City of Grass Valley
City Council
Agenda Action Sheet

Council Meeting Date: May 10, 2016

Date Prepared: May 3, 2016

Prepared by: Alex Gammelgard, Chief of Police

Title: Discuss and take action on Resolution 2016-22 approving Grass Valley Downtown Association to operate a “beer and wine garden” at the 2016 Thursday Night Market events

Recommended Motion: Discuss and take action on the proposed Resolution 2016-22

Agenda: Administrative

Background Information:
Over the past many months the Grass Valley Downtown Association (GVDA) has discussed the merits of operating a “beer and wine garden” at the 2016 Thursday Night Market events. The GVDA expressed an interest in bringing such a venue to the market in order to add an element that may increase the marketability and uniqueness of the event. In addition, they hope to enhance the experience for patrons by providing an area where they may spend more time downtown during the markets. GVDA staff believe a “beer and wine garden” may assist in attaining that goal.

There are many regulatory considerations that were addressed in these discussions, namely fire access, impact on police and public safety services, and local and state governmental permitting.

Fire Access: The footprint of the “beer and wine garden” is included as an attachment to this staff report (Attachment A). It provides both an overall diagram of the downtown market as well as a specific plan related to the “beer and wine garden” area itself. The proposed area is positioned on the north side of Mill Street (100 block), generally in the southbound lane, adjacent to W. Main Street. The fire access lane has been moved to the east side of Mill Street (northbound lane), positioning the “beer and wine garden” as well as vendors along the shaded west side of the street. In this configuration GVDA is able to maintain the required 15 feet of fire lane clearance and access to fire hydrants along all of Mill Street (see attached letter from Deputy Fire Marshal Darrin Hutchins – Attachment B).

Public Safety: As in year’s past, the Police Department will staff the Thursday Night Market events with sworn patrol staffing. However, in order to ensure adequate staffing for an event in which alcohol is being served in public, the Police Department will provide a minimum of two full-time officers and two reserve officers, absent other critical incidents or severe staffing shortages. The Police Department will invoice the GVDA for police services. The proposed resolution also provides conditions for approval that must be satisfied by GVDA prior to final approval by the Chief of Police (see attached). Provided that the “beer and wine garden” is staffed with well trained volunteers, includes appropriate signage, and one point of ingress/egress

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as designated in the attached diagram, the Police Department does not anticipate concerns with the operation.

Permitting: The Grass Valley Municipal Code, Chapter 9.08, generally prohibits possession or consumption of alcoholic beverages in public areas or on public streets. However, by resolution of the City Council, consumption of alcoholic beverages may be permitted when the property or place is specifically designated for such by resolution. Additionally, the GVDA would need to apply with the California Alcohol Beverage Control for a permit to serve alcohol as a non-profit, specifically an ABC-221, Daily License Application. Upon approval, GVDA must provide the approved permit to the Police Department.

A member of the GVDA will be present at the City Council meeting to provide additional details and be available for questions. Should the City Council desire to move forward to allow the “beer and wine garden” as presented, the attached Resolution 2016-22 will need to be approved.

There is not an anticipated fiscal impact beyond traditional Thursday Night Market resource allocations due to the fact that the City will charge GVDA for police services. Expenses to provide the services will be offset by revenues collected by GVDA.

**Funds Available:** Yes

**Account #:** 100-5065

**Reviewed by:**

- City Manager
- Finance
- Engineering/PW

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RESOLUTION NO. 16-22

A RESOLUTION AUTHORIZING WINE AND BEER TO BE SOLD AND CONSUMED IN A DESIGNATED PUBLIC AREA DURING 2016 THURSDAY NIGHT MARKET EVENTS, WHEN SANCTIONED AND OPERATED BY THE GRASS VALLEY DOWNTOWN ASSOCIATION

WHEREAS, pursuant to Grass Valley Municipal Code, public consumption and serving of alcohol is generally prohibited; and

WHEREAS, the Grass Valley City Council in 2003 amended Chapter 9.08 of the Grass Valley Municipal Code to allow consumption of alcohol upon specified public properties with prior authorization of the city council by resolution; and

WHEREAS, the Grass Valley Downtown Association (hereinafter referred to as “GVDA”) is requesting authorization to operate a “beer and wine garden” within a designated area during specified times during the 2016 Thursday Night Market events; and

WHEREAS, over the past months the GVDA has worked closely with the City, including the Police and Fire Departments, related to mitigating any safety considerations as well as fire access requirements; and

WHEREAS, the GVDA has presented City staff with a comprehensive plan including a diagram of the proposed “beer and wine garden” layout; and

WHEREAS, the GVDA will file the appropriate paperwork with the State of California Department of Alcoholic Beverage Control and the Grass Valley Police Department and possess all necessary permits and insurances prior to the event(s).

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRASS VALLEY, as follows:

1. That all of the above recitals are true and correct.
2. That the selling of beer and wine by GVDA during the six (6) GVDA Thursday Night Market events will be a benefit to the GVDA and other downtown businesses and vendors.
3. The sale and consumption of alcoholic beverages at this special event shall be subject to those special regulations and conditions adopted by the City Council as set forth in this resolution and all other local, state and federal laws and regulations pertaining to the sale and consumption of alcoholic beverages.

4. The City Council hereby authorizes the sale of beer and wine by the GVDA during the special event known as Thursday Night Markets for the year 2016 on those dates as permitted by the approved Special Events Permit (June 23, June 30, July 7, July 14, July 21, and July 28, 2016) and only at the location specifically depicted on the map in the attached Exhibit A and that the GVDA must comply with the following:

   a. prior to engaging in serving activities, all GVDA volunteers shall sign a document, which must be provided to the Police Department for inclusion with GVDA’s Special Event Permit, indicating they are aware of the sanctions and penalties enumerated in California Business and Professions Code section 25602 related to overserving of alcoholic beverages; and

   b. prominent and specific signage shall be posted at any exit/entry point of the “beer and wine garden” explicitly stating: **“NO ALCOHOLIC BEVERAGES BEYOND THIS POINT. OPEN CONTAINERS OR CONSUMPTION OF ALCOHOL IS NOT ALLOWED IN THE DOWNTOWN MARKET AREA OR ANY OTHER PUBLIC STREET/SIDEWALK”**; and

   c. The GVDA shall post notice of the special exemption granted by this Resolution prior to each event in those places as may be designated by the Grass Valley Chief of Police.

   d. the “beer and wine garden” will be staffed exclusively by GVDA personnel or volunteers, to include at minimum, adequate personnel for serving, crowd observation, and at minimum two (2) volunteers assigned to ensure that at the only point of access to the “beer and wine garden” no patrons exit the designated area with open containers; and
e. serving may not commence until the market is fully open to the public, beginning at 5:30PM; and
f. serving must not occur beyond 8:00PM; and
g. the GVDA shall provide final specifications as to the “beer and wine garden” layout and operations for approval by the Chief of Police no later than one (1) week prior to the first event; and
h. the Chief of Police may require any changes to the operation, conditions, or design of the “beer and wine garden” and has the authority to rescind approval of serving of alcoholic beverages without cause at any time.

ADOPTED as a resolution of the City Council of the City of Grass Valley at a regular meeting held on the 10th day of May, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINING:

________________________________________
Jason Fouyer, Mayor

ATTEST:

________________________________________
Kristi Bashor, City Clerk

APPROVED AS TO FORM:

________________________________________
Michael Colantuono, City Attorney
April 19, 2016

Thomas Last
Director
Community Development Department
125 E. Main St.
Grass Valley, Ca. 95945

Re: Limited Term Permit # 16PLN-06

Tom,

I was contacted by Rich Fuxjager, Board of Directors, Grass Valley Downtown Association regarding a change to the "Conditions of Approval Letter" February 10, 2016. The changes apply to 11-A, Emergency Vehicle Access and 11-C Fire Hydrants. After some discussion and some different proposals we have reached an agreement to amend Condition 11-A & 11-C. The new wording will read as follows.

11-A: In order to maintain adequate vehicle access in the event of an emergency when the street is closed, a clear and unobstructed width of 15 feet minimum shall be maintained, at all times, down the center of West Main Street, the East side of Mill Street, and the West side of South Auburn Street. Bank Street shall be left open and free of all obstructions.

11-C: Booths, stages, platforms, or outside displays shall not be placed as to obstruct any fire hydrant or other type of fire protection equipment. An obstruction free area extending from the red curb, at the fire hydrant, to the fire lane shall be maintained at all times.

These changes are for Thursday Night Marketplace 2016 ONLY and are subject to review, modification, and or revocation at any time if the Office of the Fire Marshal for the City of Grass Valley Fire Department deems necessary for Fire and/or Life Safety reasons. I have attached a map showing the new fire access areas.

Please contact me with any questions.

Darrin Hutchins
Deputy Fire Marshal
(530) 274-4372
darrinh@cityofgrassvalley.com

Revised: 4/19/2016