

1 RESOLUTION NO. 2023-R_____

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 CULVER CITY, CALIFORNIA, GRANTING AN ALCOHOL USE
4 PERMIT FOR A BEER AND WINE GARDEN TO BE
5 CONDUCTED IN VETERANS' MEMORIAL PARK DURING THE
6 2023 FIESTA LA BALLONA EVENT.

7 WHEREAS, pursuant to Culver City Municipal Code § 13.03.025.A, the City
8 Council has determined to issue an alcohol use permit to the Culver City Exchange Club to
9 conduct a beer and wine garden at the 2023 Fiesta; and

10 WHEREAS, the City Council finds that the issuance of such permit will not be
11 detrimental to the public health, safety or general welfare. The Culver City Exchange Club
12 has professionally and safely operated the beer and wine garden since 2007, with the
13 exception of 2020 when no beer and wine garden was operated due to the Fiesta being held
14 virtually during the coronavirus pandemic.

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

17 1. This Alcohol Use Permit is hereby issued to the Culver City Exchange
18 Club ("Permittee") to conduct a beer and wine garden (the "Event") in Veterans' Memorial
19 Park on August 25, 26 and 27, 2023 as part of the City's Fiesta La Ballona activities, subject
20 to the following conditions set forth in City Council Policy Statement No. 2501: *Alcohol Use*
21 *Permits for City-Produced and City-Sponsored Special Events*, adopted by City Council
22 Resolution No. 2019-R014:

23 a. Permittee, Culver City Exchange Club, acknowledges and certifies
24 that it is a not-for-profit 501(c)(3) Culver City organization, and that funds raised
25 at the Event will be used for local charities. "Local Charities" shall mean a
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1 Culver City organization set up to provide help and raise funds for those in
2 need.

3 b. The Event shall be held on the following three days during these
4 specified hours only: (1) Friday, August 25, 2023 from the hours of 4:30 p.m. to
5 10:00 p.m., last call will be at 9:15 p.m. and no drinks will be served past 9:30
6 p.m.; (2) Saturday, August 26, 2023 from the hours of 12:00 p.m. to 10:00 p.m.,
7 last call will be at 9:15 p.m. and no drinks will be served past 9:30 p.m.; and,
8 (3) Sunday, August 27, 2023 from the hours of 10:00 a.m. to 6:00 p.m., last call
9 will be at 5:15 p.m. and no drinks will be served past 5:30 p.m.
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11 c. By and on behalf of Permittee in consideration of the request for
12 and the granting of this Permit, Permittee shall and does hereby indemnify, hold
13 harmless and defend City and each of its officers, employees and
14 representatives ("Indemnitees") from any and all liability claims, damages,
15 judgments, demands, including attorney fees and court costs, whatsoever,
16 which may arise against any or all Indemnitees by reason of any real or
17 personal property damage, personal injury or death arising or resulting directly
18 or indirectly from Permittee's activities related to the issuance of this Permit.
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20 d. Without limiting any other obligation set forth in this Permit,
21 Permittee shall submit to the City an occurrence based Comprehensive General
22 Liability ("CGL") policy (including liquor liability), at least as broad as ISO Form
23 CG 0001, in the minimum amount of Three Million Dollars (\$3,000,000) each
24 occurrence, with not less than Six Million Dollars (\$6,000,000) in annual
25 aggregate coverage. The CGL policy shall have the following requirements:
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1 (i) The policy shall provide coverage for personal injury, bodily
2 injury, death, accident and property damage and advertising injury, as those
3 terms are understood in the context of a CGL policy. The coverage shall be
4 utilized to satisfy, to the extent of the coverage limits, the City's self-insured
5 retention under any other policy of insurance. The coverage shall not be excess
6 or contributing with respect to City's self-insurance or any pooled risk
7 arrangements;

8 (ii) The policy shall provide \$3,000,000 coverage per accident,
9 for owned, hired and non-owned automobile liability; automobile liability
10 coverage may be satisfied with a stand- alone policy or as a component of the
11 CGL policy;

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

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

18 (v) The City of Culver City, and officers, agents, and
19 employees will be named as additional insureds in an endorsement to the
20 policy, which shall be provided to the City and approved by the City Attorney.

21 (vi) The CGL limits may be satisfied with a primary policy with
22 \$3,000,000 occurrence/\$6,000,000 annual aggregate, OR, by a primary policy
23 with lower limits of coverage plus an Excess or Umbrella policy which will
24 satisfy the occurrence and aggregate limit requirement. If Consultant's
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1 insurance coverage provides coverage in excess of these required limits, but is
2 eroded by payment or claim reserves, then Consultant or its insurance carrier
3 shall notify the City of Culver City within ten (10) days when the contractual
4 coverage limits provided are below the required coverage limits.

5 (vii) The City of Culver City reserves the right to review and
6 waive or modify the CGL aggregate requirement in the event that an adequate
7 project specific policy and limits are provided.

8 The required evidence of insurance shall be submitted to the City
9 at least two weeks prior to the Event.

10 e. Permittee shall obtain the necessary State of California Alcoholic
11 Beverage Control Board alcohol sales event permit for the Event, which shall be
12 posted at all times. Permittee shall comply with any and all federal, state and
13 local laws regarding the sale of beer and wine. Permittee shall also obtain any
14 and all required Los Angeles County health permits, which shall be made
15 available upon request.

16 f. The size and location of the Event shall be consistent with the
17 configuration as approved by staff of the City's Parks, Recreation and
18 Community Services Department. The perimeters of the Event shall be bound
19 by fencing or other physical barrier (the "Event Area"). The physical barrier
20 shall not obstruct visibility into the Event Area.

21 g. There shall be only one entrance to and one exit from the Event
22 Area. All persons must enter the Event Area from the designated entrance
23 point and leave the Event Area from the designated exit point. Permittee shall
24 retain licensed security guard(s) to be posted at each entrance and exit to
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1 ensure that all persons in attendance at the Event, including Permittee's
2 employees, agents and volunteers, are in compliance with the conditions of this
3 Permit.

4 h. Permittee's employees, agents and volunteers who are working
5 the Event ("Event Staff") shall assist City facilities staff and Culver City Police
6 Department with crowd control in and around the Event Area during any ingress
7 and egress of vehicular traffic adjacent to the Event Area, as requested by City
8 representatives.
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10 i. The Event shall be limited to the sale of beer and wine only.

11 j. 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."
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15 k. No alcohol, other than alcohol being sold at the Event, shall be
16 permitted in the Event Area.

17 l. All alcohol shall be served only in reusable or compostable
18 containers. All alcoholic beverages shall be served in a single serving container
19 that complies with the following guidelines: 16-ounce cup or smaller for beer;
20 and 5-ounce cup or smaller for wine.
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22 m. There shall be a two (2) drink maximum at one time.

23 n. Event Staff shall not serve any alcohol to visibly intoxicated
24 individuals in accordance with applicable laws.

25 o. Event Staff shall stop serving alcohol at the designated Event
26 closing times as set forth in Section 1.b of this Alcohol Use Permit.
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1 p. No minors shall be permitted entrance to the Event Area. A sign
2 shall be posted at the entrance stating “No Minors.”

3 q. Licensed private security guard(s) shall be present to check
4 identification for the purposes of verifying that people entering the Event Area
5 are 21 years of age or older. No person shall be granted access to the Event
6 Area without presenting a valid driver’s license that displays a photograph and
7 date of birth evidencing that the person is at least 21 years of age. All persons
8 under the age of 30 years shall present, in addition to a valid driver’s license, a
9 second form of identification that displays the person’s name and signature or
10 name and picture. Each time a person enters or re-enters the Event Area, that
11 person’s age shall be verified with identification.
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13 r. Event Staff shall issue colored wrist bands (that cannot be
14 replaced once removed) to all persons prior to entering the Event Area. No
15 person shall be admitted to the Event Area that is not wearing said wrist band.
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17 s. Event Staff shall issue each carnival ride operator a wrist band of
18 a different color than Event participants. No carnival ride operator shall be
19 admitted into the Event Area.

20 t. The capacity of the Event Area shall not exceed one hundred and
21 fifty (150) persons at any given time. Licensed private security guard(s) shall
22 be present at each entrance and exit to count occupancy. An accurate crowd
23 count at all times must be readily available to City representatives. The City’s
24 Life Safety Officer, as assigned by the Culver City Fire Department, may adjust
25 the maximum capacity at any time during the event if he/she determines it is
26 necessary to protect the public health and safety.
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1 u. Event Staff shall receive training in the laws and rules governing
2 the verification of identification, the service of alcoholic beverages, and the
3 refusal of service to intoxicated persons.

4 v. Event Staff and licensed private security guard(s) shall not
5 consume alcohol during the Event.

6 w. No persons, including members of the Culver City Exchange Club,
7 shall receive complimentary beer or wine.

8 x. Distribution or display of any beer and/or wine product advertising
9 or promotional items shall be limited to the Event Area. With the exception of
10 beer and/or wine product advertising and promotional items relating to the
11 products served at the Event, only Culver City Exchange Club materials may be
12 distributed or displayed in the Event Area.

13 y. Event Staff and licensed private security guard(s) shall monitor
14 the alcohol consumption and behavior of all Event participants.

15 z. Permittee shall ensure that the Event Area is cleaned of all trash
16 and debris throughout the Event and, at the conclusion of the Event, shall
17 ensure the Event Area is left in the same condition it was prior to the Event
18 each night.

19 aa. Permittee acknowledges and understands that the City of Culver
20 City reserves the right to shut down the Event at any time at the discretion of
21 Culver City Police Department or other authorized City Official.

22 bb. Within 30 calendar days after completion of the Event, Permittee
23 shall provide the City with a full financial disclosure of the operation of the
24 Event.
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1 cc. Within 10 days after the adoption of this Resolution, Permittee
2 shall pay to the City's Parks, Recreation and Community Services Department
3 the Event space fee of One Thousand Two Hundred Dollars (\$1,222.00) and
4 the Technology Artists fee of Seven Hundred Dollars (\$700.00) for a total of
5 One Thousand Nine Hundred Dollars (\$1,922) in fees.

6 dd. Permittee shall be responsible for coordinating, purchasing and
7 acquiring all supplies and equipment necessary to support the Event including,
8 but not limited to, beer, wine, snacks, paper products, fencing, tables, chairs
9 and umbrellas.
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11 ee. Event Staff shall be responsible for coordinating through the
12 appropriate City departments sufficient power sources as needed for the
13 operation of the Event.
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15 ff. Permittee shall provide for designated transportation pick-up/drop-
16 off areas, as approved by the Public Works Department. Permittee shall
17 advertise these locations to Event participants, and also provide information
18 regarding public transportation to and from the Event.

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

20 APPROVED and ADOPTED this 14th day of August 2023.
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23 _____
ALBERT VERA, MAYOR
City of Culver City, California

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25 ATTEST:

APPROVED AS TO FORM:

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27 _____
JEREMY BOCCHINO, City Clerk

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HEATHER BAKER, City Attorney