowing to ensure attendees are safe and have an enjoyable experience.

The City desires to balance the significant and substantial governmental interests related to the public health, safety, and welfare for Festival attendees, vendors and businesses with first amendment rights. To ensure there are safe and free flowing paths of travel, staff is recommending the adoption of reasonable time, place and manner restrictions. First amendment performers at the Festival on high traffic days (Thursday and Friday nights and all day Saturday and Sunday) ("High Traffic Days") interfere with pedestrian and vehicular traffic as well as blocking, business owners, Festival vendors and visitors. Specifically, during High Traffic Days, first amendment performers attract audiences which congest the Pedestrian Mall, increase the likelihood for conflict and disorderliness, and impede the ability of emergency response personnel to reach various streets surrounding the Pedestrian Mall. This includes movement itself on the Pedestrian Mall. Moreover, such performers cause and contribute to pedestrian and vehicular safety risks through increased congestion, sight obstruction and obfuscation of pedestrian rights-of-way and crosswalks.

It is the intent of the City to limit performers from performing on non- High Traffic Days only during the Festival. It is the further intention of the City to balance the regulations and governmental interest with the recognized rights of performers to practice freedom of speech and freedom of expression to their intended audiences. Accordingly, the City further intends for performers to be afforded ample alternative channels of communication, expression and reasonable access to perform on less congested days and times during the Festival so that the performers may reach their intended audience. The any legal location outside of the designated area outlined in the ordinance would be available to the performers.

It proposed that a non-public forum during the Festival be created during the following areas and at the following times:

1. Switch-On Ceremony

The Pedestrian Mall and the surrounding streets, sidewalks and right-of-ways for the area bounded by the intersections of Market Street and University Avenue, University Avenue

and Orange Street, Orange Street and Fifth Street, Fifth Street and Market Street and on Mission Inn Avenue from Market Street to Lime Street.

2. High Traffic Days

Thursdays and Fridays after 4:00 p.m. and Saturdays and Sundays after 12:00 p.m. on the Pedestrian Mall and surrounding The Mission Inn, including all sidewalks and right-of-ways on Mission Inn Avenue from the Pedestrian Mall to Orange Street, all sidewalks and right-of-ways on Orange Street from Mission Inn Avenue to Sixth Street, and all sidewalks and right-of-ways on Sixth Street from Orange Street to the Pedestrian Mall.

Unless listed above, the Pedestrian Mall and surrounding streets are considered open and available as a public forum to performers during the Festival.

Penalties

A violation of any provision of this would be deemed a misdemeanor and shall be punishable in accordance with the provisions of Section 1.01.110 of the Riverside Municipal Code. As with other Riverside Municipal Codes, either Code Enforcement or Riverside Police Department would enforce it.

Implementation

1. Provide training to key partners and personnel from RPD, contracted security company, Riverside Downtown Partnership, key volunteers and event staff.
2. Signage Placement on each block
3. Communication prior and during event:
 - a. Press Releases
 - b. Website
 - i. City
 - ii. Festival of Lights
 - c. Social Media
 - d. Speaking Engagements
 - e. FOL Business Meeting
 - f. FOL Vendor Meeting
 - g. Greater Riverside Chambers of Commerce Communications
4. Flyers for staff to provide to performers

FISCAL IMPACT:

There is no fiscal impact with the receipt of the report.

Prepared by: Alexander T. Nguyen, Assistant City Manager/ Acting Museum & Cultural Affairs Director

Certified as to

availability of funds: Scott G. Miller, Chief Financial Officer/City Treasurer

Approved by: Alexander T. Nguyen, Assistant City Manager

Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Draft Ordinance
2. Presentation