



CITY COUNCIL AGENDA REPORT

MEETING DATE: May 1, 2012

ITEM NUMBER: NB-4

SUBJECT: COSTA MESA-NEWPORT HARBOR LIONS CLUB REQUEST TO SELL WINE AND BEER AT THE 2012 FISH FRY

DATE: APRIL 25, 2012

FROM: OFFICE OF THE CEO

PRESENTATION BY: DAN JOYCE, PUBLIC AFFAIRS MANAGER

**FOR FURTHER INFORMATION CONTACT: Dan Joyce (714) 754-5667
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RECOMMENDATION:

Staff recommends that the City Council approve the Costa Mesa-Newport Harbor Lions Club's ("Club") request to sell wine and beer at the 2012 Fish Fry.

BACKGROUND/ANALYSIS:

The City and Costa Mesa-Newport Harbor Lions Club Fish Fry and Carnival, one of the City's largest events, have partnered this year to move the Fish Fry to Fairview Park from its longtime home at Lions Park. The event will take place June 1-3, 2012.

Due to the events new location and in order to increase community participation for the event, some new features have been proposed this year (e.g. expanded rides, high quality sound system, larger parking area and the sale of wine and beer).

The Club is requesting that the City Council authorize the sale of wine and beer for the 2012 Fish Fry 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 Club contacted the Alcoholic Beverage Control ("ABC") to obtain the proper requirements needed to operate a wine and beer garden. ABC requires the Club to complete an application (Form 221) for a temporary license to sell and serve wine and beer at the event. Form 221 requires the following:

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 (Attachment 1);

2. A detailed diagram of the event location (Attachment 2);
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 this event is being held at this 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 event (30 days is preferred);
5. Form 221 must be mailed or hand delivered to the ABC;
6. The Club must provide the ABC with its Tax ID Number and its qualification as a tax exempt organization; and
7. The ABC may impose conditions when issuing the license.

The Club 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 with the carnival area. 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;
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 by the Costa Mesa/Newport Harbor Lion's Club by a designated adult who either has had ABC training, training as a public safety officer or other applicable training;
6. The Costa Mesa/Newport Harbor Lion's Club will provide the City with a Certificate of Insurance naming the City as an additional insured for the event 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; and
8. Any other conditions imposed by ABC or the City.

FISCAL REVIEW

Allowing the Club to sell wine and beer will have no fiscal impact on the City as the Club 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 Costa Mesa-Newport Mesa Lions Club.

LEGAL REVIEW:

The City Attorney’s office has reviewed this report and their comments have been incorporated.

ALTERNATIVES CONSIDERED:

The Council could not approve the Costa Mesa-Newport Harbor Lions Club’s request.

CONCLUSION:

Staff recommends that the City Council approve the Costa Mesa-Newport Harbor Lions Club request to sell wine and beer at the 2012 Fish Fry and authorize staff to provide a letter for Form 221.

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(fiscal review only)

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DISTRIBUTION: Chief Executive Officer
City Attorney
Police Department
Finance
Recreation Manager
Contract Administrator
Costa Mesa/Newport Harbor Lions Club

ATTACHMENTS: 1 [ABC Form 221](#)
2 [Fairview Park Aerial with Event Layout](#)