

MEETING DATE: 07/23/07

AGENDA ITEM: Adoption of a Resolution Adoption Granting a Permit to the Culver City Exchange Club and Westside Chamber of Commerce (dba West LA Chamber of Commerce, dba Greater West LA Chamber of Commerce) to Conduct a Beer and Wine Garden in Veteran's Memorial Park During the City's 2007 Fiesta La Ballona Celebration.

ATTACHMENTS

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ATTACHMENT 1

RESOLUTION NO. 2007-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 2007 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, including the recent addition of a beer and wine garden at the 2005 and 2006 Fiesta, 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, 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 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 2007 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 24, 25 and 26, 2007 as part of the City's Fiesta La Ballona activities, under all of the following conditions:

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

4 b. The Event shall be held on Friday, August 24, 2007 from the
5 hours of 6:30 p.m. to 8:00 p.m., Saturday, August 25, 2007 from the hours of
6 12:00 p.m. to 9:00 p.m., and Sunday, August 26, 2007 from the hours of 12:00
7 p.m. to 6:00 p.m.

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

15 d. Permittees 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

22 e. The liquor license for the Event must be posted at all times and
23 Permittees must comply with any and all federal, state and local laws regarding
24 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. Permittees 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 Permittees' 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. Permittees' employees, agents and volunteers who are working
21 the Event ("Event Staff") shall not serve any alcohol to visibly intoxicated
22 individuals in accordance with applicable laws.
23

24 n. Event Staff shall stop serving alcohol one (1) hour prior to the
25 closing of the Event.
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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. Event Staff shall issue each carnival ride operator a wrist band of
15 a different color than Event participants. No carnival ride operator shall be
16 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 persons, including members of the Culver City Exchange Club
25 and members of the West LA Chamber, shall receive complimentary beer or
26 wine.
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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 Exchange 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. Permittees 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. Permittees acknowledge and understand 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 Permittees 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 July 2007.
20

21
22 _____
ALAN CORLIN, MAYOR
City of Culver City, California

23
24 ATTEST:

APPROVED AS TO FORM:

25
26 _____
CHRISTOPHER ARMENTA,
City Clerk

27 _____
CAROL A. SCHWAB,
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

ATTACHMENT 3

RESOLUTION NO 2006-R 038

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

8 b The Event shall be held on August 25 2006 from the hours of
9 6 30 p m to 8 00 p m August 26 2006 from the hours of 12 00 p m to 9 00
10 p m and August 27, 2006 from the hours of 12 00 p m to 6 00 p m

11 c Permittee shall defend hold harmless and indemnify City, its
12 officers employees and agents, from any and all liability claims, including
13 reasonable attorney s fees and costs, for damages to real or personal property,
14 or personal injury or death caused by or resulting from Permittee s, its
15 volunteers' or agents acts errors or omissions during the Event
16

17 d Permittee shall submit to the City one or more duly executed
18 certificates of insurance for Comprehensive General Liability (including liquor
19 liability) in the minimum amount of One Million Dollars (\$1 000 000) per
20 occurrence, including a special endorsement to be approved by the City
21 Attorney, naming the City of Culver City its officers, employees and agents, as
22 additional insureds
23

24 e Permittee's liquor license must be posted at all times and
25 Permittee must comply with any and all federal, state and local laws regarding
26 the sale of beer and wine
27
28

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

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

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

16 k All alcohol shall be served in plastic cups

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

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

21 n Event Staff shall stop serving alcohol one (1) hour prior to the
22 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

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

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

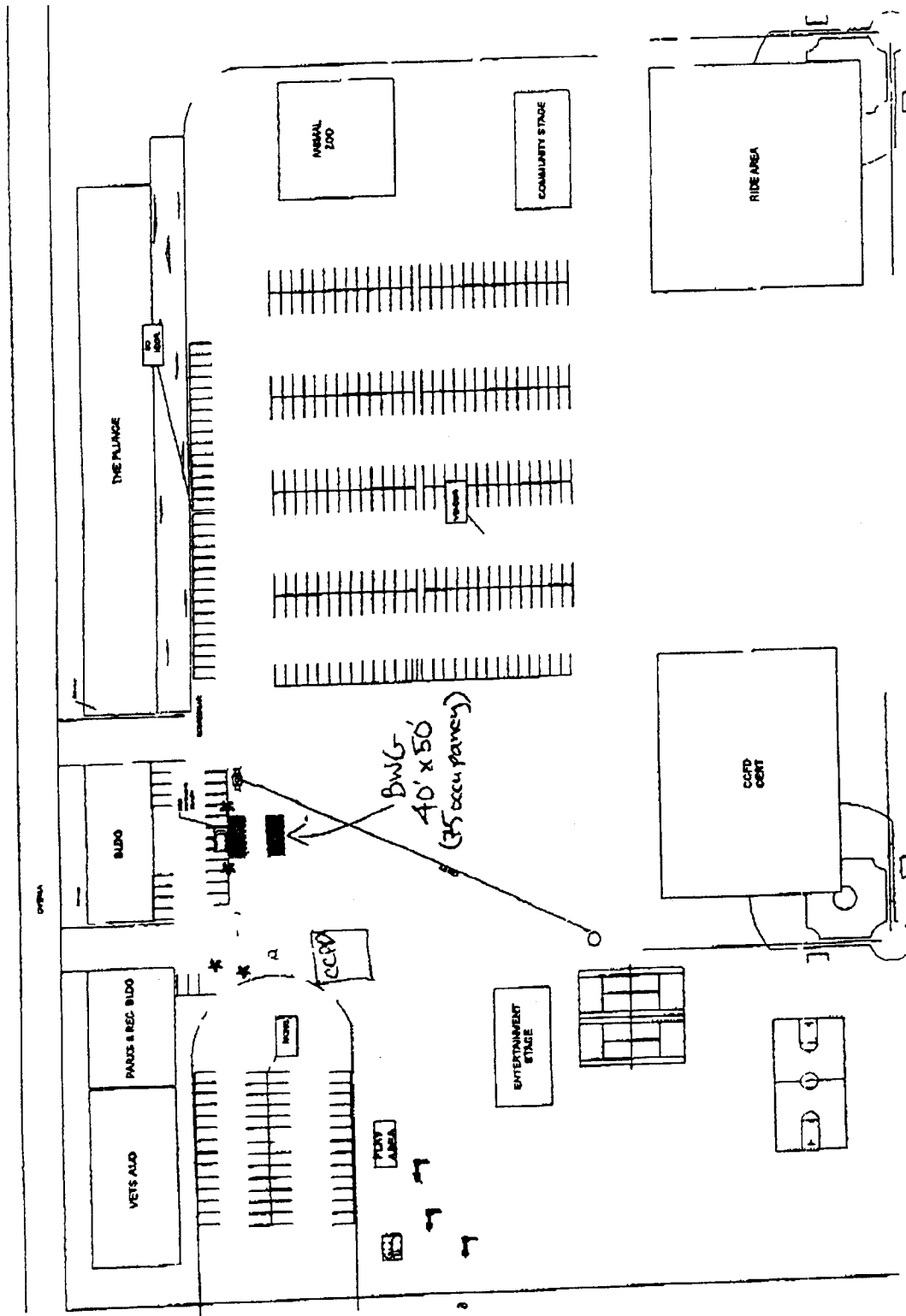
s The capacity of the Event Area shall not exceed sixty (60) persons at any given time

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

u Event Staff shall not consume alcohol during the Event

v No member of the Culver City Lions Club shall receive complimentary beer or wine

EXHIBIT "A"



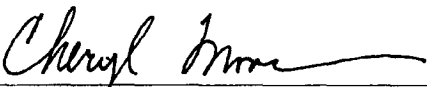
LOUIS PROPOSED BEER WINE GARDEN SITE PLAN NOT TO SCALE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF CULVER CITY) SS

I, Ela Valladares, Deputy City Clerk of the City of Culver City, California, do hereby certify that the foregoing Resolution No 2006-R038 was duly and regularly adopted, passed, and approved by the City Council of the City of Culver City, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 8th day of May, 2006, by the following Councilmember vote

AYES	Corlin, Malsin, Gross, Rose, Silbiger
NOES	None
ABSTAIN	None
ABSENT	None

Dated this 10th day of May, 2006



for Ela Valladares
Deputy City Clerk and Ex-Officio Clerk of the City Council
City of Culver City State of California

Excerpt of the Minutes of the
REGULAR MEETING OF THE
PARKS AND RECREATION COMMISSION
CITY OF CULVER CITY, CALIFORNIA

June 5, 2007
7:00 p.m.

CHAIR VICKI DALY REDHOLTZ

Call to Order

The meeting of the Parks and Recreation Commission was called to order by Chair Daly Redholtz at 7:02 p.m. in the Council Chambers, City Hall.

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Roll Call

Members Present: Chair Vicki Daly Redholtz
Vice Chair Jeffrey Cooper
Commissioner Charles A. Deen
Commissioner Anita Shapiro

Members Absent: Commissioner James (excused)

Staff Present: Jerry B. Fulwood, City Manager
Martin Cole, Assistant City Manager
William La Pointe, Parks, Recreation and Community Services Director
Heather Iker, Deputy City Attorney
Patricia A. Mooney, Senior Management Analyst
Marty Nicholson, Recreation Manager

Others Present: Laura Stuart, Chair, Fiesta La Ballona
Dan O'Brien, Culver City Great Parks Association
Susan Deen, Cultural Affairs Commissioner

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Pledge of Allegiance

Jerry B. Fulwood, City Manager, led the Pledge of Allegiance to the Flag of the United States.

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Item A-1.
(8:05 p.m.)

Consideration of a Recommendation to City Council to Adopt a Resolution Granting a Permit to the Culver City Exchange Club to Conduct a Beer and Wine Garden in Veteran's Memorial Park During the City's 2007 Fiesta La Ballona Celebration.

Chair Daly Redholtz asked for a staff report.

At this time, Commissioner Cooper, who is a member of the Culver City Exchange Club, recused himself during discussion.

Marty Nicholson, Recreation Manager, gave the staff report.

Laura Stuart, Chair of the 2007 Fiesta La Ballona Committee, addressed the Commission. She asked Heather Iker, Deputy City Attorney, to clarify the proposed conditions of approval for the Beer and Wine Garden event.

Lengthy discussion ensued among Commissioners and staff regarding liability insurance, enforcement regarding minors, safety procedures, alcohol consumption by volunteer, and not-for-profit status of the permittee.

Following discussion, the following actions were taken:

MOVED BY COMMISSIONER SHAPIRO, SECONDED BY COMMISSIONER DALY REDHOLTZ, THAT THE PARKS AND RECREATION COMMISSION RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION GRANTING A PERMIT TO THE CULVER CITY EXCHANGE CLUB AND THE GREATER WEST LOS ANGELES CHAMBER OF COMMERCE TO CONDUCT A BEER AND WINE GARDEN IN VETERAN'S MEMORIAL PARK DURING THE CITY'S 2007 FIESTA LA BALLONA SUBJECT TO COMPLIANCE WITH CONDITIONS OF APPROVAL AND SUBJECT TO THE APPROVAL OF THE INSURANCE REQUIREMENTS BEING MET AS DETERMINED BY THE CITY ATTORNEY'S OFFICE.

AYES:	Commissioners Daly Redholtz and Shapiro
NOES:	Commissioner Deen
ABSTAIN:	Commissioner Cooper
ABSENT:	Commissioner James

The Motion passes.

MOVED BY COMMISSIONER DEEN, SECONDED BY COMMISSIONER DALY REDHOLTZ, THAT THE PARKS AND RECREATION COMMISSION RECOMMEND TO THE CITY COUNCIL THAT THE PROPOSED CONDITIONS OF APPROVAL FOR THE 2007 FIESTA LA BALLONA BEER AND WINE GARDEN BE AMENDED TO INCLUDE CHANGES TO THE FOLLOWING SECTIONS: NO. 1 – VERIFY THE CERTIFICATION OF THE NON-PROFIT STATUS TO DETERMINE THE TRUE NATURE OF THE ENTITY (AS 501 (C)3 OR 501 (C)4); AND NO. 25 – NO INDIVIDUAL SHALL RECEIVE COMPLIMENTARY BEER OR WINE IN COMPLIANCE WITH ALL FEDERAL, STATE AND LOCAL LAWS REGARDING THE SALE OF BEER AND WINE.

AYES:	Commissioners Deen, Daly Redholtz and Shapiro
NOES:	None
ABSTAIN:	Commissioner Cooper
ABSENT:	Commissioner James

The Motion passes.