



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: MAY 17, 2011

ITEM NUMBER: \_\_\_\_\_

**SUBJECT: COSTA MESA COMMUNITY FOUNDATION REQUEST TO SELL WINE AND BEER AT THE 2011 CONCERTS IN THE PARK SERIES**

**DATE:** MAY 9, 2011

**FROM:** ADMINISTRATIVE SERVICES/RECREATION DIVISION

**PRESENTATION BY:** BILL TURPIT, PRESIDENT, COSTA MESA COMMUNITY FOUNDATION AND LISA MCPHERSON, RECREATION SUPERVISOR

**FOR FURTHER INFORMATION CONTACT:** Lisa McPherson, Recreation Supervisor 714-754-5322

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## RECOMMENDATION

Staff recommends that the City Council approve the Costa Mesa Community Foundation's request to sell wine and beer at the 2011 Concerts in the Park series.

## BACKGROUND/ANALYSIS

The 2011 Concerts in the Park series are being co-sponsored by the City and the Costa Mesa Community Foundation (Foundation). The Foundation has secured and continues to secure community sponsors to assist in the funding of the 2011 Free Concerts in the Parks series located in Fairview Park on five Tuesday's (July 5, 12, 19, 26 and August 2, 2011) from 5:30 pm -7:45 pm. The Community Foundation is involved in the concert planning efforts along with City staff. In order to increase community participation for the concerts, some new features have been proposed this year (e.g. gourmet food trucks, high quality sound system and music performers and a wine and beer garden).

The Community Foundation is requesting that the City Council authorize the sale of wine and beer for the 2011 Concerts in the Park series per Costa Mesa Municipal Code Section 11-3 Drinking in Public. This section states "*no person shall drink or consume wine, beer, whiskey, brandy or any alcoholic liquors or beverages on public streets, including public alleys, sidewalks and parkways, nor in public restrooms, parking lots, vacant lots, parked motor vehicles or public parks except in any area of a public park where drinking has been expressly approved by the City Council or its designee and is so posted.*"

The Foundation contacted the Alcoholic Beverage Control ("ABC") to obtain the proper requirements needed to operate a wine and beer garden. ABC requires the Foundation to complete an application (Form 221) for a temporary license to sell and serve wine and beer at the five Concerts. Form 221 requires the following (Attachment #1):

1. Authorization from the property owner (the City) either by signing Form 221 or including a letter outlining the date, time, place and type of beverages to be served.
2. A detailed diagram of the event location.

3. Police Department approval since a large number of people will be attending, it is being held on a public area, and it is the first time such an event is being held at the location. Police Department approval can be given either in a letter from the Department or by signing Form 221.
4. The local ABC office must receive the application not less than 10 days before the first Concert. (30 days is preferred)
5. Form 221 must be mailed or hand delivered to the ABC.
6. The Foundation must provide the ABC with its Tax ID Number and its qualification as a tax exempt organization.
7. The ABC may impose conditions when issuing the license.

The Foundation commits to operating the proposed wine and beer garden under the following conditions:

1. An area measuring approximately 1600 sq. ft. or larger will be fenced-off near the placement of the gourmet food trucks. Current plans are to use picket fencing or similar material to enclose the beer and wine garden.
2. Within the fenced area will be a bar and stand-up bar tables and lower tables with seating for at least 40 people (first Concert estimate).
3. There will be two adult volunteer bartenders (over the age of 21).
4. At the entrance to the area, two adult volunteers (over the age of 21) will check IDs and issue wristbands.
5. The operation of the garden will be supervised at each Concert by a designated adult who either has had ABC training, training as a public safety officer or other applicable training.
6. The Foundation will provide the City with a Certificate of Insurance naming the Foundation as the insured and naming the City as an additional insured for the Concerts, under a policy of public liability insurance, including liquor liability, with coverage of \$1 million per occurrence and \$2 million in the aggregate.
7. Rules will be posted at the "garden" entrance and at the bar stating:
  - All alcohol must be consumed in the designated "garden" area.
  - No one under 21 will be allowed in the "garden".
  - Maximum of two drinks can be purchased at one time.
  - Bartender reserves the right to refuse to serve anyone.
  - Cash only
8. Any other conditions imposed by ABC or the City.

## **FISCAL REVIEW**

Allowing the Foundation to sell wine and beer will have no fiscal impact on the City as the Foundation will pay all costs to set up and operate the wine and beer garden. Revenue from the proposed wine and beer garden will generate funding for the Foundation's "Community Grants Program" which targets local initiatives that serve and enhance youth education and recreation, public safety and our parks, and that build community pride. In 2010 and 2011 the Community Grants Program provided funding for the Shalimar neighborhood 3C basketball tournament; a TeWinkle School theatre production, the City's Police Explorer and Fire Explorer programs; Costa Mesa teachers awarded Foundation grants by the Newport Mesa Schools Foundation; college scholarships awarded at the Chamber's annual Student Awards Breakfast; the Community Run; and, of course, the Summer Concerts in Fairview Park.

## **LEGAL REVIEW**

No legal review required.

## **ALTERNATIVES CONSIDERED**

- 1) The Council could not approve the Foundation's request.

## **CONCLUSION**

Staff recommends that the City Council approve the Costa Mesa Community Foundation request to sell wine and beer at the 2011 Concerts in the Park series and authorize staff to provide a letter for Form 221.

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**LISA McPHERSON**  
Recreation Supervisor

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**TAMARA LETOURNEAU**  
Interim Director of Administrative Services

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**BILL TURPIT**  
Costa Mesa Community Foundation President

Attachments:

1. [ABC Form 221](#)