



MINUTES

ENTERTAINMENT COMMISSION

Tenth Street Place, 1010 Tenth Street
2nd Floor, Conference Room 2001
Modesto, California

Thursday, January 17, 2019 at 4:30P.M.

Call to Order: Chair Yamzon called the meeting to order at 4:30 p.m.

I. ROLL CALL

Present: Chair Carlos Yamzon, Vice-Chair Kate Zagone, Commissioners Middagh Goodwin, Will DeBoard, and Darrel Wilkins

Absent: Commissioner Billy Anderson

Staff: C&ED: Permit Administrator Jaylen French, Margaret James, and Ashley Stinson
MPD: Kaci Avrett, Bonn Panyanouvong, and Curtis T. Musto
Fire Prevention: Michael Payton
City Attorney's Office: Adam Lindgren and Trevor Taniguchi

Applicant: Chris Ricci of Chris Ricci Presents, Inc. for 2019 Lucky Fest

Guests: Brian Friend, Todd Aaronson, Nancy Young-Executive Director of Downtown Improvement District, and other members of the public

II. APPROVAL OF MINUTES

Minutes of the November 15, 2018 Commission meeting.

ACTION: (Zagone/Goodwin, 5/0) approval of minutes of the Entertainment Commission meeting held on November 15, 2018.

III. CONFLICT OF INTEREST DECLARATION

Commissioner Wilkins declared a conflict of interest regarding Item V.

IV. PUBLIC COMMENT PERIOD

No comments.

V. CONSENT ITEMS - Commissioner Wilkins absent due to Conflict of Interest

Consider approving a Special Event Entertainment Permit application for 2019 Lucky Fest as submitted by Chris Ricci Presents, Inc. The annual Lucky Fest event is scheduled to take place on Saturday-Sunday March 16-March 17, 2019 from 6:00PM – 2:00AM.

Discussion:

1. Chris Ricci expressed dissatisfaction with not being allowed to submit his event application via email, citing the nine-copy application submittal requirement in the ordinance as onerous.
 - Margaret James responded that all entertainment applications are requested to be submitted in person since there is an application fee that must be paid, and there is no current process for staff to accept application payments electronically. Effective 2016, C&ED staff revised entertainment application documents to note that nine copies of the application are no longer required to be submitted, and permit applicants have been informed of this change. Staff will include this streamlined process in a future Entertainment Ordinance amendment review.
2. Chris Ricci stated that he was not allowed to submit his entertainment permit application until he had reserved the Modesto Centre Plaza (MCP) parking lot, and the Public Works (PW) parking lot staff would not finalize his reservation until he had an approved Entertainment Permit.
 - Staff clarified that Chris Ricci's email submission of event applications and forms was received on 11-1-18, and were reviewed by staff. Mr. Ricci did not pay for his entertainment permit application until 11-8-18. Staff's email response to Mr. Ricci on 11-8-18 provided a notice of deficiency that the event's security provider still needed to submit copies of their Modesto business license and State license. Mr. Ricci was also notified that he needed to submit a parking lot use or reservation agreement "when available" before a final entertainment permit may be **issued**. PW parking staff did accept Mr. Ricci's reservation of the MCP parking lot – pending final approval of the Entertainment Permit. The Lucky Fest entertainment application packet was deemed complete on 11-28-18 after staff's receipt of application items pending from the applicant. Staff emailed the Lucky Fest application packet for staff reviews on 11-28-18. PW parking staff was notified that Commission staff would inform their office of the results of the January 17 Entertainment Commission hearing for Lucky Fest, and that staff was recommending permit approval pending the applicant meeting all City permits and licenses conditions and payments.
3. Chris Ricci questioned the necessity for Fire to perform fire watches, inspections, and charge for site reviews for his event.
 - Fire Marshal Payton explained that, due to the size of his events and the fact that large tents are used as assemblies during Chris Ricci's events, a fire sprinkler system is typically required in the tents. Fire waived that requirement in favor of a more affordable fire watch for these types of events - including Mr. Ricci's. Payton also noted that Fire has always had site inspection fees; though they were not applicable to all entertainment reviews until October 2018.

4. Chris Ricci questioned the wording on his ABC forms and a MPD condition which requires that "alcohol sales and consumption shall cease at 1:30 AM". He stated that the MPD condition should read as "alcohol sales shall cease at 1:30AM."
 - MPD's Kaci Avrett commented that the "consumption and sales" language had previously been used on final entertainment permits for Chris Ricci's events, but agreed to change the wording to note only "sales" going forward for all applicable entertainment applicants.

Staff reminded the applicant and Commission that Agenda Item VIII will provide an opportunity for Mr. Ricci to address his concerns regarding entertainment permit procedures and processes. Staff recommended that the Commission resume considering approval of the 2019 Lucky Fest Special Event permit.

Commissioner Yamzon then asked for a Commission roll call vote.

ACTION: (Unanimous Approval 4/0) conditionally approving a Special Event Permit for the 2019 Lucky Fest, pending event applicant satisfying all City licenses and permits requirements and payments due, as noted in the 2019 Lucky Fest Staff Report to the Commission.

VI. UNFINISHED BUSINESS

None

VII. STAFF REPORT ITEMS

- A) Report of Entertainment Permits approved by Permit Administrator since the last Entertainment Commission meeting held on November 15, 2018:

Business Entertainment Permit Renewal

- 1) January 2, 2019: The State Theatre.

VIII. DISCUSSION ITEM

Chris Ricci of Chris Ricci Presents, Inc. requested an Entertainment Commission agenda item to review and discuss the current Entertainment Permit regulations and processes with the Entertainment Commission and staff.

Event Processing Items Noted by Chris Ricci (CR) Which Require Staff Responses:

1. Dissatisfied that he was unable to have a Commission hearing for his October 2018 **The Summoning** event due to the Commission's irregular meeting schedule.
2. Regarding MPD street closure forms, stated that he previously only had to obtain signatures from those businesses **inside** his event fenced area.

He says that he is now being required to obtain signatures from the entire event area (block). He stated that he felt staff arbitrarily changed the street acknowledgement signature requirement.

- MPD's Kaci Avrett responded that although the Street Closure Permit is sometimes necessary for CED entertainment street events, it is also a required permit for MPD administered events like parades and to request permission for temporary use of on-street parking spaces.

The Temporary Street Closure permit is administered and issued by Modesto Police Department staff under the direction of the Chief of Police and City Council. Kaci also clarified that the wording on the street acknowledgement form for the temporary street closure application is not intended to reference the "enclosed" area of an event, but the area(s) immediately adjacent to the enclosed event impacted by the event's temporary street closure.

Kaci also stated that if former MPD staff approved street closure permits without the required 66% approval from those inside the street closure, it was an oversight in enforcement, and it is not indicative of a previous standard.

3. There was a brief discussion of what City department has jurisdiction over different event permits.

Chris Ricci stated his belief that MPD should cede jurisdiction over their permits to the Entertainment Commission.

- City Attorney Adam Lindgren responded that while there have been past conversations about jurisdiction changes, there are no current plans for the City to restructure Entertainment jurisdiction.

Action Item: Adam Lindgren suggested that Staff provide a brief written summary about the jurisdiction of the Entertainment Commission to be presented and discussed at the next Commission meeting.

4. CR requested that the Entertainment Commission set a firm timeframe for MPD to process ABC forms related to special events.
5. Expressed dissatisfaction with the "short notification time" from MPD regarding MPD officers available to be hired for the Outside Service Agreement for his October 2018 **The Summoning** event. Mr. Ricci suggested that MPD officers check in with the event organizer once they arrive at an event.
6. CR felt that he was not given enough notice by MPD that the number of officers required by his Outsider Service Agreement would not be available for his event. He stated that he had to hire licensed security guards on short notice for **The Summoning** event, and he would like more notice in the future.

7. CR wants to know why revisions are sometimes required for his traffic plans, stating that he does not think revisions are given to other kinds of events.
8. Stated his concern that rates would be raised on renting City-owned parking lots for events.
 - Staff informed him that rate changes are a public process. Staff recommendations for rate changes would be subject to a City Council public hearing and vote.
9. Chris Ricci stated that he had submitted an application to reserve a City park, and his reservation was not processed immediately. He said that the process took too long, and the Entertainment Commission should enforce a timeframe for park reservations since it caused him to delay submitting his application for the Special Event permit.
 - Staff responded that the delay with his reservation was due to a conflict with another reservation for the park for the same day. His application was held while Parks staff tried to resolve this conflict.

Commissioner Yamzon directed staff to prepare responses to Mr. Ricci's concerns that will be addressed at the next scheduled Entertainment Commission meeting.

IX. COMMISSIONER COMMENTS

None

X. MATTERS TOO LATE FOR THE AGENDA

None

XI. ADJOURNMENT

The meeting was adjourned at 5:45 p.m.