



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: May 8, 2018

DATE: April 19, 2018

TO: Board of County Commissioners

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THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning & Building
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SUBJECT: Outdoor Festival Business License Application (Red White and Tahoe Blue 2018)

Applicant: Red White and Tahoe Blue, Inc.

Public hearing to approve with conditions, or deny an outdoor festival business license application in its entirety or portions thereof (pursuant to Washoe County Code Chapter 25 and related provisions) submitted by the Red, White and Tahoe Blue organization for the Red, White and Tahoe Blue 2018 event to be held in Incline Village, Nevada.

If approved, authorize the Director of the Planning & Building Division, Community Services Department to issue the business license, in its entirety or a portion thereof, on June 11, 2018 to the Red, White and Tahoe Blue organization, provided all pre-event conditions have been completed by June 1, 2018 and further authorize set-up for the festival to commence on June 29, 2018.

Application Information

Name and Address of Applicants: Red, White and Tahoe Blue, P.O. Box 3789, Incline Village, NV

Description of event location: Village Green (APN: 127-010-07), Aspen Grove (APN: 127-010-04), North Lake Tahoe Fire Main Fire Station (AN: 132-223-06), Susie Scoops, 869 Tahoe Blvd. (APN: 132-240-02), Potlach, 930 Tahoe Blvd. (APN: 132-012-02), Incline Middle School (APN: 127-030-16), and Incline Beach (APN: 127-280-01).

Dates of event: Set up commences June 29, 2018; event dates June 30 – July 4, 2018; parade on June, 30, 2018 requiring closing section of Tahoe Boulevard, Southwood Boulevard and Incline Way; and culminates with fireworks show on Lake Tahoe on July 4, 2018.

Estimated daily attendance: 2,500

Additional details of the event are included in the application.
(Commission District 1.)

AGENDA ITEM # _____

SUMMARY

Consider the Outdoor Festival business license application for the Red White and Tahoe Blue 2018 event. NRS 244.354 and Washoe County Code Section 25.265 require the Washoe County Board of County Commissioners (Board) to review and, if appropriate, license all requests to host any outdoor event with more than 1,000 participants on any one day (outdoor festival). The Red, White and Tahoe Blue 2018 application is for an outdoor festival spanning four days that includes multiple venues in Incline Village culminating in a fireworks show on July 4, 2018. Applications for outdoor festivals are distributed to reviewing bodies who prepare conditions for the festival with the intent to protect public health and safety. Based on the testimony and evidence presented at the hearing, to include the attached conditions of reviewing agencies, the Board may approve the issuance of the business license with conditions, approve selected event organizers/venues with conditions or deny the business license application.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

PREVIOUS ACTION

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| 2007 | First Red, White and Tahoe Blue community event was held over the Fourth of July weekend in Incline Village. This was a community initiated activity. No permits were issued |
| May 30, 2012 | Planning and Development Division Director, CSD, issued an Outdoor Community Event business license for Red, White and Tahoe Blue. |
| May 24, 2013 | Planning and Development Division Director, CSD, issued an Outdoor Community Event business license for Red, White and Tahoe Blue. |
| June 17, 2014 | The Board of County Commissioners (Board) unanimously approved an Outdoor Festival business license application for the Red, White and Tahoe Blue 2014 Outdoor Festival. |
| August 12, 2014 | The Board approved Washoe County Sheriff's Security Agreement between Red, White, and Tahoe Blue, Inc. and the Washoe County Sheriff's Office to provide uniformed Deputy Sheriffs for security during the festival. The agreement is for the years 2014 through 2018. |
| April 28, 2015 | The Board unanimously approved an Outdoor Festival business license application for the Red, White and Tahoe Blue 2015 Outdoor Festival. |
| March 22, 2016 | The Board unanimously approved an Outdoor Festival business license application for the Red, White and Tahoe Blue 2016 Outdoor Festival. |
| April 11, 2017 | The Board unanimously approved an Outdoor Festival business license application for the Red, White and Tahoe Blue 2017 Outdoor Festival. |

BACKGROUND

In accordance with Washoe County Code 110.310, Temporary Uses and Structures, any event that will have a combination of more than 1,000 participants and spectators on any one day of the event shall obtain an outdoor festival license as Specified in Chapter 25 of the Washoe County Code. Event organizers interested in hosting an outdoor festival in unincorporated Washoe County must meet the requirements of Washoe County Code Sections 25.263 to 25.3015 for law enforcement, traffic, fire, engineering, and health to ensure public health and safety during the event [Attachment A]. The review process includes acceptance and distribution of the application; internal review by agencies and establishment of conditions (pre-event conditions, during-event conditions, post-event conditions); approval of the event and imposed conditions by the Board; and issuance of license by staff prior to the event once the pre-event conditions are met.

The 2018 Red, White and Tahoe Blue (RWTB) event spans four days and includes multiple venues culminating with a July 4, 2018 fireworks show in front of an Incline Village General Improvement District beach. Based on the April 11, 2018 application, key agency personnel expressed their concerns regarding the submitted application and provided a few examples that include:

- Incompleteness of the application: specifically the event schedule, participant number, safety plan, traffic and parking plan, and site details for the event as whole and individual venues prevent a full review by public safety entities and require additional resources from local government.
 - For example, the 2018 Red White and Tahoe Blue application does not include a security plan; instead it states they will work with the Sheriff's Office and North Lake Tahoe Fire Protection District to develop a security plan.
 - The event schedule does not match the site plan and limited security details.
 - Accurate participant number was not received during the application process and does not reflect participation at all event venues including the fireworks.
 - Information on the safety plan, site plan, traffic and parking plan was not provided on the event as whole and for individual venues.
 - In addition, the RWTB application identifies the Sheriff's Office as providing security and personnel for events and venues which were not provided security in the past. Furthermore, the applicant has not worked with, nor requested such service from the Sheriff's Office for this year's event.
- The lack of responsiveness by the applicant during application review period for 2018 and during the 2017 event required extra resources by local government staff to ensure public health and safety.
 - Application was submitted three months after requested submission date.
 - RWTB did not consult with the Sheriff's Office about which venues require security prior to applying for this year's license.

- Applicant did not complete fireworks security or traffic controls during the event as agreed upon in previous conditions during the 2017 event that caused North Lake Tahoe Fire Protection District to utilize additional crews and caused risk management concerns on County property [Attachment C].
- Financial ability to meet conditions of the 2018 event.
 - Per RWTB 2018 application as of December 31, 2017, RWTB had \$1,242.30 in assets and \$50,740.81 in liabilities. The applicant has not provided proof of their ability to meet the conditions of the licenses for 2018.
 - In 2014 RWTB entered into an agreement with the Sheriff's Office to pay for the additional deputies and equipment needed to provide security and traffic control for RWTB venues for 2014 through 2018. RWTB has not paid the Sheriff's Office for services and staff provided for 2017 (future Board of County Commissioner's agenda item).
 - Past year's events have always included a requirement that RWTB pay a portion of the cost incurred by North Lake Tahoe Fire Protection District. After each event NLTFPD has waived the fees each year (between \$12,000 - \$18,000 annually).

Throughout this process, all agencies have committed to supporting the effort of Red, White and Tahoe Blue to provide a community event. Staff supplemented the application process for the 2018 Red, White and Tahoe Blue event with two agency review meetings with the applicant with an average of 15 staff participants representing seven divisions; two meetings in Lake Tahoe with senior leadership and elected officials; and, twice requested the applicant to provide detailed information requested by the reviewing agencies, and to submit a new application for the 2018 event [Attachment B]. The first application for the 2018 event was submitted March 15, 2018 with updated information received on April 11, 2018 [Attachment C].

Based on the application received on April 11, 2018, the agency review team prepared a list of over 100 proposed conditions for the 2018 event. Eighty-six percent of the conditions address three key components for the event as a whole and individual venues including: completion of site plans, completion of traffic and parking plan and completion of a safety plan [Attachment D]. Among other items conditions require:

- Approval of all safety, site, and parking/traffic plans from Washoe County Sheriff's Office, Washoe County Engineering, Health District, and North Lake Tahoe Fire Protection District,
- Pre-payments of services for North Lake Tahoe Fire Protection District, and for services provided by the Sheriff's Office,
- Pre-payment of a combined performance security (\$10,000),
- Requirement for multiple public safety meetings, and
- Requirement of all conditions being met by June 1, 2018 prior to issuance of a business license.

While RWTB is a popular event over the 4th of July weekend, it is not the only event being held in the County. Fourth of July weekend is a very busy time for all agencies. The Sheriff's Office, the Fire Protection Districts, the Health District and various County agencies all have to dedicate additional staff hours to provide necessary services for multiple events that take place around the County on this weekend. All agencies must plan well in advance to determine how much staff and other resources they need to schedule during the holiday weekend, to assure that the public health, safety and welfare is protected.

FISCAL IMPACT

The applicant provided the required non-refundable \$1,000 application fee [WCC section 25.273(1)(a)] upon submission of the application. The application fee was deposited to the County's General Fund Business Licenses revenue account (Account Number 105402-421101). The daily business license fees of \$1,750 (\$350 x 5 days) [WCC section 25.273(b)] are still required to be paid prior to the issuance of the business license.

Based on past years performance and estimates for providing only the necessary staffing and equipment to cover the events listed in RWTB application, the Washoe County Sheriff's Office estimates their cost at \$11,099.00. Therefore, if the business license application is approved one of the conditions is that RWTB prepay for Sheriff's services in the amount of \$4,000 by June 1, 2018, to be deposited into internal order IO60010, account-460162 (Sheriff OT Skyfire – Services to other agencies). In addition, Washoe County Sheriff's Performance Security in the amount of \$5,000 shall be deposited in Account Number F1001-240130 (General Fund – Pending Dev Fee) by June 1, 2018.

Based on past years performance and estimates of NLTFPD staffing needs for the events listed in RWTB 2018 application, NLTFPD is requiring that the applicant prepay fees in the amount of \$5,000 by June 1, 2018 directly to North Lake Tahoe Fire Protection District. Additionally, a performance security in the amount of \$5,000.00 is required by NLTFPD to be deposited by June 1, 2018 to be held in a separate deposit account in Fiduciary Fund F7019, account 231000 (NLTFPD – Due to Others).

Attachment D Agency Spreadsheet (Conditions of Approval) –provides information on how the Sheriff's Office and NLTFPD determined their pre-payment and performance security cost amounts.

RECOMMENDATION

It is recommended the Board of County Commissioners DENY an outdoor festival business license application (pursuant to Washoe County Code Chapter 25 and related provisions) submitted by the Red, White and Tahoe Blue organization for the Red, White and Tahoe Blue 2018 event to be held in Incline Village, Nevada, based on the grounds for denial as established in WCC Section 25.281 (1.) and (5.).

WC 25.281 Grounds for denial. The board, board of adjustment or the director of community development may deny issuance of a license for any other following reasons:

1. The proposed event will be conducted in a manner or location not meeting the health, zoning, fire, building, or safety standards established by Washoe County or state law.

2. The applicant has knowingly made a false, misleading, or fraudulent statement of material fact in the application for a license or in any other document required pursuant to sections 25.263 to 25.305, inclusive.
3. The applicant or any person connected or associated with the applicant as partner, director, officer, associate or manager, or having a financial interest as described in subsection 2(f) of section 25.273 has previously conducted or been interested in the type of event for which a license is being applied for which resulted in the creation of a public or private nuisance.
4. The applicant or any person associated with the applicant as partner, director, or officer has been convicted with the past ten (10) years of any of the following crimes:
 - (a.) Involving the presentation, exhibition or performance of an obscene production, motion picture, or of selling obscene matter;
 - (b.) Involving lewd conduct;
 - (c.) Involving the use of force and violence upon the person of another;
 - (d.) Involving misconduct with children; or
 - (e.) Involving illegal use of controlled substances or dangerous drugs.
5. The applicant or any person associated with the applicant as a partner, director, or officer has a history of conducting similar events that would not meet the standards established in section 25.263 to 25.305, inclusive.

POSSIBLE MOTION TO DENY

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to deny an Outdoor Festival Business License application for Red, White and Tahoe Blue, based on finding that; (1) the proposed event will be conducted in a manner or location not meeting the health, zoning, fire, building, or safety standards established by Washoe County or state law; and, (2) the applicant or any person associated with the applicant as a partner, director, or officer has a history of conducting similar events that would not meet the standards established in section 25.263 to 25.305, inclusive.”

POSSIBLE MOTION TO APPROVE

Should the Board disagree with staff recommendations, a possible motion would be:

“Move to approve with conditions, an outdoor festival business license application. (pursuant to Washoe County Code Chapter 25 and related provisions) submitted by the Red, White and Tahoe Blue organization for the Red, White and Tahoe Blue 2018 event to be held in Incline Village from June 30 through July 4, 2018. Authorize the Director of the Planning & Building Division, Community Services Department to issue the business license, in its entirety or a portion thereof, on **June 11, 2018** to the Red, White and Tahoe Blue organization, provided all pre-event conditions have been completed by **June 1, 2018** and further authorize set-up for the festival to commence on June 29, 2018.”

Attachment A – County Code Requirements for Outdoor Festival related to public safety.

Attachment B – Red White and Tahoe Blue Application Review Timeline (2018 and Historical)

Attachment C – RWTB 2018 Application

RWTB 2018 Application Maps

Attachment D – Agency Spreadsheet (Conditions of Approval)

Attachment E – Licensing Requirements

Attachment F - Business License

Attachment G – Agencies debriefing notes, RWTB 2017

Cc:

Mark Regan, NLTFPD
Michelle Bello, Sheriff's Office
Sarah Tone, Manager's Office
RWTB Board Members

Jeffery Corman, Chair
Kristin Corman, Chair
Pam Sheldon, Secretary
Brad Perry
Shawn Noe
Sheila Leijon
Brendan O'Donovan
Mary Kleingartner
Jeff Sheldon
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