

MEETING DATE: July 26, 2010

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 2010 Fiesta La Ballona Celebration.

ATTACHMENTS

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ATTACHMENT 1

RESOLUTION NO. 2010-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 2010 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 to conduct a beer and wine garden at the 2010 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 ("Permittee") to conduct a beer and wine garden (the "Event") in Veterans' Memorial Park on August 27, 28 and 29, 2010 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 27, 2010 from the hours of 6:30 p.m. to 8:30 p.m. (or earlier, depending upon level of participation), Saturday, August 28, 2010 from the hours of 12:00 p.m. to 9:00 p.m., and Sunday, August 29, 2010 from the hours of 12:00 p.m. to 7:00 p.m. (or earlier, depending upon level of participation).

c. By and on behalf of Permittee in consideration of the request for and the granting of this Permit, Permittee shall and does hereby indemnify, hold

1 harmless and defend City and each of its officers, employees and
2 representatives ("Indemnitees") from any and all liability claims, damages,
3 judgments, demands, including attorney fees and court costs, whatsoever,
4 which may arise against any or all Indemnitees by reason of any real or
5 personal property damage, personal injury or death arising or resulting directly
6 or indirectly from Permittee's activities related to the issuance of this Permit.

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8 d. Without limiting any other obligation set forth in this Permit,
9 Permittee shall submit to the City an occurrence based Comprehensive
10 General Liability ("CGL") policy (including liquor liability), at least as broad as
11 ISO Form CG 0001, in the minimum amount of One Million Dollars
12 (\$1,000,000) each occurrence, with not less than Two Million Dollars
13 (\$2,000,000) in annual aggregate coverage. The aggregate coverage may be
14 provided by two separate One Million Dollar (\$1,000,000) CGL policy(ies). The
15 CGL policy(ies) shall have the following requirements:

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17 (i) The policy shall provide coverage for personal injury, bodily
18 injury, death, accident and property damage and advertising injury, as those
19 terms are understood in the context of a CGL policy. The coverage shall not be
20 excess or contributing with respect to City's self-insurance or any pooled risk
21 arrangements;

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23 (ii) The policy shall provide \$1,000,000 combined single limit
24 coverage for owned, hired and non-owned automobile liability;

25 (iii) The policy shall include coverage for liability undertaken by
26 contract covering, to the maximum extent permitted by law, Permittee's
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1 obligation to indemnify the Indemnitees as required under Paragraph 1.c. of this
2 Permit;

3 (iv) The Policy shall not exclude coverage for Completed
4 Operations Hazards or Athletic or Sports Participants; and

5 (v) The City of Culver City, and officers, agents, and
6 employees will be named as additional insureds in an endorsement to the
7 policy, which shall be provided to the City and approved by the City Attorney.
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9 The required evidence of insurance shall be submitted to the City
10 at least two weeks prior to the Event.

11 e. Permittee shall obtain the necessary State of California Alcoholic
12 Beverage Control Board alcohol sales event permit for the Event, which shall
13 be posted at all times. Permittee shall comply with any and all federal, state
14 and local laws regarding the sale of beer and wine. Permittee shall also obtain
15 any and all required Los Angeles County health permits, which shall be made
16 available upon request.
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18 f. The size and location of the Event shall be consistent with the
19 configuration as set forth in the attached map (Exhibit "A"). The perimeters of
20 the Event shall be bound by fencing (the "Event Area").

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

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

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

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

k. All alcohol shall be served in plastic cups.

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

m. Permittee's employees, agents and volunteers who are working the Event ("Event Staff") shall not serve any alcohol to visibly intoxicated individuals in accordance with applicable laws.

n. Event Staff shall stop serving alcohol one (1) hour prior to the closing of the Event.

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

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

- 1 q. Event Staff shall issue colored wrist bands (that cannot be
2 replaced once removed) to all persons prior to entering the Event Area. No
3 person shall be admitted to the Event Area that is not wearing said wrist band.
- 4 r. Event Staff shall issue each carnival ride operator a wrist band of
5 a different color than Event participants. No carnival ride operator shall be
6 admitted into the Event Area.
- 7 s. The capacity of the Event Area shall not exceed sixty (60)
8 persons at any given time.
- 9 t. Event Staff shall receive training in the laws and rules governing
10 the verification of identification, the service of alcoholic beverages, and the
11 refusal of service to intoxicated persons.
- 12 u. Event Staff shall not consume alcohol during the Event.
- 13 v. No persons, including members of the Culver City Exchange
14 Club, shall receive complimentary beer or wine.
- 15 w. Distribution or display of any alcohol advertising or promotional
16 items shall be limited to the Event Area. With the exception of alcohol
17 advertising and promotional items relating to the products served at the Event,
18 only Culver City Exchange Club materials may be distributed or displayed in the
19 Event Area.
- 20 x. Event Staff shall monitor the alcohol consumption and behavior of
21 all Event participants.
- 22 y. Permittee shall ensure that the Event Area is cleaned of all trash
23 and debris and left in the same condition it was prior to the Event.
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1 z. Permittee acknowledges and understands that the City of Culver
2 City reserves the right to shut down the Event at anytime at the discretion of
3 Culver City Police Department and the facility supervisor.

4 aa. Within 30 calendar days after completion of the Event, Permittee
5 shall provide the City with a full financial disclosure of the operation of the
6 Event.

7 bb. Within ten days after the adoption of this Resolution, Permittee
8 shall pay to the City's Fiesta La Ballona Committee ("Committee") the Event
9 space fee of six Hundred Dollars (\$600.00).
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11 cc. Permittee shall be responsible for coordinating, purchasing and
12 acquiring all supplies and equipment necessary to support the Event including,
13 but not limited to, beer, wine, snacks, paper products, fencing, tables, chairs
14 and umbrellas.
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16 dd. Committee shall be responsible for coordinating through the
17 appropriate City departments sufficient power sources as needed for the
18 operation of the Event.

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

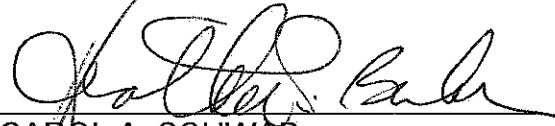
APPROVED and ADOPTED this _____ day of _____ 2010.

CHRISTOPHER ARMENTA, MAYOR
City of Culver City, California

ATTEST:

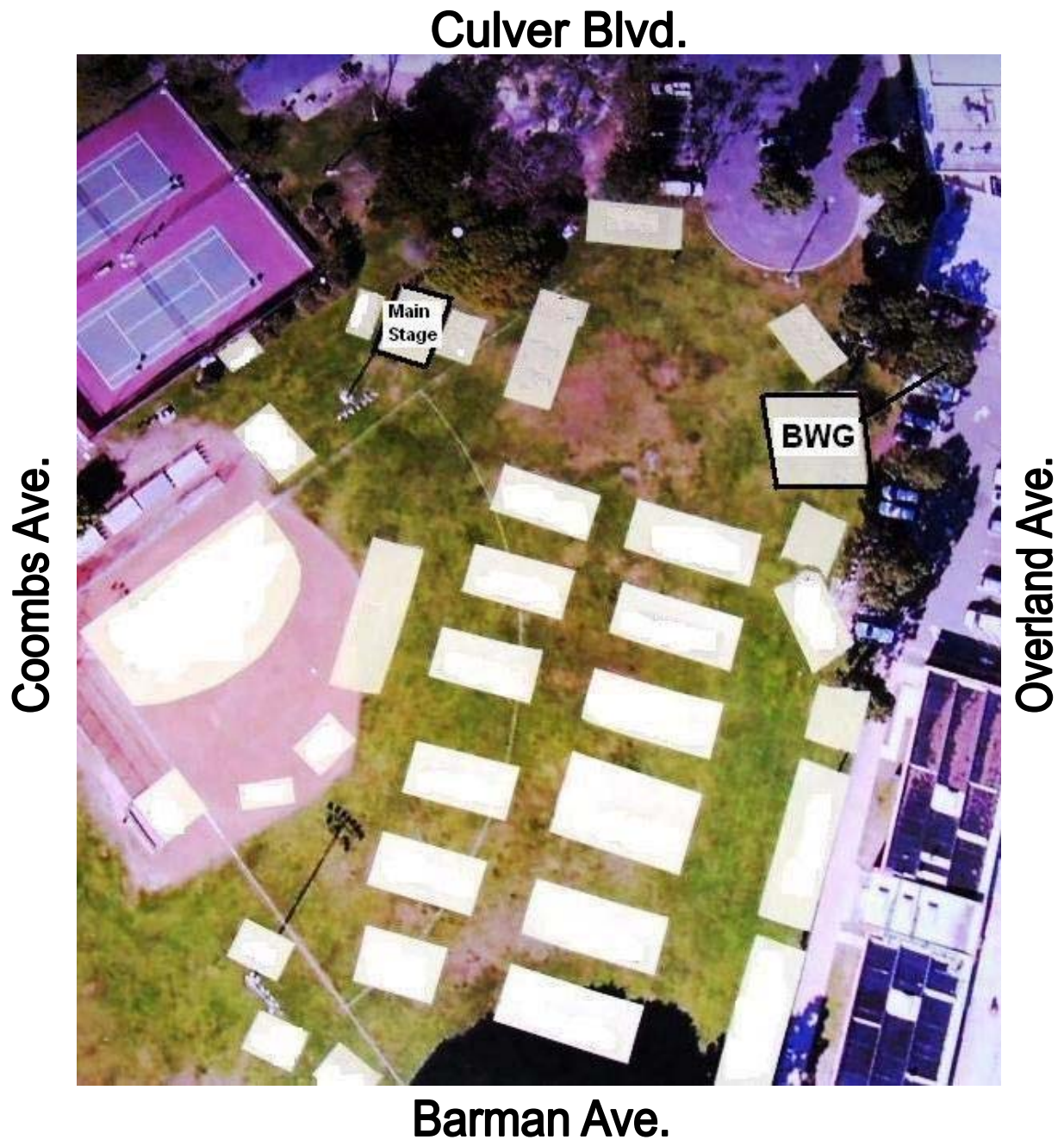
APPROVED AS TO FORM:

MARTIN R. COLE,
City Clerk


CAROL A. SCHWAB,
City Attorney

A10-00241

2010 FIESTA LA BALLONA
LOCATION OF THE BEER AND WINE GARDEN
WITHIN
VETERANS' MEMORIAL PARK



Culver City Municipal Code

CHAPTER 13.03: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

**§ 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 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; Ord. No. 2005-004 § 1)
