

MEETING DATE

5/8/06

AGENDA ITEM

Adoption of a Resolution Permitting a Beer and Wine
Garden at the 2006 Fiesta La Ballona

ATTACHMENTS

		Pages
1	Proposed Resolution	1 6
2	July 11, 2005 City Council Staff Report	7 - 10
3	April 4, 2006 Parks and Recreation Commission Meeting Draft Minutes	11 13
4	Culver City Lions Club 2005 Profit and Loss Statement and Projected 2006 Budget	14

RESOLUTION NO 2006-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 2006 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 and in order to enhance the activities of the Fiesta the City Council, pursuant to Culver City Municipal Code § 13 03 025 (A), issued a permit to the Culver City Lions Club to conduct a beer and wine garden at the 2005 Fiesta, and

WHEREAS the 2005 event was conducted successfully and did not result in any significant problems to the Fiesta attendees or the community

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 25 26,

1 and 27, 2006 as part of the City's Fiesta La Ballona activities, under all of the following
2 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 25, 2006 from the hours of
8 6 30 p m to 8 00 p m , August 26, 2006 from the hours of 12 00 p m to 9 00
9 p m , and August 27, 2006 from the hours of 12 00 p m to 6 00 p m

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

15 d Permittee shall submit to the City one or more duly executed
16 certificates of insurance for Comprehensive General Liability (including liquor
17 liability) in the minimum amount of One Million Dollars (\$1,000,000) per
18 occurrence, including a special endorsement, to be approved by the City
19 Attorney naming the City of Culver City its officers employees and agents, as
20 additional insureds

21 e Permittee s liquor license must be posted at all times and
22 Permittee must comply with any and all federal, state and local laws regarding
23 the sale of beer and wine
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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 No member of the Culver City Lions Club shall receive
25 complimentary beer or wine
26
27
28

1 w Distribution or display of any alcohol advertising or promotional
2 items shall be limited to the Event Area With the exception of alcohol
3 advertising and promotional items relating to the products served at the Event,
4 only Culver City Lions Club materials may be distributed or displayed in the
5 Event Area

6 x Event Staff shall monitor the alcohol consumption and behavior of
7 all Event participants

8 y Permittee shall ensure that the Event Area is cleaned of all trash
9 and debris and left in the same condition it was prior to the Event
10

11 z Permittee acknowledges and understands that the City of Culver
12 City reserves the right to shut down the Event at anytime at the discretion of
13 Culver City Police Department and the facility supervisor
14

15 aa Within thirty calendar days after completion of the Event,
16 Permittee shall provide the City with a full financial disclosure of the operation
17 of the Event

18 2 This Resolution shall take effect on the date of its adoption

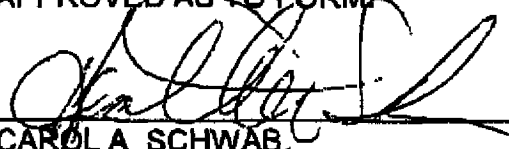
19 APPROVED and ADOPTED this _____ day of May 2006
20

21
22
23 ATTEST

24
25
26 _____
27 CHRISTOPHER ARMENTA,
28 City Clerk

GARY SILBIGER, MAYOR
City of Culver City, California

APPROVED AS TO FORM


for CAROL A. SCHWAB,
City Attorney

[illegible]

City of Culver City, California
City Council Agenda Item Report

Meeting Date 07/11/05		Item Number _____	
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 (A) 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.			
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 Parks and Recreation Commission (7/7/05), Veteran's Park Neighborhood Watch Association (7/7/05), Culver City Homeowner's Association (7/7/05) and Master Notification List (7/6/05)			
Department Approval Bill LaPointe, PRCS Director 6/30/05		CAO Approval	
City Controller Approval			
<u>RECOMMENDATION.</u> That the City Council introduce, for first reading, an Ordinance amending Culver City Municipal Code §13 03 025 (A) to grant the City Council authority to issue a permit for a beer and wine garden at the Fiesta La Ballona Event (Attachment 1), and adopt a Resolution permitting a beer and wine garden at the 2005 Fiesta (Attachment 2) <u>BACKGROUND</u> 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. 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. In 2004, in an effort to accomplish this goal the Fiesta La Ballona Committee (the "Committee") researched revenue generating components of successful festivals in other cities and identified several cities that have successfully allowed the sale of alcohol at their festivals with no measurable problems. Most often, these activities take place in the form of a beer and wine garden.			

**City of Culver City, California
City Council Agenda Item Report**

The Committee presented this item for the City Council's consideration on July 12, 2004 (Attachment 3) At that meeting, Council directed the Committee to bring the item back with additional information

DISCUSSION

A comparison of policies used by other local cities regarding allowing alcohol consumption/sales in city-owned parks generally falls into three categories including 1) prohibited with no exceptions 2) allowed only with special permit approved by City Manager subject to conditions, or 3) allowed with special permit with conditions and by resolution of the City Council Attachment 4 provides selected local cities alcohol policies

In addition to the benefits of including a beer and wine garden at the 2005 Fiesta such as additional revenues for both the Fiesta and the contracted vendor staff also recognizes the potential for negative impacts, such as alcohol related injuries, which can affect the Fiesta event, as well as the Culver City community in general It should also be noted that such potential negative impacts can be minimized by imposing strict conditions on the operation of a beer and wine garden, such as has been done in other cities as provided in Attachment 4

Although there are many successful festivals in California that do not allow alcohol consumption, there are equally as many festivals that include the sale of alcohol, usually through a beer and wine garden, with no measurable alcohol related problems Staff has conducted research at several festivals offering beer and wine gardens including Temecula Balloon and Wine Festival, San Diego County Fair, La Quinta Arts Festival and the Indio Tamale Festival, and did not uncover any incidents of significance In fact, the City of Culver City, itself, recently granted permission for a non-profit group to offer a wine tasting event at Media Park during the month of May 2005, which was conducted without incident In addition, a number of past events held inside the Veterans' Memorial Building and the Ivy Substation, which have allowed alcohol, have been conducted with relatively few incidents Attachment 5 provides information about other festivals that allow alcohol

On March 1, 2005, this issue was discussed by the Parks and Recreation Commission (Attachment 6), and the Commission requested that staff bring back information regarding liability, enforcement regarding minors, safety procedures, insurance and revenue generation These issues were researched and provided to the Commission at its June 14, 2005 meeting (Attachment 7) The Commission approved, by a vote of 3-2, a recommendation to the Council to allow a beer and wine garden to be conducted in Veterans' Memorial Park at the 2005 Fiesta Attachment 8 is a copy of the minutes from the June 14, 2005 Commission meeting

**City of Culver City, California
City Council Agenda Item Report**

At the Commission meeting, the Committee presented the Culver City Lions Club (the "Lions") as a potential provider of the beer and wine garden if the event is approved by the Council. The Lions, if allowed to host the beer and wine garden, have agreed to adhere to strict regulations relating to the operation of the event in order to minimize potential problems. The specific conditions are set forth in the proposed Resolution (See Attachment 2).

The Lions have prepared a site plan for the location of the proposed beer and wine garden (Attachment 9). In addition, the Lions have included a business plan proposal for the event as additional information for the Council's consideration (Attachment 10).

Currently, Culver City Municipal Code (CCMC) §13.03.025 (A) prohibits the consumption of alcohol within any public park (Attachment 11) but provides for certain exceptions (including the interior of Veterans Memorial Building and the Ivy Substation). In order to allow for a beer and wine garden during the 2005 Fiesta, Section 13.03.025 (A) must be amended to allow for this additional exception, as set forth in the proposed Ordinance. The proposed Ordinance would give the City Council the authority to grant, by resolution, a permit for a beer and wine garden at the Fiesta. The proposed Resolution would grant a permit to the Lions to conduct a beer and wine garden at the 2005 Fiesta only. Thereafter, the City Council would have the authority to issue such a permit for the Fiesta on a case by case basis.

FISCAL ANALYSIS

Adoption of the proposed Ordinance and Resolution would not result in any direct fiscal impact to the City's General Fund. However, there may be an increased need for police presence in Veteran's Memorial Park and the surrounding area during the Fiesta should existing levels of police presence during the Fiesta be determined to be insufficient.

ATTACHMENTS

- 1 Proposed Ordinance
- 2 Proposed Resolution
- 3 July 12, 2004 City Council Report
- 4 Selected Local Cities Alcohol Policies
- 5 Information on Festivals That Allow Alcohol
- 6 March 1, 2005 Parks and Recreation Commission Report
- 7 June 14, 2005 Parks and Recreation Commission Report

City of Culver City, California
City Council Agenda Item Report

- 8 Minutes from the June 14 2005 Parks and Recreation Commission Meeting
- 9 Site Plan for Proposed Beer and Wine Garden
- 10 Lion's Club Business Plan for Beer and Wine Garden
- 11 Culver City Municipal Code § 13 03 025

MOTION

That the City Council

- 1 Introduce, for first reading, the Ordinance amending Culver City Municipal Code §13 03.025 (A) to grant the City Council authority to issue a permit for a beer and wine garden to be conducted in Veteran s Memorial Park during the Fiesta La Ballona, and
- 2 Adoption of the Resolution permitting a beer and wine garden at the 2005 Fiesta La Ballona Event, or
- 3 Deny the Fiesta La Ballona Committee s request

ATTACHMENT 3

These Minutes are not official until approved by the Parks, Recreation and Community Services Commission

REGULAR MEETING OF THE
PARKS AND RECREATION COMMISSION
CITY OF CULVER CITY, CALIFORNIA

April 4, 2006
7 00 p m

CHAIR JEANETTE JAMES

Call to Order

The meeting of the Parks and Recreation Commission was called to order by Chair James at 7 04 p m in the Council Chambers, City Hall

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Roll Call

Members Present	Commissioners James, Daly Redholtz, Deen, Shapiro
Members Absent	Commissioner Cooper
Staff Present	William La Pointe, Parks, Recreation and Community Services Director Patti Moonley Senior Management Analyst Pam Robinson, Veterans Memorial Complex Manager Heather Iker, Deputy City Attorney
Others Present	James Herr, Sony Pictures Entertainment Lani Mathews, Sony Pictures Entertainment Marcus Tiggs, Fiesta La Ballona Committee Laura Stuart, Fiesta La Ballona Committee Marta Zaragoza, Culver City Parks and Service Foundation Mike Cohen, Culver City Lions Club Susan Deen, Cultural Affairs Commission Desmond Burns, Culver City Tom McCabe, Culver City Sue McCabe, Culver City

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(Excerpt)

Item A-2.

Consideration of a recommendation for approval to City Council of permits for a Beer and Wine Garden and a Petting Zoo at the 2006 Fiesta La Ballona event

Pam Robinson, Veterans Memorial Complex Manager, gave the staff report on the Beer and Wine Garden and called attention to the proposed changes to the agreement from last year with the Culver City Lions Club: insurance requirement be reduced from \$2 million to \$1 million, and hours of operation be extended to include Friday 6:30-8:00 p.m., Saturday 12:00-9:00 p.m. and Sunday 12:00 to 6:00 p.m.

At this time, the following members in the audience were recognized to address the Commission:

Marcus Tiggs, representing the Fiesta La Ballona Committee, spoke in support of the Lions Club's request to modify the insurance requirement and hours of operation.

Laura Stuart, Vice Chair of the Fiesta La Ballona Committee, also spoke in support of the Beer and Wine Garden. She said there is a new vendor for this year's petting zoo.

At this time, Patricia A. Mooney, Senior Management Analyst, read the written comments submitted by the following:

Gayle Smashy, member of the Fiesta La Ballona Planning Committee:

The Beer and Wine Garden at the 2005 Fiesta was a great success. Please recommend to the City Council that they not only approve the permit this year, but also to reduce the insurance liability limits.

Martha Gunther, Vendor Chair, Fiesta La Ballona Committee:

Fiesta La Ballona has grown from a small local weekend event to a destination festival that is becoming known throughout the Southern California artisan and musical community as a fun and profitable place to be at the end of August. Our target was to become self-supporting and we've gone from a negative balance to a healthy bank account in the past three years.

Last year the Beer Garden was a welcome addition to the Fiesta. Despite the initial worries of the City Council and the Police Department, it was well policed (no pun intended) by the Lions Club staff and no unpleasant incidents marred the new attraction. We would like to continue this new tradition and hope that the Commission and the City Council will allow the Beer Garden to flourish again this year.

As for the Animals in the Park Permit, the petty zoo and pony ride are a long-standing tradition, going back to the early years of the modern Fiesta. When our pony lady was unavoidably detained last year and didn't arrive until Sunday afternoon, there were countless young children who were heartbroken. Our current plan will remedy that situation and hope that the Commission and Council will again allow the permit for Fiesta weekend.

MOVED BY COMMISSIONER SILAPIRO, SECONDED BY COMMISSIONER DEHN, THAT THE PARKS AND RECREATION COMMISSION RECOMMEND THE CITY COUNCIL ADOPT A RESOLUTION GRANTING THE CULVER CITY LIONS A PERMIT FOR THE SALE OF BEER AND WINE AND ISSUE A PERMIT TO ALLOW ANIMALS IN VETERANS MEMORIAL PARK DURING THE 2006 FIESTA LA BALLONA.

**CELEBRATION WITH MODIFICATION OF INSURANCE AND HOURS OF
OPERATION CONDITIONS FOR THE BEER AND WINE GARDEN**

Heather Iker, Deputy City Attorney, asked if the Motion includes the extended hours and increase in square footage of the venue.

Commissioner Shapiro responded in the affirmative.

Discussion ensued.

Commissioner Daly Redholtz said there should be a planned program for Friday evening other than rides and the Beer and Wine Garden.

Mike Cohen, President of the Culver City Lions Club, clarified the concept for the 1-1/2 hour social event proposed for Friday evening. He said it is an opportunity to celebrate the cultural diversity and would serve as a warm-up for the Fiesta event.

Commissioner Daly Redholtz suggested a clean-up requirement for the petting zoo should be included in their contract.

The Chair called for a vote on the MOTION WHICH PASSED UNANIMOUSLY.

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Culver City Lions Beer Garden at Fiesta La Ballona, Aug 27-28, 2005

	05 Budget	05 Actual	05 In Kind	06 Budget	06 In-Kind Est
Receipts					
Beer and Wine	3500	3406		4200	
Wine Tasting		99		400	
Kiwanis Pancake Brk		150		150	
Total Receipts	\$3,500	\$3,655		\$4,750	
Expenses					
Beer	1300	667	0	850	0
Wine		116	225	50	150
Insurance	400	1830	300	500	0
Tables, chairs, umbr	400	80	1478	400	1000
Signs, Posts		340	120	200	250
Plants, Decorations		50	385	70	385
Supplies	200	10	150	70	200
Security Shirts		0	360	50	200
Waters		7	35	30	75
Flyers Materials		0	200	40	60
Licenses, Permits	50	60	30	90	0
Space Rental Fiesta	500	500	0	500	0
Entertainment		0	150	200	300
Mini-sound system		0	100	25	125
Tenting		0	200	75	200
Ice		25	50	25	75
Total Expenses	\$2,850	\$3,685	\$3,783	\$3,175	\$3,020
Gross Revenue	\$650	(\$30)		\$1,575	
Profit 10% Fiesta	65			158	
Net Revenue	\$585	(\$30)		\$1,418	

President Mike Cohen
 Chairperson Jay Handal
 Treasurer Mike Eskridge

Accounts Receivable Kiwanis Club Pancake Breakfast \$150 reimbursement for facility lease