



# **CITY COUNCIL AGENDA REPORT**

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MEETING DATE: June 16, 2009

ITEM NUMBER:

**SUBJECT:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF A GRANT AWARD FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL.

**DATE:** JUNE 3, 2009

**FROM:** POLICE DEPARTMENT- SUPPORT SERVICES DIVISION, TRAFFIC SAFETY BUREAU

**PRESENTATION BY:** ROBERT SHARPBACK, SGT.  
TRAFFIC SAFETY BUREAU, SPECIAL EVENTS DETAIL

**FOR FURTHER INFORMATION CONTACT:** ROB SHARPBACK  
(714) 754-4963

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## **RECOMMENDED ACTION:**

1. Adopt Resolution that authorizes the City Manager or his designee to accept the Grant award from the California Department of Alcoholic Beverage Control.

## **BACKGROUND:**

The State of California Business, Transportation, and Housing Agency, through the California Department of Alcoholic Beverage Control (ABC), distributes federal funding to California law enforcement agencies. Grant funds are used to administer the provisions of the Alcoholic Beverage Control Act in a manner that fosters and protects the health, safety, welfare, and economic well being of the members of our community.

The City has applied for an ABC grant in the past and has received funds which significantly assisted Police Department objectives.

## **ANALYSIS:**

Alcohol is the most widely abused substance in America by persons under the age of 21. In fact, alcohol is abused more than tobacco, marijuana, or any other illicit drugs. Throughout the nation, alcohol abuse is a major factor in chronic disease, infectious disease, hospital emergency room visits, newborn health problems, violence and auto fatalities.

In the City of Costa Mesa, 363 ABC licensed establishments sell alcohol on a daily basis. The Police Department has responded to a number of incidents involving minors

who were intoxicated, in possession of alcohol, or trying to make a purchase. In 2008, Costa Mesa Police Officers responded to 436 calls for service specific to public intoxication. We believe many of these calls could be eliminated through a combination of education; deterrence, increased enforcement of laws pertaining to ABC licensed establishments, and an expanded public awareness campaign. Problematic ABC licensed establishments have been identified as Club Sutra, Chronic Cantina, and the Hookah Lounge.

Based on 2007 rankings published by the Office of Traffic Safety, among the 50 cities in Group B (city population 100,001 to 250,000), Costa Mesa ranked 2/52 in alcohol related collisions. In addition, Costa Mesa ranked 1/52 for DUI collisions involving drivers under the age of 21 and 13/52 in the 21-34 age group. These high rankings are despite the fact that Costa Mesa Police Department arrested more impaired drivers (956) than any other city in Group B. The Police Department's total number of DUI arrests per year provides further evidence which points directly to the City's alcohol issues. Currently, the Police Department has a dedicated grant which focuses on DUI enforcement and education. We believe the ABC grant would supplement our efforts to control alcohol related issues at the point of sale. As mentioned above, underage drinking is a leading public health problem in the United States. Enforcing the minimum drinking age laws helps to save lives and create safer communities. Finally, this grant will help increase the understanding of underage drinking and its consequences, and to encourage individuals, families and communities to address the problem.

Police Department staff has applied, and has received approval for the current grant which is offered through the California Department of Alcoholic Beverage Control. The grant will allow the Police Department to implement a balanced approach which will focus on underage drinking, drinking issues in general, and education and compliance at ABC licensed establishments.

Specifically, grant funds will be used to staff enforcement operations at ABC licensed establishments. These enforcement operations will include minor decoy operations, shoulder tap operations, cops in shops, and drunken decoy operations.

- A minor decoy operation consists of a minor who enters an ABC licensed establishment and attempts to purchase alcohol.
- A shoulder tap operation consists of a minor who solicits a citizen to purchase alcohol at an ABC licensed location.
- A cops-in-shops operation consists of a plain clothes officer who stands behind the counter at an ABC licensed establishment. The officer then responds to minors who use false identification to purchase alcohol.
- Drunken decoy operations consist of an undercover officer who smells and appears intoxicated while attempting to purchase alcohol at an ABC licensed establishment.

Some of the specific project goals from the grant agreement are as follows:

- 25% minimum reduction in calls for service at "problematic" establishments.
- Continued retest until 100% compliance is achieved during minor decoy operations.
- 50% reduction of complaints regarding minors attempting to purchase alcoholic beverages.

- Decrease illegal "shoulder tap" sales by 30% and 100% compliance with administrative requirements from Informed Merchants Preventing Alcohol-Related Crime Tendencies (I.M.P.A.C.T.)
- Inspections of all licensed premises in the City of Costa Mesa.

The objectives from the grant agreement are as follows:

- Identify problematic A.B.C. licensed establishments in the city with input from officers, A.B.C. investigators, local government officials, and the community.
- Target problematic A.B.C. licensed establishments such as; Sutra, Chronic Cantina, and Hookah Lounge. The objective is to ensure that these establishments comply with the conditions of A.B.C. licensing, local and state ordinances, and to reduce calls for service that can be attributed to these locations by 25-30%.
- Conduct at least 15 enforcement operations targeting A.B.C. licensed premises.
- Increase communication and involvement with local community groups and citizen action committees by meeting with them at least 3 times.
- Conduct at least 12 minor decoy operations to include compliance testing at off-sale establishments in the city. An emphasis will be placed on the retailers which committed minor decoy violations within the past 3 years. Conduct follow-up minor decoy operations to re-test any locations found in violation of 25658(a) B&P during initial operations (measuring the change in compliance).
- Conduct at least 12 "Shoulder Tap" operations.
- Conduct at least 5 "Cops in Shops" operations.
- Provide ongoing roll call training on alcohol-related issues for all sworn personnel on a monthly basis commencing with the grant kickoff.
- Coordinate and conduct 15 I.M.P.A.C.T. (Informed Merchants Preventing Alcohol Related Crime Tendencies) operations.
- Schedule and conduct 2 LEAD (Licensee Education on Alcohol and Drugs) classes.
- Perform "Drunk Decoy" operations in specific on and off-sale locations. Within three months of any noted violations follow-up operations shall be performed until 100% compliance is achieved.

To receive these grant funds, ABC requires that the City Council adopt a Resolution agreeing to support the grant goals in their entirety. ABC grant funding is based on the fiscal year, which begins on July 1 and ends on June 30. The grant agreement provides funds in the amount of \$56,388 that will be utilized over a 12-month period of time (July 1, 2009 through June 30, 2010).

#### **ALTERNATIVES CONSIDERED:**

None.

#### **FISCAL REVIEW:**

Since the grant period is from July 1, 2009 through June 30, 2010, if approved, the appropriation and corresponding revenue for the grant of \$56,388 will be allocated to the Police Department's operating budget as an amendment to the FY 2009-2010 Adopted Budget.

**LEGAL REVIEW:**

The City Attorney's Office has reviewed the Grant Agreement and associated documents and has approved it as to form and content.

**CONCLUSION:**

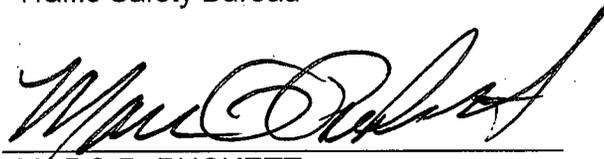
Based upon an analysis of the Grant Agreement and the available benefits to the City offered by the award of the grant, Department staff supports the approval of the above listed recommendation.



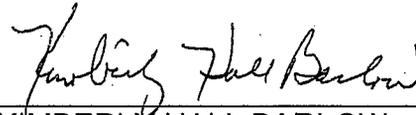
ROBERT SHARPNACK  
Traffic Safety Bureau



CHRISTOPHER SHAWKEY  
Chief of Police



MARC R. PUCKETT  
Director of Finance



KIMBERLY HALL BARLOW  
City Attorney

DISTRIBUTION: City Manager  
City Attorney  
Finance Director  
City Clerk  
Grant Admin.

ATTACHMENTS: 1 Resolution of the City Council  
2  
3 Grant Approval Letter  
4 Department of Alcoholic Beverage  
Control Agreement