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OAKLAND

AGENDA REPORT

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TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Howard A. Jordan
Samee Roberts

SUBJECT: **First Fridays Impacts**

DATE: February 27, 2013

City Administrator
Approval

[Signature]

Date

2/27/13

COUNCIL DISTRICT: District 3

RECOMMENDATION

Staff recommends acceptance of this informational report on the costs of providing security for the First Fridays events in downtown Oakland and on the existing contract agreement with VMA Security, the private security company providing services for Frank Ogawa Plaza and within the downtown.

OUTCOME

The purpose of this report is to respond to the City Council's inquiry and to inform the City Council of new security measures established for the March 1, 2013 First Fridays street festival in downtown Oakland and related impacts of the monthly event on City/Oakland Police Department services.

BACKGROUND/LEGISLATIVE HISTORY

The monthly First Fridays street festival is an offshoot of Art Murmur which started seven years ago as a gallery stroll produced by non-profit Oakland Art Murmur Association (OAM). The gallery stroll showcasing 1,200 artists in nearly 300 exhibitions annually has generated extensive positive local, regional, national, and art world publicity for Oakland. Attendance at the popular event has grown steadily over the years, by summer 2011 attracting several thousand attendees.

On July 17, 2007, Council passed Resolution No. 80743 C.M.S. granting the Rock Paper Scissors Collective (RPSC) a conditional encroachment permit to close one block of 23rd Street, between Valley & Telegraph between the hours of 5:00 p.m. – 10:00 p.m. The RPSC applied for the permit on behalf of the individual galleries that had not yet formed as an organization.

On December 21, 2010, Council approved the revocation of Resolution No. 80743 C.M.S. while simultaneously approving Resolution No. 83118 C.M.S. granting an encroachment permit to close to 23rd Street to the newly formed Oakland Art Murmur Association.

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ANALYSIS

Beginning with the August 2007 Art Murmur event, the City granted organizers a permit to close one block of 23rd Street to advance pedestrian access and create an outdoor area to accommodate vending and additional arts activities for the monthly gallery stroll. By late summer 2011, however, it was becoming increasingly clear that closing 23rd Street alone would not suffice to accommodate the ballooning unregulated spin-off activities such as rogue vending, public drinking, and amplified music spreading out onto the side streets and eventually Telegraph Avenue, thereby creating safety and other concerns for both the City and the galleries.

In spring 2012, the OAM determined that the challenges had exceeded its capacity to manage and approached the City for help in addressing the rapidly growing street festival which was not part of the original scope or planning for Art Murmur. Concurrently, the situation was creating heightened concern for the City due to the need for OPD to respond to the emerging crowd control and traffic safety issues. The event had previously required little involvement on the part of the City and OPD because it was largely contained to inside the galleries and one block of 23rd Street.

Mayor Quan then convened a series of meetings with representatives from OAM, the two downtown and Koreatown Northgate Community Benefit District (KONO) community benefit districts, City Administrator's Office and other City staff to begin addressing the concerns. The challenge was immediately apparent – how to ensure public safety of an “organic” event with an attendance of several thousand and growing while preserving its free-flowing artistry. It is important to note that at the time, there was no actual organization behind the growing street festival. It literally had a life of its own, promoted by artists, vendors, and community members that were not organized as a group. The lack of infrastructure became even more evident in August 2012 when festival participants took it upon themselves to physically close portions of Telegraph without City permits, thereby escalating crowd, pedestrian, and traffic safety concerns.

Role of City

Recognizing the need to implement broader public safety measures, and at the request of some downtown stakeholders, the City began expanding its role in the interest of traffic, pedestrian and public safety and acknowledging that the large crowds would continue to present themselves on every First Friday.

In September 2012, the City Administrator's Office applied for and was issued a permit to close Telegraph from 27th to 19th Street to vehicle traffic on First Fridays and was compelled to begin providing both public safety services because our police services are spread thin, the City began using VMA services by amending the first contract issued and which still had funds remaining. This contract was amended administratively in September 2012 to include other outdoor areas at/near City facilities (e.g. libraries, parks, City sponsored special events) and within the downtown, including First Fridays. VMA has provided security services at First Fridays since

September 2012, with the exception of January 2013 due to a gap between the existing contract and the new contract approved. This action came after discussions in July and August where it was clear that the informal event organizers could not preserve pedestrian, traffic, and public safety on their own and that the City required improved crowd control management of attendees. The City/OPD also worked with the two downtown and KONO community benefit districts to address security concerns and arrange for the CBD ambassadors to provide additional assistance with respect to crowd management.

Under the direction of Deputy City Administrator Arturo Sanchez, the CAO simultaneously began working with community representatives in an effort to build organizational capacity so that they could eventually assume full responsibility for producing all aspects of the event, including planning, programming, logistics/security, marketing, and fundraising. To date, there has been progress relative to programming and managing food vendors, however the community group has yet to establish sufficient organizational infrastructure and capacity required to produce a multifaceted monthly street festival that has now reached an attendance of 10,000 – 25,000. As such, the community organizers are not in a position to provide or raise sufficient funds to pay for event-related expenses, with the exception of \$1,700 being provided monthly by KONO for port-a-potties and a clean up crew. KONO has expressed concerns about whether they can continue to sustain these expenses as they exceed the organization's annual operating budget. Also important to note is that the Lake Merritt-Uptown CBD had been providing ambassadors and a street closure crew from September 2012 – January 2013, but has since ceased providing the street closure crew due to lack of capacity.

Given the nature of the event, where the structure is substantially organic/informal in nature, outreach and planning do not exist in a manner that mirrors a structured event and it continues to be that large crowds will show up on each month's first Friday and present traffic, pedestrian, and public safety issues for the City which draw down our resources. Despite the fact that these expenditures have been absorbed by the existing operating budget, the City continues to need to quickly mobilize to manage liability issues resulting from pedestrian, traffic, and public safety issues and has determined that street closures offer an efficient way to contain the crowd and provide for a more focused area to assign resources. The City facilitated the street closure out of increasing concern for pedestrian and traffic safety and liability heading in to the February event. Absent the availability of a City crew, staff sought quotes from outside vendors, with Traffic Management, Inc. submitting the lowest of three bids at a cost of \$2,854 per month (see page 6 for summary of First Fridays costs incurred by the City).

VMA Security

On January 22, 2013, Council passed Resolution No. 84184 C.M.S. authorizing the City Administrator to extend the existing contract with VMA Security to continue providing private security services on an "as needed" basis from January 1, 2013 through June 30, 2014, or until the additional capped amount of \$100,000 (one hundred thousand dollars) is expended, whichever is earliest. The staff report focused on Frank Ogawa Plaza safety and areas within the downtown--thus, the City has used VMA for First Fridays.

February First Friday Event

Nearly an hour after the 10:00 p.m. close of the First Fridays event on February 1, 2013, a tragic shooting one block away from the event took the life of 18-year-old Oakland resident Kiante Campbell and wounded three (3) others. The incident underscored the need to address ongoing issues related to overall event management, crowd control, and other logistics and long-term sustainability.

To that end, Mayor Quan convened a First Fridays Stakeholder Working Group that includes representatives from First Fridays, Oakland Art Murmur Association, the two downtown and KONO community benefit districts, key City staff, Uptown area residents, businesses and performance venues. The group has met four times over the past few weeks, with a follow-up meeting scheduled for Thursday, March 6. The meetings have been facilitated by District 3 Councilmember Lynette Gibson McElhaney. To date, the discussion has centered primarily on planning for the March 1 First Fridays event, with an inventory of additional issues and ideas to explore moving forward to future events. The stakeholder meetings have generated a wide-range of feedback and ideas including possible cancellation of the event; increasing or narrowing the footprint; enhancing OPD and private security; hiring a professional event producer; curtailing the overall street party environment by making the event alcohol-free and/or focusing more on youth, family, and peace/unity in the community.

Plans for March 1 First Fridays Event

After careful consideration of all input received to date, through the leadership of Mayor Quan and Councilmember McElhaney, the City established the following parameters for the March 1, 2013 First Fridays event:

1. The City/OPD has established that the event footprint/closure will be from West Grand to 27th Street. This means that there will be no First Fridays or other programming/activities south of West Grand to 19th Street as in previous months. OPD will establish a mobile command post at Telegraph & West Grand. OPD has invited a First Fridays representative to join them in the mobile command post.
2. Vehicle traffic will flow regularly on Telegraph south of West Grand. As such, no First Fridays or other programming will be allowed south of West Grand. This includes the Eat Up food pod at 21st & Telegraph permitted separately by the City. The City is reaching out to community groups for volunteers to help with any potential loitering, spill-over crowds south of West Grand.
3. Event will be alcohol-free. This means no open containers or beer garden will be allowed within the footprint and no alcohol licenses will be approved for area art galleries. ABAT (Alcohol Beverage Action Team) will enforce alcohol rules at liquor store and bar establishments. Officers will cite event participants in violation of drinking in public laws and ordinances and provide greater presence with respect to enforcing the law.

4. Two (2) music stages with amplified sound will be allowed within the established footprint. The City recommends that any additional music activities within the event footprint be acoustic only.
5. The March 1, 2013 First Fridays event will end at 9:00 pm – one hour earlier than the previous month.
6. City suggests a 9:00 pm moment of silence at the stage in addition to the one planned by the First Fridays organizers for 7:30 pm.
7. City will begin street closures at 3:00 pm; vendors can start arriving for setup at 4:00 pm.
8. First Fridays Block Coordinators, the community volunteers who organize the First Fridays activities block-by-block, will be responsible for vendor management as follows:
 - A. No unapproved/non-permitted vendors allowed (both food and non-food). Block Coordinators are asked to advise any unauthorized vendors that they are not permitted to set up. Should the Block Coordinators experience any difficulties with unauthorized vendors, they may contact VMA for back-up assistance only if absolutely necessary.
 - B. Block Coordinators are asked to submit names, contact information and location for all food vendors to Nancy Marcus, City of Oakland (nmarcus@oaklandnet.com) by 12 noon on Friday, February 22.
 - C. Block Coordinators are asked to submit a complete list and proposed locations for all non-food vendors/exhibitors and art activities to Samee Roberts, City of Oakland (sroberts@oaklandnet.com) by 12 noon on Monday, February 25. This information will be distributed to OPD, VMA and appropriate City staff so that everyone is aware of the activities that have been curated/approved by the Block Coordinators and the location of said activities.
 - D. Block Coordinators will be relied upon to remind all vendors and exhibitors that the event closes at 9 p.m. and assist in ensuring that all vendors and exhibitors begin to close down promptly at 9 p.m. Should Block Coordinators experience difficulties with vendors and exhibitors not closing down as directed, they may contact VMA for back-up assistance. Block Coordinators should make every effort to ensure closing down of vendors and exhibitors and only rely on VMA for back-up so that VMA can continue to focus on the first priority to assist with public safety.
 - E. Block Coordinators will use a central telephone to be provided for the OPD Mobile Command Unit to contact VMA for on-site communications and security response.

VMA will bring OPD in when appropriate. OPD will circulate the new telephone number no later than Monday, February 25. The KONO offices at 2633 Telegraph (510-343-5439) will continue to be used for lost & found, other inquiries.

- F. Block Coordinators are encouraged to wear consistent, highly-visible outerwear (vest, tee shirt or hat) for the purposes of identification.

Looking ahead to Future First Fridays Events

Staff will closely monitor the March 1 event to determine the effectiveness of the new security measures and recommend any needed enhancements moving forward. As this report was written prior to the March 1 event, staff will be on hand to provide a verbal update at the March 12, 2013 Public Safety Committee meeting. In addition, staff will continue to evaluate all aspects of the event and assist the First Fridays organizers in developing an overall event management plan and budget that includes strategies for fundraising through sponsorships, foundations, and other sources. The event management plan will include recommendations for building organizational capacity within First Fridays community and may also include other recommendations such as suggesting that the group hire a professional event coordinator and/or paid event crew; establish a central communications command; implement a more comprehensive trash collection and recycling program; and improve coordination of food and other vendors participating in the event. The purpose of the management plan will be to provide a much-needed blueprint for long-term safety and sustainability of the monthly event.

COST SUMMARY/IMPLICATIONS

The grass-roots event's significant growth in size and scope – and its inability to self-regulate – required City to intervene to, which caused us to put resources in place to protect our interests that were not previously budgeted. Since September 2012, the City Administrator's Office has been incurring an estimated \$16,204 in monthly out-of-pocket expenses as follows:

\$ 11,000	Private Event Security – approximately 30 private security guards (VMA contract staffing is subject to change to properly manage contract and needs between Frank Ogawa Plaza and areas within the downtown.)
\$ 2,854	Traffic Management Crew/Equipment (Outside vendor – Traffic Management, Inc., lowest of three bids)
\$ 900	Installation of No Parking Signs (Outside vendor – Up & Down Signs)
\$ 450	Overtime pay - City Special Events Coordinator
\$ 1,000	Event Insurance (To protect City's fiscal interests and minimize liability)

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Recent discussions on the part of the First Fridays stakeholders working group led by Mayor Quan and Councilmember Gibson McElhaney offer an opportunity to potentially bring some of these costs down.

In addition, the City has been redirecting a range of police resources with a maximum thirty-five (35) personnel from the Special Resources Unit, four sergeants and one lieutenant assigned to Bureau of Field Operations 1 (BFO 1) that are normally on regular downtown, north Oakland, and Lake Merritt deployments to secure this event. These are the officers that are assigned to do preventative patrols and work on neighborhood problems. The City originally attempted to provide OPD coverage via overtime, but there was not sufficient sworn volunteers availing themselves to work at this monthly event on an overtime basis. Upon such, the City began this practice to ensure that this large crowd was relatively managed and, if something did occur, there were resources in place to address security needs rather than having to pull them from other areas within the City. It is important to note that on some of the First Fridays, OPD is dealing with multiple concurrent events such as protests, marches, and large crowds gathering outside popular downtown venues. The costs associated with providing police services for First Fridays, and other concurrent events with the downtown, depending on deployment and available resources. These monthly costs are up to a maximum of \$36,000 in straight time for high visibility, directed patrols and enforcement of laws and ordinances and up to \$7,500 in overtime to clear overflow crowds from the event. Officers normally funded through Measure Y are paid via General Fund when working this event on straight time.

In addition, the City has provided in-kind staff support to help coordinate the City's interests, which directly takes staff capacity from other competing priorities.

PUBLIC OUTREACH/INTEREST

There was no public outreach associated with this report.

COORDINATION

This report was prepared jointly by OPD and the Office of Economic & Workforce Development - Cultural Arts & Marketing. The Budget Office and City Attorney's Office reviewed this report for fiscal and legal issues, respectively.

SUSTAINABLE OPPORTUNITIES

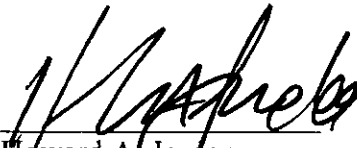
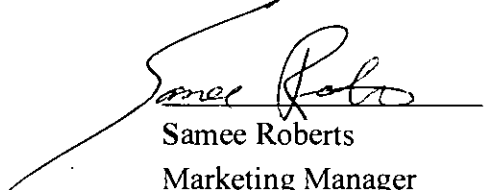
Economic: First Fridays is a monthly event that attracts between 10,000 – 20,000 attendees, thereby generating foot traffic and sales at area businesses, establishments and venues. In addition, the event supports up to 25 local food vendors/trucks and scores of local artists, arts organizations, community groups and nonprofits.

Environmental: First Fridays organizers provide for trash collection following the event. The group has expressed a desire to implement a more comprehensive trash collection, removal and recycling program to meet City recommendations, however at this point, lacks the resources to do so.

Social Equity: First Fridays is a free public event held the first Friday of every month. Local artists, arts organizations, community groups and nonprofits are also invited to participate free of charge. The event attracts a broad-cross section of the community.

For questions regarding this report, please contact Marketing Manager Samee Roberts at 238-2136 or Assistant Chief Anthony Toribio at 238-3958.

Respectfully submitted,


Howard A. Jordan
Chief of Police
Samee Roberts
Marketing Manager