

MEETING DATE 07/11/05

AGENDA ITEM Consideration of 1) Request of the Fiesta La Ballona Committee to Offer a Beer and Wine Garden in Veteran's Park During the 2005 Fiesta La Ballona Event 2) Introduction of an Ordinance Amending Culver City Municipal Code §13 03 025 to Grant the City Council Authority to Issue a Permit for a Beer and Wine Garden at the Fiesta, and 3) Adoption of a Resolution Permitting a Beer and Wine Garden at the 2005 Fiesta La Ballona Event

ATTACHMENTS

		<u>Pages</u>
1	Proposed Ordinance	1-3
2	Proposed Resolution	4-8
3	July 12, 2004 City Council Report	9-13
4	Selected Local Cities Alcohol Policies	14-15
5	Information on Festivals That Allow Alcohol	16
6	March 1, 2005 Parks and Recreation Commission Report	17-18
7	June 14, 2005 Parks and Recreation Commission Report	19-22
8	Minutes from the June 14 2005 Parks and Recreation Commission Meeting	23-26
9	Site Plan for Proposed Beer and Wine Garden	27
10	Lion s Club Business Plan for Beer and Wine Garden	28-29
11	Culver City Municipal Code § 13 03 025	30

ATTACHMENT 1

ORDINANCE NO 2005-____

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA AMENDING SECTION 13 03 025 (A) OF THE
CULVER CITY MUNICIPAL CODE TO GRANT THE CITY
COUNCIL AUTHORITY TO PERMIT A BEER AND WINE
GARDEN TO BE CONDUCTED IN VETERANS' MEMORIAL
PARK DURING THE CITY S FIESTA LA BALLONA EVENT

WHEREAS the Fiesta La Ballona (the 'Fiesta ') dates back to the 1950s as a
weeklong festival in honor of the City's early settlers During that time, the Fiesta was a
celebration of the City s heritage, and included events that evoked pride and reminded
residents of Culver City's beginning, and

WHEREAS, over the years, the Fiesta has changed, along with the activities
offered, resulting in additional attendance and moving the Fiesta in a direction to become
more fiscally viable and eventually generate enough revenue to be financially self-
supporting, and

WHEREAS, in an effort to accomplish this goal, the Fiesta La Ballona
Committee has researched revenue generating components of successful festivals in other
cities and has identified several cities that have successfully conducted beer and wine
gardens at their festivals with no measurable problems, and

WHEREAS Culver City Municipal Code § 13 03 025 (A) prohibits the
consumption of alcohol within any public park, but provides for exceptions for the interior of
Veterans Memorial Building and the Ivy Substation and

WHEREAS, the City Council has determined that the addition of a beer and
wine garden as part of the Fiesta activities may enhance the event and increase
participation

NOW, THEREFORE, the City Council of the City of Culver City California,

1 **DOES HEREBY ORDAIN** as follows

2 **SECTION 1** Section 13 03 025 (A) of the Culver City Municipal Code is
3 hereby amended to read as follows

4 § 13 03 025 CONSUMPTION OF ALCOHOLIC BEVERAGES ON STREETS
5 AND PUBLIC PARKS
6

7 A No person shall consume any beer, wine or alcoholic beverage
8 while on any street, sidewalk, alley, highway, public playground or public
9 park Possession of any bottle, can, or other receptacle containing any beer,
10 wine or alcoholic beverage which has been opened or a seal broken, or the
11 contents of which have been partially removed, while on any street, sidewalk,
12 alley, highway, public playground or public park creates a rebuttal
13 presumption that the person possessing the same is consuming its contents
14 For purposes of this Section, the interior of the Veterans' Memorial Building or
15 the Ivy Substation shall not be considered to be within a public playground or
16 park, and the consumption of alcohol within a duly licensed outdoor dining
17 area shall not be considered to be on a sidewalk Notwithstanding the
18 provisions of this subsection, the City Council shall have the authority to
19 grant, by resolution, a permit to conduct a beer and wine garden in Veterans
20 Memorial Park during the City's Fiesta La Ballona event
21
22

23 **SECTION 2** Pursuant to Section 512 of the City Charter, this
24 Ordinance shall take effect thirty (30) days after the date of its adoption Pursuant to
25 Sections 514 and 517 of the City Charter, prior to the expiration of fifteen (15) days after
26 the adoption, the City Clerk shall cause this Ordinance, or a summary thereof to be
27
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published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City

SECTION 3 The City Council hereby declares that if any provision section, subsection paragraph sentence phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions sections, subsections paragraphs sentences, phrases or words of this ordinance and as such they shall remain in full force and effect

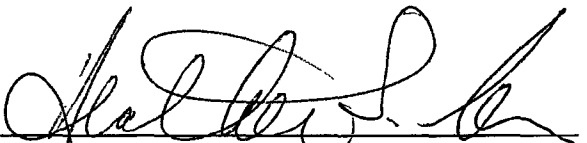
APPROVED AND ADOPTED this _____ day of July, 2005

ALBERT M VERA, Mayor
City of Culver City California

ATTEST

APPROVED AS TO FORM

CHRISTOPHER ARMENTA, City Clerk


CAROL A SCHWAB City Attorney

RESOLUTION NO 2005-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 2005 FIESTA LA
BALLONA EVENT

WHEREAS, the Fiesta La Ballona (the "Fiesta") dates back to the 1950s as a
weeklong festival in honor of the City's early settlers During that time, the Fiesta was a
celebration of the City's heritage, and included events that evoked pride and reminded
residents of Culver City's beginning, and

WHEREAS, over the years, the Fiesta has changed, along with the activities
offered, resulting in additional attendance and moving the fiesta in a direction to become
more fiscally viable and eventually generate enough revenue to be financially self-supporting,
and

WHEREAS, in an effort to accomplish this goal, the Fiesta La Ballona
Committee has researched revenue generating components of successful festivals in other
cities, and has identified several cities that have successfully conducted beer and wine
gardens at their festivals with no measurable problems and

WHEREAS, the City Council has determined that the addition of a beer and
wine garden as part of the Fiesta activities may enhance the event and increase
participation

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 Lions Club ("Permittee") to
conduct a beer and wine garden (the "Event ") in Veterans Memorial Park on August 27,

1 2005 and August 28 2005 as part of the City s Fiesta La Ballona activities under all of the
2 following conditions

3 a Permittee acknowledges and certifies that it is a not-for-profit
4 501(c) 3 Culver City organization, and that funds raised at the Event will be
5 earmarked for an annual school free eye-screening program and the senior
6 citizen Thanksgiving dinner

7 b The Event shall be held on August 27, 2005 and August 28, 2005
8 from the hours of 12 00 p m to 6 00 p m

9 c Permittee shall defend, hold harmless and indemnify City, its
10 officers, employees and agents, from any and all liability claims, including
11 reasonable attorney's fees and costs, for damages to real or personal property,
12 or personal injury or death, caused by or resulting from Permittee's, its
13 volunteers' or agents' acts, errors or omissions during the Event

14 d Permittee shall submit to the City one or more duly executed
15 certificates of insurance for Comprehensive General Liability (including liquor
16 liability) in the minimum amount of Two Million Dollars (\$2,000,000) per
17 occurrence, including a special endorsement, to be approved by the City
18 Attorney, naming the City of Culver City, its officers, employees and agents, as
19 additional insureds

20 e Permittee's liquor license must be posted at all times and
21 Permittee must comply with any and all federal, state and local laws regarding
22 the sale of beer and wine

1 f The size and location of the Event shall be consistent with the
2 configuration as set forth in the attached map (Exhibit "A") The perimeters of
3 the Event shall be bound by fencing (the 'Event Area')

4 g There shall be only one entrance and one exit for the Event Area
5 All persons must enter the Event Area from the designated entrance point and
6 leave the Event Area from the designated exit point Permittee shall designate
7 a responsible adult to be posted at each entrance and exit to ensure that all
8 persons in attendance at the Event, including Permittee's employees, agents
9 and volunteers, are in compliance with the conditions of this Permit
10

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

12 i No alcohol shall be removed from or consumed outside of the
13 Event Area A sign shall be posted at the exit stating "No Liquor Beyond This
14 Point "
15

16 j No alcohol other than alcohol being sold at the Event, shall be
17 permitted in the Event Area

18 k All alcohol shall be served in plastic cups

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

20 m Permittee's staff members who are working the Event (Event
21 Staff) shall not serve any alcohol to visibly intoxicated individuals in
22 accordance with applicable laws
23

24 n Event Staff shall stop serving alcohol one (1) hour prior to the
25 closing of the Event
26
27
28

1 o No minors shall be permitted entrance to the Event Area A sign
2 shall be posted at the entrance stating 'No Minors "

3 p No person shall be granted access to the Event Area without
4 presenting a valid driver's license that displays a photograph and date of birth
5 evidencing that the person is at least 21 years of age All persons under the
6 age of 25 years shall present, in addition to a valid driver's license, a second
7 form of identification that displays the person's name and signature or name
8 and picture
9

10 q Event Staff shall issue colored wrist bands (that cannot be
11 replaced once removed) to all persons prior to entering the Event Area No
12 person shall be admitted to the Event Area that is not wearing said wrist band
13

14 r Permittee Staff shall issue each carnival ride operator a wrist
15 band of a different color than Event participants No carnival ride operator shall
16 be admitted into the Event Area

17 s The capacity of the Event Area shall not exceed sixty (60)
18 persons at any given time

19 t Event Staff shall receive training in the laws and rules governing
20 the verification of identification, the service of alcoholic beverages, and the
21 refusal of service to intoxicated persons
22

23 u Event Staff shall not consume alcohol during the Event

24 v Any alcohol advertising or promotional items shall be limited to the
25 Event Area
26
27
28

1 w Event Staff shall monitor the alcohol consumption and behavior of
2 all Event participants

3 x Permittee shall ensure that the Event Area is cleaned of all trash
4 and debris and left in the same condition it was prior to the Event

5 y Permittee acknowledges and understands that the City of Culver
6 City reserves the right to shut down the Event at anytime at the discretion of
7 Culver City Police Department and the facility supervisor

8
9 2 This Resolution shall take effect concurrently with Ordinance No 2005-

10 _____
11 APPROVED and ADOPTED this _____ day of July 2005
12

13
14 _____
15 ALBERT M VERA, MAYOR
16 City of Culver City, California

17 ATTEST

18 APPROVED AS TO FORM

19 _____
20 CHRISTOPHER ARMENTA,
21 City Clerk

22 _____
23 CAROL A SCHWAB,
24 City Attorney
25
26
27
28

City of Culver City, California
City Council Agenda Item Report

ATTACHMENT 3

Meeting Date 07/12/04		Item Number _____	
AGENDA ITEM Consideration of Approval of a Request by the Fiesta La Ballona Committee to Offer a Beer/Wine Garden at Veteran's Park During the Fiesta La Ballona Event, August 28-29, 2004			
Contact Person/Dept Marty Nicholson		Phone Number (310) 253-6662	
Fiscal Impact Yes ☐ No ☒		General Fund Yes ☐ No ☒	
Public Hearing ☐		Action Item ☒	Attachments ☒
Public Notification Fiesta La Ballona Committee 6/15/04, Parks & Recreation Commission 7/1/04, Veteran's Park Neighborhood Watch 7/1/04, Master Notification List 7/7/04			
Department Approval Don Rogers 6/30/04		CAO Approval	
City Controller Approval			

RECOMMENDATION

That the City Council discuss and provide direction to staff regarding the request by the Fiesta La Ballona Committee to offer a Beer/Wine Garden in Veteran's Park during the Fiesta La Ballona event August 28-29, 2004

BACKGROUND

The Fiesta La Ballona (Fiesta) began in 1951 as a weeklong festival in honor of the City's early settlers. During that time, the Fiesta was a celebration of the City's heritage with events that evoked pride and reminded residents of Culver City's first residents. The Fiesta included a parade with marching bands, horsemen, costumes, floats and the Fiesta Queen and her court. Other events offered included an aquacade, barbeque, square dance, Thieves Market and antique car show.

During the years, the Fiesta has changed along with the activities offered. Last year the Fiesta saw a number of positive changes including offering activities throughout the week with a culminating two-day event at Veteran's Park. The changes to the Fiesta resulted in generating additional attendance and moving the Fiesta in a direction to become more fiscally viable in the future.

This year the Fiesta La Ballona Committee (Committee) is working diligently to create a festival that can financially stand on its own without City financial support in the future. The Committee's goal is to have the Fiesta generate enough revenue to cover the expenses to provide the event. Members of the Committee have researched successful festivals in other cities in order to determine how festivals obtain the funds to cover the costs of producing their festivals. Most festivals generate revenue

City of Culver City, California
City Council Agenda Item Report

in four ways to cover their costs through 1) sponsorships 2) vendor booth rentals, 3) sales and 4) entrance fees

Sponsorships Some festivals depend largely on sponsorship funds to under write the cost of providing a festival. The Committee has developed a sponsorship package and has been contacting businesses regarding sponsorship opportunities since January 2004. Last year the Committee generated approximately \$11,555 cash donations and \$6,464 in-kind donations. This year so far the Committee has received \$5,000 cash donations and \$4,000 in-kind donations. The Committee is continuing its efforts in this area.

Vendor Booth Rentals Most festivals use vendor booth rentals as a major portion of the funds raised to offset the costs of the festival. Vendor booth rental revenue is based upon festival attendance. The greater the attendance at a festival, the more money a vendor can make off sales, the easier it is to obtain vendors in future years. The Committee last year took in \$11,110 in vendor booth rentals.

Sales Festivals use drinks sales including alcoholic drinks, raffle ticket sales and ride sales as just a few of the examples of ways to generate funds to offset costs. Last year the Committee sold \$1,208 in water/sodas and \$7,970 in ride sales. This year the Committee will once again sell water/sodas and rides. One of the changes to enhance ride sales will be the addition of mechanical rides which has been requested by numerous Fiesta attendees. The Committee would also like to offer a Beer and Wine Garden to take advantage of additional drink sale revenues to offset costs and increase participation.

Entrance Fees Many festivals require attendees to pay an entrance fee to gain access to the festival. The Committee does not feel this option is appropriate for the current venue.

All of these revenue producing opportunities depend mostly on festival attendance. Sponsors want large numbers of people to see their name, vendors want numerous people to purchase their goods, and sales/entrance fees depend on high participation. Therefore building the attendance at the Fiesta has been a principal focus of the Committee. Many of the changes including better music performances, adding a Community Stage, improved rides and improved vendors have been made in order to encourage more people to come to the Fiesta.

DISCUSSION

One of the elements the Committee believes will increase Fiesta participation is the addition of a Beer/Wine Garden. Many other cities provide a venue for adults to

City of Culver City, California
City Council Agenda Item Report

enjoy an alcoholic beverage while listening to quality musical entertainment. Six cities responded to a request for information. The cities stated that they offer alcohol sales during their city-sponsored festivals and events. Attachment 1 provides a list of those cities. Staff did not complete an expanded search on the subject. At the May meeting of the Committee, it was voted to forward a request to City Council to offer a beer/wine garden at the Fiesta.

Staff did contact the Police Department for input regarding a proposal to allow beer/wine at the Fiesta. Initially the Police Department did not have concerns on a one time event.

The Culver City's Municipal Code (CCMC) §13.03.025 prohibits the consumption of alcoholic beverages on streets and public parks. Attachment 2 provides a copy of Section §13.03.025. In order for City Council to consider a request from the Committee the CCMC would need to be amended. Possible wording for a proposed amendment could be stated similar to CCMC §9.10.055 in which animals are prohibited from public parks unless a special permit is obtained from the City Council, Attachment 3. City Council could amend the CCMC to allow only City activities or specifically provide for only the Fiesta in an amendment to the CCMC.

The process for amending the CCMC in time for the Fiesta in August would require the amendment to be agendaized for Council consideration at the July 19th Redevelopment Agency meeting as a City Council item for a first reading. The second reading would need to be considered by Council at the July 26th meeting in order to meet the thirty (30) day requirement before becoming adopted as part of the CCMC. If a second reading of a CCMC amendment were adopted by Council on July 26th, the amendment would become official as of August 25, 2004. If the amendment required a special permit approved by City Council, the Council would need to consider the special permit after August 25, 2004.

If City Council were to approve the Committee to host a beer/wine garden at the Fiesta, staff would require the Committee to get approval through the Alcohol Beverage Commission and adhere to their stipulations. Security at the entrance would be required and identification checks to ensure minors were not allowed in the area.

FISCAL ANALYSIS

An amendment to the CCMC to allow alcohol sales at the Fiesta does not have direct costs to the City's General Fund. It is unknown at this time whether there would be any increase in police services to allow the sale of alcoholic beverages.

City of Culver City, California
City Council Agenda Item Report

The Committee is hopeful a beer/wine garden would increase revenue to the Fiesta through drink sales and increased participation

ATTACHMENTS

- 1 Cities Responding to Request for Information Regarding Allowing Alcohol Sales at City Sponsored Events
- 2 CCMC § 13 03 025 Consumption of Alcohol in Streets and Parks
- 3 CCMC § 9 10 055 Prohibitions in Public Parks

MOTION

That the City Council

- 1) Direct staff to bring back an amendment to the Culver City Municipal Code, § 13 03 025 allowing the consumption of alcoholic beverages in Veteran's Park only during the Fiesta La Ballona

OR

- 2) Direct staff to bring back an amendment to the Culver City Municipal Code, § 13 03 025 allowing the consumption of alcoholic beverages in Veteran's Park by special permit of the City Council

OR

- 3) Deny the request to allow alcoholic beverages in Veteran s Park during the Fiesta La Ballona

OR

- 4) Provide staff with an alternate direction

ATTACHMENT 1**Cities Responding to Request for Information Regarding
Allowing Alcohol Sales at City Sponsored Events**

	City	Contact	Comments	Event
1	Visalia	Ed Jost	All events are allowed beer sales and the Council is looking to make sure the no sales to person(s) under 21 has better enforcement A security person is required at the entrance to prevent minors from entering	Special Events
2	Turlock	Judy Loretelli	Beer is sold at the major Festival	International Festival
3	Corte Madera	Jackie Branch	A non-profit group sells the beer and has to provide liability insurance at the Oktoberfest At the 4 th of July the Chamber of Commerce has alcohol sales There have been no problems but we do stipulate no glass only paper cups	Oktoberfest and 4 th of July Fireworks
4	Hanford	Cathy Gregory	Beer and wine sales are done by non-profits They are required to pay the City a booth fee at the festival and provide liability insurance	All City sponsored events
5	Santa Paula	John Keisler	They offer a beer and margarita garden sponsored by the Kiwanis Club and the City Kiwanis furnishes the City with liability insurance	4 th of July Fireworks
6	Temecula	Phyllis Ruse	Non-profit offers beer and wine sales and it creates huge revenues	Wine and Balloon Festival

**Selected (local cities) Alcohol Consumption/Sales Policies
within City Owned Parks**

City	Alcohol in Public Parks Policy	Ordinance
Santa Monica	Allows only if special permit issued by city	4 08 200
Pasadena	Allows only in certain parks and other city property if city manager finds serving alcohol can be accomplished without detrimental impacts	3 24 090
Lawndale	Not allowed	12 32 120
Hawthorne	Allows only if special permit issued and following requirements must be met 1 One Mil certificate of liability insurance 2 beer and wine only served in confined area, 3 pre-approved diagram of confined area, 4 name and address of responsible party re alcohol distribution and 5 for each 50 persons one off-duty city police officer is required—paid for at time of permit	8 38 020
El Segundo	Allows only if special permit issued by city, requires permittees to have liability insurance based on city's insurance guidelines, names city and officers employees etc as additional insured and policy must include endorsement for liquor liability in not less than One-Mil	9-8-23 and 9-8-25
Long Beach	Allows only in 2 city parks (Rainbow Lagoon Park & Blair Field/re athletic events) under certain condition for Rainbow Lagoon Park, allows in other parks only if authorized by city council resolution	9 22 010, 9 22 050 and 9 22 060

**Selected (local cities) Alcohol Consumption/Sales Policies
within City Owned Parks**

City	Alcohol in Public Parks Policy	Ordinance
City of Manhattan Beach	Allows only if special permit granted by city council for special functions within the city (excluding the beach) subject to the recommendations of the Chief of Police and ABC requirements	4 48 030 and 4 48 090
Redondo Beach	Allows only if city manager finds the consumption/sale of alcohol at an event 1 will not be incompatible with the normal use of subject public property, or 2 would not have an adverse effect on abutting property or the neighborhood or 3 would not be detrimental to the public health safety or welfare	4-7 02, 4-7 03 and 4-7 05

City Events Allowing Alcohol Consumption/Sa

City	Event	Comments
Culver City (Media Park)	Taste of the Nation	Approx 600 patrons with no reported alcohol related incidents
Santa Monica	Taste of Santa Monica	
Brentwood (Los Angeles)	Taste of Brentwood	
Venice	Venice Festival	
Newport Beach	Newport Beach Food & Wine Festival	
Monterey	Monterey Wine Festival	
Galt	Galt Festival and Galt Strawberry Festival	
Sacramento	Sacramento Pride Festival	
San Diego	Wieghorst Western Heritage Days	
Carpinteria	Avocado Festival	
Napa	Napa Fourth of July Festival	
Corte Madre	Oktoberfest & Fourth of July Celebration	A non-profit group sells the beer and has to provide liability insurance at the Oktoberfest At the Fourth of July the Chamber of Commerce has alcohol sales
Santa Paula	Fourth of July Celebration	Offers a beer and margarita garden sponsored by the Kiwanis Club and the city The Kiwanis furnishes the city with liability insurance
Temecula	Wine and Balloon Festival	Non-profit offers beer and wine sales and creates large revenues
Turlock	International Festival	Beer is sold at the major festivals
Visalia	Special Events	All events are allowed beer sales and the council is looking to ensure no sales to persons under 21 has better enforcement A security person is required at the entrance to prevent minors from entering
Handford	All City Sponsored Events	Beer and wine sales are done by non-profit organizations They are required to pay the city a booth fee at the festival and provide liability insurance

Culver CITY

INTEROFFICE MEMORANDUM

DATE March 1, 2005
TO CHAIR SHAPIRO AND MEMBERS OF THE PARKS AND RECREATION COMMISSION
FROM Marty Nicholson, Recreation Manager
THROUGH Don Rogers, PRCS Director
SUBJECT Discussion Regarding the Addition of a Beer/Wine Garden to the Fiesta La Ballona Events

RECOMMENDATION

Staff recommends that the Parks and Recreation Commission provide input for a future agenda item regarding the addition of a beer/wine garden to the Fiesta La Ballona event

BACKGROUND

For several years the Fiesta La Ballona Committee (Committee) has discussed the idea of adding a beer/wine garden to the Fiesta La Ballona event. Last year the item was agendaized for City Council consideration, however, Council requested additional information prior to making a decision on the issue. Attachment A provides a copy of the July 12, 2004 Council report.

The issue facing the Committee is the City's Municipal Code does not allow alcohol in public parks. The Committee would like to offer the beer/wine garden at the fenced tennis courts at Veteran's Park. The City's Municipal Code does allow beer/wine in the Veteran's Memorial Building but not outside in the adjoining park. In order to allow beer/wine in Veteran's Park, the City's Municipal Code would need to be changed.

DISCUSSION

Staff is requesting that the Commission provide input into research and information the Commission would like to have when considering this item at its April 2005 Commission meeting. This item has been agendaized for discussion and information only and therefore does not require formal Commission action at this time.

FISCAL ANALYSIS

None at this time

ATTACHMENTS

- A July 12, 2004 City Council Report on the Fiesta La Ballona Beer Garden Request

MOTION

That the Parks and Recreation Commission

Discuss the issue of the Fiesta La Ballona Committee adding a beer/wine garden to the Fiesta La Ballona event and provide staff with input regarding necessary research and information Commissioners would need to consider the item at the April 2005 Commission meeting.

Culver CITY

ATTACHMENT 7

ITEM NUMBER A-2

DATE June 14, 2005
TO CHAIR SHAPIRO AND MEMBERS OF THE PARKS AND RECREATION COMMISSION
FROM Marty Nicholson, Recreation Manager *MN*
THROUGH Bill LaPointe, PRCS Director *BL*
SUBJECT Consideration of a recommendation to the City Council to Section 13 03 025 (A) of the Culver City Municipal Code to allow the sale of beer and wine in Veteran's Park during the 2005 Fiesta La Ballona Celebration

RECOMMENDATION

Staff recommends that the Parks and Recreation Commission discuss the item and provide staff with direction

BACKGROUND

Due to funding shortfalls, the Fiesta La Ballona Committee (Committee) researched revenue generating components of successful festivals and identified several cities that successfully allowed the sale of alcohol at their city's festivals with no measurable problems. Most times alcohol sales took the form of a Beer/Wine Garden.

The Culver City Municipal Code (CCMS) §13 03 025 (A) prohibits the consumption of any beer, wine or alcoholic beverage within any public park. Attachment A provides a copy of the ordinance. However, the ordinance does not prohibit consumption of alcohol inside the Veterans Memorial Building or the Ivy Substation as these facilities are allowed to have events with alcohol. A number of past events held inside the buildings located at public parks allowed alcohol with relatively few incidents. In order to provide an outside beer/wine garden during the 2005 Fiesta La Ballona (Fiesta), the CCMS §13 03 025 would need to be temporarily waived.

The Committee pursued the idea of providing a beer/wine garden at the 2004 Fiesta by agendaizing the item for City Council (Council) consideration on July 12, 2004. Attachment B provides a copy of the July 12, 2004 Council report. At the July 12, 2004 City Council meeting, Council directed the Committee to bring the item back with additional information. Unfortunately, the Committee was unable to get the additional information back to the City Council in time for the Council to consider the request.

DISCUSSION

On March 1, 2005, the beer/wine garden issue was agendaized for discussion at the Parks and Recreation Commission. Attachment C provides a copy of that report. The Commission requested that staff bring back information regarding liability, enforcement regarding minors, safety procedures, insurance and revenue generation. Attachment D is a copy of the minutes of the March 1, 2005 meeting.

Since the March 1, 2005 Commission meeting, the Committee has discussed the item and assigned Marcus Tiggs, Vice Chair, to conduct additional research into the issue. In response to the information requested by the Commission, the following information has been provided:

Liability and Insurance

The festivals that offer alcohol sales usually do so through a local non-profit vendor that provides event (alcohol sales) liability insurance with a rider indemnifying the City of any liability in connection with the operation of the beer/wine garden. The Committee would require the vendor to secure event (alcohol sales) liability insurance with a rider indemnifying the City of any liability in connection with the operation of the beer/wine garden. This insurance policy and rider would be subject to the approval of the City Attorney.

Enforcement Regarding Minors

Under state law beer/wine gardens are required to be properly secured through fencing or other barriers and controlled/operated by the licensee (person/entity issued the Event Alcohol Beverage License). Most festivals comply with this requirement by using fencing similar to patio areas at restaurants. In addition to security fencing, a person over the age of 21 years is required to be stationed at the entrance to check valid identification (over 21) before a person may enter the beer/wine garden area (under no circumstances are minors allowed in the area). Some festivals set up a booth for checking identification and wristbands are used to signify the participant's identification has been verified. In addition to the above state mandated requirements, the Committee would require the vendor to ensure no alcoholic beverages are taken outside the beer/garden area.

Safety Procedures

Safety procedures used at festivals besides the security fencing, adult enforcement at the entrance and identification checks, include limiting the number of drinks that can be purchased at one time, closing drink sales an hour before the end of the event, serving free coffee the last hour of the event, providing police enforcement in the parking lot, and monitoring the behavior of participants. The Committee would require the vendor to provide sufficient persons over 21 years of age to work the beer/wine garden. It is estimated, at all times of operation the beer/wine garden the vendor will have at least 1 person

monitoring guest alcohol consumption (to determine if one has had too much to drink) and at least 1 person verifying valid identification (over 21) the remaining vendor staff will be dispensing beer/wine and collecting money. The committee would also require the vendor to use only paper or plastic beer/wine containers (no glass)

Revenue Generation

All of the cities allowing alcohol sales do so because of the revenue the sales generate. The actual amount of funds generated can not be accurately determined for the Fiesta, however, as stated in previous reports for large festivals, \$500,000 can be generated and for smaller festivals \$5,000. Last year the Fiesta had over 5,000 patrons each day. If 15% of the patrons (750 people) decided to purchase one drink at \$4.00, it would equate to \$3,000. This would not include expenses to provide the drink. Estimates of this kind are difficult.

Though revenue generation is the top reason for providing a beer/wine garden, there is a value to having an additional amenity of this nature for the enjoyment of the patrons who attend. Many adults enjoy an alcoholic beverage while listening to music and talking with friends. This added value to the festival can increase marketability of the event and increase the sales for other vendors.

The Fiesta Committee has identified the Culver City Lions Club (Lions), a local non-profit established in 1923. The Lions are willing to sponsor the beer/wine garden at the Fiesta should the Committee obtain approval. The Lions, if allowed to host the beer/wine garden, have agreed to the following conditions, including but not limited to the above mentioned Committee requirements (i.e. liability insurance, enforcement regarding minors, etc.)

- 1 Funds raised will be earmarked for annual school free eye-screening program and senior citizen Thanksgiving Dinner
- 2 Obtain indemnifying liability insurance with minimum \$1 million dollar coverage, subject to the City Attorneys approval
- 3 Strictly adhere to all federal, state and local laws
- 4 Serve only in a fixed, secure and confined location with a single guarded entrance and exit
- 5 Secured entrance will have identification checks and restrict area for adults only over the age of 21
- 6 Limit purchases per person in line
- 7 Monitor consumption and behavior of participants
- 8 No glass containers
- 9 Maintain required hours of operation as per Fiesta La Ballona rules
- 10 Provide volunteers for the beer/wine garden to serve, clean and secure the area

Attachment E provides a copy of an email that provides proposal from the Culver City Lions Club Attachment F provides a copy of the site plan proposed for the beer/wine garden by the Culver City Lions Club

FISCAL ANALYSIS

If the City Council approves an amendment in the CCMS ordinance, there would be no direct fiscal impact to the City's general fund However, there may be an increase need for police presence in the park during the Fiesta La Ballona

ATTACHMENTS

- A Culver City Municipal Code §13 03 025
- B July 12, 2004 City Council Report
- C March 1, 2005 Parks and Recreation Commission Report
- D Minutes of the March 1, 2005 Parks and Recreation Commission Meeting
- E Email proposal from the Culver City Lions Club
- F Site plan from the Culver City Lions Club

MOTION

Possible actions available to the Parks and Recreation Commission are

That the Parks and Recreation Commission

- 1 Recommend to the City Council to amend the Section 13 03 025 (A) of the Culver City Municipal Code to allow the sale of beer and wine in Veteran s Park during the Fiesta La Ballona celebration,

OR
- 2 Deny the request to consider amending Section 12 03 025 (A) of the Culver City Municipal Code,

OR
- 3 Provide staff with alternative direction

- 1 PAVE AREA
- 2 STRIPE PARKING SPACES

AND THAT THE COMMISSION DIRECT STAFF TO FORWARD THOSE RECOMMENDATIONS TO THE CITY COUNCIL FOR CONSIDERATION FURTHERMORE, THE COMMISSION DIRECT STAFF TO RECONSIDER THE LOCATION FOR THE SKATEBOARD PARK SITE AND BRING BACK A RECOMMENDATION WITH ADDITIONAL INFORMATION FOR COMMISSION CONSIDERATION AT THE JULY 5TH MEETING

oOo

Item A-2
(7 25 p m)

Consideration of a recommendation to the City Council to amend Section 13 03 025 (A) of the Culver City Municipal Code to allow the sale of beer and wine in Veteran's Park during the Fiesta La Ballona celebration

Marty Nicholson gave the staff report, addressing the liability, enforcement regarding minors, safety procedures, insurance, and revenue generation regarding this issue

She pointed out that although revenue generation is the top reason for providing a beer/wine garden, there is a value to having an additional amenity of this nature for the enjoyment of the patrons who attend the Fiesta This added value to the festival can increase marketability of the event and increase the sales for other vendors

The Fiesta Committee has identified the Culver City Lions Club (Lions), a local nonprofit service organization, who is willing to sponsor the beer/wine and have agreed to the following conditions, including but not limited to the Committee's requirements

- Funds raised will be earmarked for annual school free eye-screening program and senior citizen Thanksgiving Dinner
- Obtain indemnifying liability insurance with minimum \$1 million coverage, subject to the City Attorney's approval
- Strictly adhere to all federal, state and local laws
- Serve only in a fixed, secure and confined location with a single guarded entrance and exit
- Secured entrance will have identification checks and restrict area for adults only over the age of 21
- Limit purchases per person in line
- Monitor consumption and behavior of participants
- No glass containers
- Maintain required hours of operation as per Fiesta La Ballona rules
- Provide volunteers for the beer/wine garden to serve, clean and secure the area

Ms Nicholson called attention to the email proposal from the Culver City Lions Club and a copy of the site plan proposed for the beer/wine garden by the Lions

At this time, Commissioner moved to receive and file email correspondence from Deborah Rissman, Culver City resident, and Susan Deen, Chair of the Fiesta La Ballona Committee, in support of a beer/wine garden for Fiesta 2005

The motion was unanimously approved

The following members in the audience were recognized to address the Commission

Marcus G Tiggs, Vice Chair of the Fiesta La Ballona Committee, requesting Commission recommendation to the City Council to amend the City ordinance to allow the sale of beer and wine in Veterans Park during the Fiesta La Ballona celebration

Jay Handal, representing Culver City Lions Club, outlined the conditions proposed by the Club to ensure a safe, quality event He recommended a \$2 million policy per occurrence in liquor liability insurance

Mike Cohen, representing Culver City Lions Club, spoke in support of the beer/wine garden

Discussion ensued

It was suggested that private security could be deployed to monitor the serving and consumption of alcohol As a safety measure to prevent the dispensing of alcohol to ride operators, it was suggested that they should be identified with wrist bands

Mr Handal indicated the Fiesta Committee would receive 10% of the net profit from the beer and wine garden A financial statement could be provided to the Commission after the event, if the Commission so desired

Referring to the proposed site plan, Don Marquardt, Parks Manager, asked for clarification on the location of the trailer for dispensing the beer

Mr Handal stated the trailer would be located in the parking lot abutting the curb and the beer garden would extend to the width of the curb out onto the grass area

Following discussion, the following action was taken

MOVED BY COMMISSIONER COOPER, SECONDED BY COMMISSIONER JAMES, THAT THE PARKS AND RECREATION COMMISSION RECOMMEND TO THE CITY COUNCIL TO AMEND SECTION 13 03 025 (A) OF THE CULVER CITY MUNICIPAL CODE TO ALLOW FOR THE CONSUMPTION OF ALCOHOL AT VETERANS PARK ON A ONE-TIME BASIS AS PART OF A BEER AND WINE GARDEN DURING THE FIESTA LA BALLONA, WITH CONDITIONS AS DISCUSSED DURING THIS MEETING, INCLUDING THE RECOMMENDATION OF THE WRIST BAND FOR THE RIDE OPERATORS, AND SUBJECT TO THE ISSUANCE OF A PERMIT BY THE CITY COUNCIL

Commissioner Deen questioned the effectiveness of the wrist bands

Chair Shapiro called for a vote on the Motion

AYES Commissioners Cooper, James, Daly-Redholtz
NOES Commissioners Deen, Shapiro
ABSTAIN None
ABSENT None

oOo

Item A-3
(8 00 p m)

Consideration of a letter of support for the development of Del Rey Park in the City of Los Angeles

Patricia Mooney, Senior Management Analyst, gave the staff report

Written comments submitted by Scott Malsin, representing the Del Rey Park Task Force, were read in his absence

The potential for the creation of a new park on the west side of Los Angeles--in close proximity to Culver City—is a remarkable opportunity The Del Rey Park Task Force is soliciting letters of support from elected and appointed officials in the region, as well as from organizations with interest in increasing parkland for area residents Your support in this matter will be valuable to the Task Force

Commissioner Daly-Redholtz said she did not feel comfortable supporting something without sufficient information

Chair Shapiro pointed out that the property in question is located outside of Culver City and not within the City's jurisdiction

Commissioner Deen asked if this item can be brought back to the Commission in July after it has been considered by the City Council

Mr La Pointe pointed out that there is a time constraint in that the postal service facility located on the property will closing in July 2005, making this a time sensitive issue

MOVED BY COMMISSIONER COOPER, SECONDED BY COMMISSIONER JAMES, THAT THE PARKS AND RECREATION COMMISSION AUTHORIZE A LETTER OF SUPPORT FOR THE DEVELOPMENT OF DEL REY PARK IN THE CITY OF LOS ANGELES

AYES Commissioners Cooper, James
NOES Deen, Shapiro, Daly-Redholtz
ABSTAIN None
ABSENT None

The motion failed

oOo

Receipt of Correspondence

(8 05 p m)

None

oOo

Items from staff

Item I-1
(8 05 p m)

None

oOo

Items from Commission

(8 05 p m)

Commissioner Cooper called attention that the security lights at the Babe Ruth Field are on during the day Will provide a contact name and phone number for staff to follow through

Commissioner Daly-Redholtz inquired about the frequency the skateboard park is patrolled by Park Patrol Officer Suggested posting additional stop signs along Duquesne for safety

oOo

Adjourn

(8 10 p m)

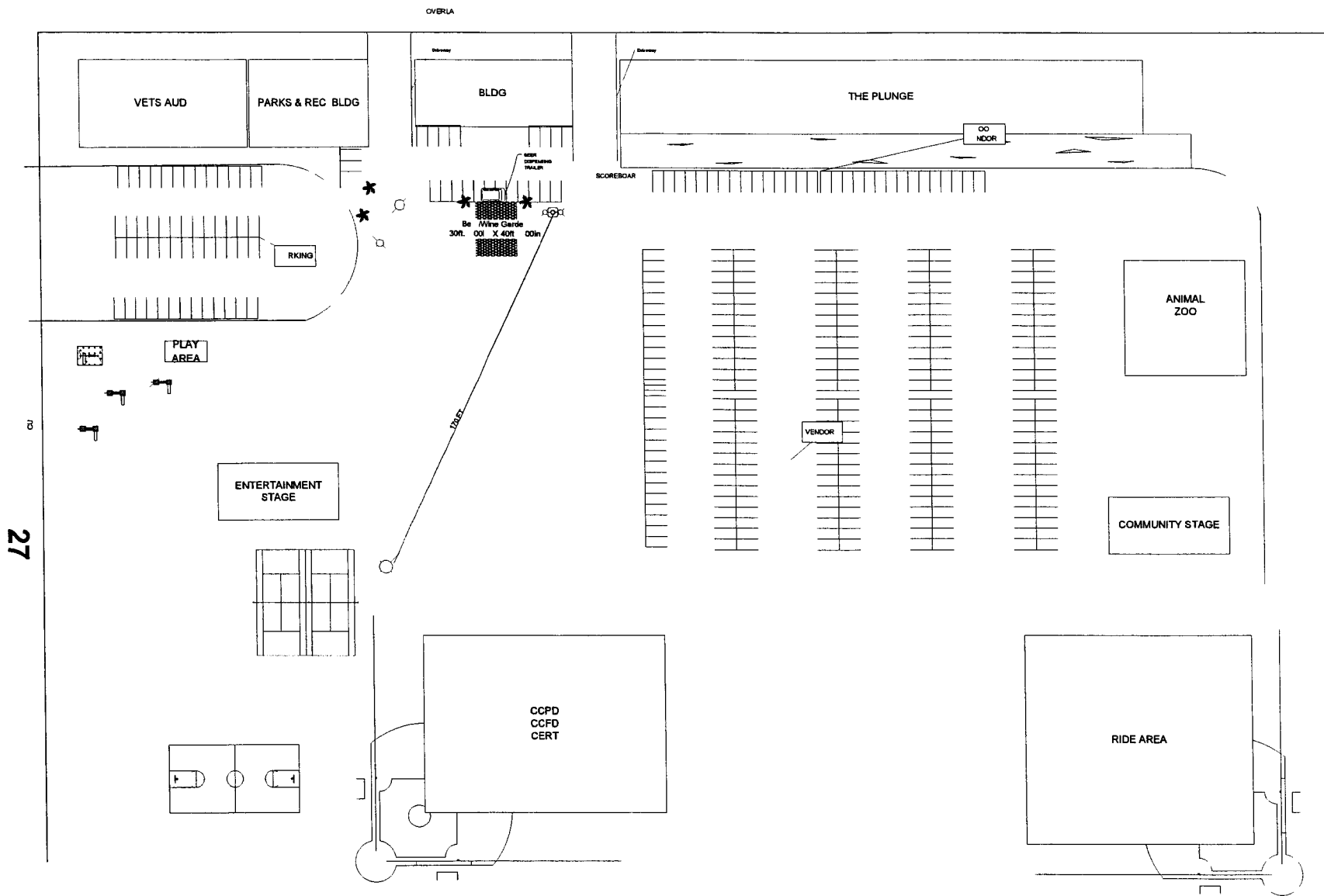
With no further business for the Commission to consider, the Chair entertained a motion for adjournment

MOVED BY COMMISSIONER DALY-REDHOLTZ, SECONDED BY COMMISSIONER JAMES AND UNANIMOUSLY CARRIED, TO ADJOURN THE MEETING AT 8 10 P M TO THE REGULAR MEETING TO BE HELD ON TUESDAY, JULY 5, 2005 AT 7 00 P M IN MIKE BALKMAN COUNCIL CHAMBERS

Respectfully submitted,

Anita Shapiro, Chair
Culver City Parks and Recreation Commission

Lisa Seno
Administrative Secretary



LIONS PROPOSED BEER WINE GARDEN SITE PLAN NOT TO SCALE

Business Plan

Beer and Wine Garden, Aug 26-29, 2005, at Fiesta La Ballona conducted by Culver City Lions Club

The Culver City Lions Club a member of the largest humanitarian service organization in the world partners with the Fiesta La Ballona committee to conduct a beer and wine garden as an enhancement to the city's signature event and revenue producer to achieve the charitable goals of both organizations

Beneficiaries All funds earned will be earmarked for the annual school eye screening program senior citizen thanksgiving dinner Fiesta La Ballona committee (\$500 + 10% of net returns) and the charitable causes produced and funded annually by the Culver City Lions The Lions anticipate that funds raised each year from the beer garden will provide for sponsorship of more locally based programs such as Culver City Middle/High School Youth Health Clinic and the Leo's Club to help young people grow as leaders and generous human beings while providing service to the community—both new projects for the local club

Fiscal Impact The Lions will bear the costs and fees of producing the garden Added police presence will likely not be required as the Fiesta houses a police dept command center and exhibit location according to Culver City Police Dept Lt Dean Williams

Set Up 30 x 40 venue 40 height picket fencing 72 round tables with 10 chairs per table one entrance/exit with security manning at all times checking ID and issuing bracelets and ensuring no alcohol leaves the garden area Draft beer served within fenced area from cooled containers located in serving vehicle Beer supplier will provide partial tenting cups and other supplies Signs on trailer stating kinds of beer sold cost limits per person along with Must be age 21 Sign at entrance stating Must be age 21 Sign at exit No alcohol beyond this point

Manpower and Operation Some 35-50 volunteers will work the Fri-Sun event during hours approved by the Fiesta committee Stop serving 1 hour before closing

Revenue (Est)

About 5,000 patrons last year visited the Fiesta each day If 10% of the patrons (500 people) decided to purchase one drink at \$3 revenue would equal \$1,500 a day
Price Ranges -Coors (reg light) \$2.50-3.50 Heineken \$3.25-3.75 Wine \$2.50-3.50

Anticipated gross income for the weekend incl Fri evening **\$3,500**

Expenses (Est)

Cost of Beverages Sold	\$1,300
Insurance rider to existing policy	400
Set-up Fencing addit tables & chairs addit waste receptacles	
cover signage	400
Supplies Addit cups napkins wrist bands cleaning products	200
Permits and licenses	50
Payment to Fiesta Committee (\$500 + 10% of net profit)	<u>570</u>

Total Expenses **\$2,920**

Net Income (Est) **\$580**

The Lions Club through donations will work to reduce or eliminate certain expenses to improve the bottom line

Business Plan (addendum)

Culver City Lions Beer and Wine Garden at Fiesta La Ballona

Terms and Conditions

- 1 All profits must go back into the community
- 2 Beer must be sold in plastic cups
- 3 The Beer Garden area must be contained by portable or permanent single row of fencing
- 4 No alcohol can be consumed outside of the fenced area
- 5 The Fiesta La Ballona committee shall approve the size and location of the Beer Garden enclosures. A map and setup plan of the exact location must be included
- 6 The liquor permit must be posted at all times
- 7 Insurance Coverage the City of Culver City shall be named as an additional insured on a liquor liability policy in the amount of \$2 000 000 liability coverage per occurrence for the event
- 8 The City of Culver City reserves the right to shut down the Beer Garden at anytime on the discretion of the attending officers and the facility supervisor
- 9 A sign must be posted at all entrances stating No Minors
- 10 A sign must be posted at all exits stating No Liquor Beyond This Point
- 11 A responsible adult must be posted at all access points checking to ensure that
 - maximum capacity is not exceeded
 - no liquor is brought in or taken out of the Beer Garden
 - no minors are permitted access (the only acceptable forms of ID are a drivers license that displays a photograph and the date of birth
 - anyone who appears under the age of 25 years asked for two pieces of identification one of which must be the aforementioned and the other must display the persons name and either the persons signature or picture
 - Number of patrons within the garden is kept at an acceptable level. If capacity is reached then patrons will be held at the entrance until sufficient numbers have left the area
 - All patrons will be asked to leave from an exit
 - Exit points will be manned at all times during the operation of the beer gardens
 - No patrons will enter the area via exit including patrons just leaving for a short period of time
 - No alcohol is to be removed past the beer garden interior perimeter fencing. cursory searches may be performed on bags at Security personnel discretion
 - All persons admitted to the beer garden shall be issued a colored wrist band. Nobody will be allowed into the beer garden without first having said wrist band
 - Carnival operators shall be issued a different color wrist band than that of beer garden patrons
 - No carnival ride operator shall be admitted into the beer garden
 - There shall be a 2 drink per person maximum at one time
 - Lions Club members working the booth shall not drink alcohol while serving

Safety Procedures

Safety procedures used at festivals besides the security fencing adult enforcement at the entrance and identification checks include limiting the number of drinks that can be purchased at one time closing drink sales an hour before the end of the event serving free coffee the last hour of the event providing police enforcement in the parking lot and monitoring the behavior of participants. The Committee would require the vendor to provide sufficient persons over 21 years of age to work the beer/wine garden. It is estimated at all times of operation the beer/wine garden the vendor will have at least 1 person monitoring guest alcohol consumption (to determine if one has had too much to drink) and at least 1 person verifying valid identification (over 21) the remaining vendor staff will be dispensing beer/wine and collecting money. The committee would also require the vendor to use only paper or plastic beer/wine containers (no glass)

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

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 preceding the violation and then it shall be punishable as a misdemeanor pursuant to § 1 01 040 of this Code For the purposes of this division each prior violation which is either admitted by the defendant or alleged in an accusatory pleading or where defendant forfeited bail shall be deemed a conviction For this purpose a bail forfeiture shall be deemed to be a conviction of the offense charged

(65 Code § 23-43) (Ord CS-635 § 1 Ord No 87-019 § 1 Ord No 94-032 § 2)

MINORS

§ 13 03 100 CURFEW RESTRICTIONS FOR MINORS

It shall be unlawful for any minor under the age of eighteen (18) years to loiter idle, wander stroll or aimlessly drive or ride about in or upon any public street avenue highway road curb area alley park playground or other public grounds public place or public building place of amusement or eating place vacant lot or unsupervised place between the hours of 10 00 p m on any day and sunrise of the immediately following day provided that the provisions of this Section shall not apply when