

MEETING DATE: March 23, 2009

AGENDA ITEM: Adoption of a Resolution Granting a Permit to the Culver City Exchange Club to Conduct a Beer and Wine Garden in Veterans Memorial Park During the City's 2009 Fiesta La Ballona Celebration.

ATTACHMENTS

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ATTACHMENT 1

RESOLUTION NO. 2009-R _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, GRANTING A PERMIT FOR A BEER AND WINE GARDEN TO BE CONDUCTED IN VETERANS' MEMORIAL PARK DURING THE 2009 FIESTA LA BALLONA EVENT.

WHEREAS, pursuant to Culver City Municipal Code § 13.03.025.A, the City Council has determined to issue a permit to the Culver City Exchange Club and the Westside Chamber of Commerce, dba West LA Chamber of Commerce, dba Greater West LA Chamber of Commerce ("West LA Chamber"), to conduct a beer and wine garden at the 2009 Fiesta.

NOW, THEREFORE, the City Council of the City of Culver City, California, DOES HEREBY RESOLVE as follows:

1. A permit is hereby issued to the Culver City Exchange Club and West LA Chamber (collectively, "Permittees") to conduct a beer and wine garden (the "Event") in Veterans' Memorial Park on August 28, 29 and 30, 2009 as part of the City's Fiesta La Ballona activities, under all of the following conditions:

a. Permittee, Culver City Exchange Club, acknowledges and certifies that it is a not-for-profit 501(c) 3 Culver City organization, and that funds raised at the Event will be used for local charities.

b. The Event shall be held on Friday, August 28, 2009 from the hours of 6:30 p.m. to 8:00 p.m., Saturday, August 29, 2009 from the hours of 12:00 p.m. to 9:00 p.m., and Sunday, August 30, 2009 from the hours of 12:00 p.m. to 6:00 p.m.

1 c. Permittees shall, jointly and severally, defend, hold harmless and
2 indemnify City, its officers, employees and agents, from any and all liability
3 claims, including reasonable attorney's fees and costs, for damages to real or
4 personal property, or personal injury or death, caused by or resulting from
5 Permittees', their volunteers' or agents', acts, errors or omissions during the
6 Event.

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8 d. Permittees shall submit to the City one or more duly executed
9 certificates of insurance for Comprehensive General Liability (including liquor
10 liability) in the minimum amount of One Million Dollars (\$1,000,000) per
11 occurrence, including a special endorsement, to be approved by the City
12 Attorney, naming the City of Culver City, its officers, employees and agents, as
13 additional insureds. The required evidence of insurance shall be submitted to
14 the City at least two weeks prior to the Event.

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16 e. Permittees shall obtain the necessary State of California Alcoholic
17 Beverage Control Board alcohol sales event permit for the Event, which shall
18 be posted at all times. Permittees shall comply with any and all federal, state
19 and local laws regarding the sale of beer and wine. Permittees shall also
20 obtain any and all required Los Angeles County health permits, which shall be
21 made available upon request.

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23 f. The size and location of the Event shall be consistent with the
24 configuration as set forth in the attached map (Exhibit "A"). The perimeters of
25 the Event shall be bound by fencing (the "Event Area").
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1 g. There shall be only one entrance and one exit for the Event Area.
2 All persons must enter the Event Area from the designated entrance point and
3 leave the Event Area from the designated exit point. Permittees shall designate
4 a responsible adult to be posted at each entrance and exit to ensure that all
5 persons in attendance at the Event, including Permittees' employees, agents
6 and volunteers, are in compliance with the conditions of this Permit.

7 h. The Event shall be limited to the sale of beer and wine only.

8 i. No alcohol shall be removed from or consumed outside of the
9 Event Area. A sign shall be posted at the exit stating "No Liquor Beyond This
10 Point."
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12 j. No alcohol, other than alcohol being sold at the Event, shall be
13 permitted in the Event Area.

14 k. All alcohol shall be served in plastic cups.

15 l. There shall be a two (2) drink maximum at one time.

16 m. Permittees' employees, agents and volunteers who are working
17 the Event ("Event Staff") shall not serve any alcohol to visibly intoxicated
18 individuals in accordance with applicable laws.
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20 n. Event Staff shall stop serving alcohol one (1) hour prior to the
21 closing of the Event.

22 o. No minors shall be permitted entrance to the Event Area. A sign
23 shall be posted at the entrance stating "No Minors."
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25 p. No person shall be granted access to the Event Area without
26 presenting a valid driver's license that displays a photograph and date of birth
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1 evidencing that the person is at least 21 years of age. All persons under the
2 age of 25 years shall present, in addition to a valid driver's license, a second
3 form of identification that displays the person's name and signature or name
4 and picture.

5 q. Event Staff shall issue colored wrist bands (that cannot be
6 replaced once removed) to all persons prior to entering the Event Area. No
7 person shall be admitted to the Event Area that is not wearing said wrist band.
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9 r. Event Staff shall issue each carnival ride operator a wrist band of
10 a different color than Event participants. No carnival ride operator shall be
11 admitted into the Event Area.

12 s. The capacity of the Event Area shall not exceed sixty (60)
13 persons at any given time.

14 t. Event Staff shall receive training in the laws and rules governing
15 the verification of identification, the service of alcoholic beverages, and the
16 refusal of service to intoxicated persons.
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18 u. Event Staff shall not consume alcohol during the Event.

19 v. No persons, including members of the Culver City Exchange Club
20 and members of the West LA Chamber, shall receive complimentary beer or
21 wine.
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23 w. Distribution or display of any alcohol advertising or promotional
24 items shall be limited to the Event Area. With the exception of alcohol
25 advertising and promotional items relating to the products served at the Event,
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1 only Culver City Exchange Club materials may be distributed or displayed in the
2 Event Area.

3 x. Event Staff shall monitor the alcohol consumption and behavior of
4 all Event participants.

5 y. Permittees shall ensure that the Event Area is cleaned of all trash
6 and debris and left in the same condition it was prior to the Event.

7 z. Permittees acknowledge and understand that the City of Culver
8 City reserves the right to shut down the Event at anytime at the discretion of
9 Culver City Police Department and the facility supervisor.

10 aa. Within 30 calendar days after completion of the Event, Permittees
11 shall provide the City with a full financial disclosure of the operation of the
12 Event.

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14 bb. Within ten days after the adoption of this Resolution, Permittees
15 shall pay to the City's Fiesta La Ballona Committee ("Committee") the Event
16 space fee of Three Hundred Dollars (\$300.00).

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18 cc. Permittees shall be responsible for coordinating, purchasing and
19 acquiring all supplies and equipment necessary to support the Event including,
20 but not limited to, beer, wine, snacks, paper products, fencing, tables, chairs
21 and umbrellas.

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23 dd. Committee shall be responsible for coordinating through the
24 appropriate City departments sufficient power sources as needed for the
25 operation of the Event.

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2. This Resolution shall take effect on the date of its adoption.

APPROVED and ADOPTED this _____ day of _____ 2009.

D. SCOTT MALSIN, MAYOR
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE,
City Clerk



CAROL A. SCHWAB,
for City Attorney

§ 13.03.010 DISORDERLY CONDUCT ON PUBLIC BUS.

While a passenger on a public bus, it shall be unlawful for any person to carry on unnecessary conversation with the operator of the bus, annoy other passengers by loud or boisterous conversation or other disorderly conduct, expectorate, smoke, or drink intoxicating liquor, or refuse to leave the bus when ordered to do so for non-payment of fare or any other violation.

('65 Code, § 23-6) (Ord. No. CS-275 Art. IV)

§ 13.03.015 USE OF CERTAIN ORGANIC SOLVENT SUBSTANCES PROHIBITED; EXCEPTION.

A. *Prohibition.* It shall be unlawful for any person to inhale, breathe, ingest, or in any manner use any product or substance or combination thereof containing organic solvents, which include assemble acetate, xylene, tri-calor ethylene, acetone or other closely related or similar compounds used as solvents for products referred to as "glue," "adhesive cement," "mucilage," or "dope," with the intent of becoming intoxicated, elated, dazed, paralyzed, irrational or in any manner changing, distorting, disturbing the eyesight, thinking process, balanced or coordination or affecting the central nervous system of such person. ('65 Code, § 23-29)

B. *Exception.* The provisions of Subsection A. herein shall not pertain to any person who inhales, breathes or drinks or uses such product or substance pursuant to the direction or prescription of any doctor, physician, surgeon, dentist, or pediatricist authorized to so direct or prescribe.

('65 Code, § 23-30) (Ord. No. CS-459)

§ 13.03.020 MUSICAL ENTERTAINMENT AND DANCING - AFTER HOURS.

It shall be unlawful for any person, firm or corporation, required to be licensed or otherwise

regulated under the provisions of Chapter 11.01 of this Code, to conduct or in any manner participate in dancing or musical type entertainment of any kind between the hours of 2:00 a.m. of one day and 6:00 a.m. of the same day, except by a special permit for one day only, issued by the Committee on Permits and Licenses of the City.

('65 Code, § 23-40) (Ord. No. CS-548)

§ 13.03.025 CONSUMPTION OF ALCOHOLIC BEVERAGES ON STREETS AND PUBLIC PARKS.

A. No person shall consume any beer, wine or alcoholic beverage while on any street, sidewalk, alley, highway, public playground or public park. Possession of any bottle, can or other receptacle, containing any beer, wine or alcoholic beverage which has been opened or a seal broken, or the contents of which have been partially removed, while on any street, sidewalk, alley, highway, public playground or public park creates a rebuttal presumption that the person possessing the same is consuming its contents. For purposes of this Section, the interior of the Veterans' Memorial Building or the Ivy Substation shall not be considered to be within a public playground or park, and the consumption of alcohol within a duly licensed outdoor dining area shall not be considered to be on a sidewalk. Notwithstanding the provisions of this Subsection, the City Council shall have the authority to grant by resolution a permit to conduct a beer and wine garden in Veterans' Memorial Park during the City's Fiesta La Ballona event.

B. This Section shall not be deemed to make punishable any act or acts which are prohibited by any law of the State.

C. Any person who violates or fails to comply with the provisions of this Section shall be guilty of an infraction which shall be punishable pursuant to § 1.01.045 of this Code; except when a person has been convicted of three (3) or more violations of this Section within the twelve (12) months immediately