



## Legislation Details (With Text)

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<b>Type:</b>	Gen. Bus. - Staff Report	<b>Status:</b>	Passed
		<b>In control:</b>	City Council Regular Meeting
<b>On agenda:</b>	6/16/2020	<b>Final action:</b>	6/16/2020
<b>Title:</b>	Consider Adopting a Resolution Approving Memorandum of Understanding with Oceanographic Teaching Stations for a Six-Month Pilot Program Authorizing the Use of the Roundhouse for Fundraising Events (Parks and Recreation Director Leyman). ADOPT RESOLUTION NO. 20-0043		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution No. 20-0043, 2. Memorandum of Understanding - Oceanographic Teaching Stations, Inc., 3. Letter from Oceanographic Teaching Stations

Date	Ver.	Action By	Action	Result
6/16/2020	1	City Council Regular Meeting	approved	Pass

**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Mark Leyman, Park and Recreation Director  
Linda Robb, Management Analyst

**SUBJECT:**

Consider Adopting a Resolution Approving Memorandum of Understanding with Oceanographic Teaching Stations for a Six-Month Pilot Program Authorizing the Use of the Roundhouse for Fundraising Events (Parks and Recreation Director Leyman).

**ADOPT RESOLUTION NO. 20-0043**

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**RECOMMENDATION:**

Staff recommends that the City Council consider approving a Memorandum of Understanding (MOU) with Oceanographic Teaching Stations (OTS) for a Six-Month Pilot Program authorizing the use of the Roundhouse for fundraising events.

**FISCAL IMPLICATIONS:**

If the agreement is approved, OTS will pay the City 15% of the aggregate amount of all "License Fees" received from the use of the Roundhouse for authorized events. Fees received from OTS will be allocated to the State Pier and Parking Lot Fund.

**BACKGROUND:**

Staff met with OTS board members to draft the attached MOU. The OTS is seeking permission from the City to license the use of the Roundhouse for various events to generate revenue to support the educational activities of OTS.

Staff presented this item to the City Council on May 19, 2020. City Council directed staff to reach out to the OTS board and update the MOU to increase the number of business days providing advanced notice for events, and to specify the types of events that OTS anticipates holding. Accordingly, adjustments were made to increase the notification from three to seven business days. Permissible activities are called out in the attached MOU between the City and OTS and include: birthday parties, neighborhood dinners, appreciation events, speakers/lectures, and corporate gatherings.

### **DISCUSSION:**

The attached MOU will allow OTS to license third parties to use the Roundhouse for certain events, including the serving of alcohol at those events for the purpose of generating revenue for the OTS.

The events are subject to the following conditions:

1. OTS shall enter into a license agreement with the event sponsor.
2. Permissible events include birthday parties, neighborhood dinners, appreciation events, speakers/lectures, and corporate gatherings.
3. OTS shall provide at least seven business days advanced notice.
4. All events shall occur between the hours of 6:00 pm and 10:30 pm during the winter period (November to April), and between the hours of 8:00 pm and 10:30 pm for summer events (May -October)
5. Maximum Occupancy: 40
6. Private security is required for events of twenty or more people.
7. No event may block access to any part of the Pier at any time without prior written approval from the City.
8. There shall be no driving on the pier, no smoking, no gasoline or other combustibles, no cooking, no animals, nothing may be attached to walls or display tanks, no access to office or lab areas, no use of plastic straws or bags, and no tents or pop-ups on the pier and no feeding of the fish and other sea specimens.
9. The City shall have the right to use the Roundhouse up to ten times per year for special functions. City events shall take precedence over any authorized events.
10. In order to allow alcohol service at events, OTS agrees to maintain liquor liability insurance, to be verified by the City's Risk Manager. No alcoholic beverages are to be sold during any event.

Based on the following conditions, staff recommends a six-month trial period for OTS fundraising events. Staff will evaluate and return to the City Council with recommendations following the trial period.

**It is important to note that the events at the OTS are subject to any and all limitations and protocols from the State and County Health Officers with regard to COVID-19.** Regarding COVID-19 related impacts, OTS drafted a letter (attached) sharing the economic impacts and challenges of maintaining operations during this time.

### **PUBLIC OUTREACH:**

After analysis, staff determined that public outreach was not required for this issue.

**ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

**LEGAL REVIEW:**

The City Attorney has approved the agreement as to form.

**ATTACHMENTS:**

1. Resolution No. 20-0043
2. Memorandum of Understanding - Oceanographic Teaching Stations, Inc.
3. Letter from Oceanographic Teaching Stations