



# ***CITY COUNCIL AGENDA REPORT***

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MEETING DATE: May 15, 2012

ITEM NUMBER: NB-2

**SUBJECT: COSTA MESA FOUNDATION REQUEST TO USE A PORTION OF FAIRVIEW PARK AND TO SELL WINE AND BEER AT THE 2012 CONCERTS IN THE PARK SERIES.**

**DATE: MAY 7, 2012**

**FROM: OFFICE OF THE CEO**

**PRESENTATION BY: DAN JOYCE, PUBLIC AFFAIRS MANAGER**

**FOR FURTHER INFORMATION CONTACT: Dan Joyce (714) 754-5667  
[dan.joyce@costamesaca.gov](mailto:dan.joyce@costamesaca.gov)**

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## **RECOMMENDATION:**

It is recommended that City Council:

1. Approve the proposal by the Costa Mesa Foundation ("Foundation") to use a portion of Fairview Park for the Concerts in the Park Series.
2. Waive the Special Event Permit Fee and Park Use Fees of \$1425 for the Concerts in the Park Series.
3. Approve the Foundation's request to sell wine and beer for the 2012 Concerts in the Park Series.

## **BACKGROUND/ANALYSIS:**

In 2011, the Concerts in the Park Series were co-sponsored by The Foundation and the City. In 2012, the City will provide limited resources and staff and the Foundation will be responsible for the full coordination of the event. The Foundation has secured and continues to secure community sponsors to assist with the funding of the 2012 free concert series located at Fairview Park. The concert series will be held on Tuesday evenings in July (3, 10, 17, 24 and 31).

Last year on May 17, 2011, City Council approved the Foundation's request to sell beer and wine at the 2011 Concerts in the Park Series only. The operation of the beer and wine garden went smoothly with no major incidents. The beer and wine garden was controlled by board member Jennifer Christ who has ABC training and the Foundation hired security guards to monitor the area.

The Foundation is requesting that the City Council authorize the sale of wine and beer for the 2012 Concerts in the Park 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 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 Foundation 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 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 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 Foundation by a designated adult who either has had ABC training, training as a public safety officer or other applicable training; (Attachment 3)
6. The Foundation 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**

The Foundation proposes to utilize the landscape area east of the main parking lot at Fairview Park.

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. Last year, the beer and wine garden grossed over \$3868. This additional funding allows the Foundation more money to distribute its Community Grants which help fund sports, arts and educational programs in the city.

**LEGAL REVIEW:**

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

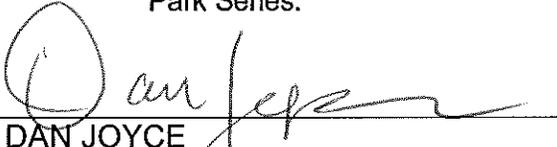
**ALTERNATIVES CONSIDERED:**

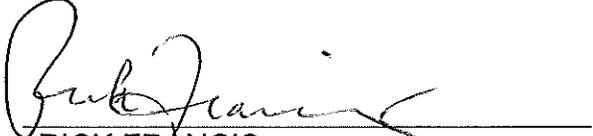
The Council could not approve the Foundation's request.

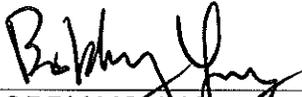
**CONCLUSION:**

Staff recommends that the City Council approve the following request:

1. Approve the proposal by the Foundation to use a portion of Fairview Park.
2. Waive the Special Event Permit Fee and Park Use Fees of \$1425 for the Concerts in the Park Series.
3. Approve the Foundation's request to sell wine and beer for the 2012 Concerts in the Park Series.

  
DAN JOYCE  
Public Affairs Manager

  
RICK FRANCIS  
Assistant Chief Executive Officer



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BOBBY YOUNG  
Finance & IT Director  
(fiscal review only)

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THOMAS P. DUARTE  
City Attorney  
(legal review only)

DISTRIBUTION: Chief Executive Officer  
City Attorney  
Police Department  
Finance  
Recreation Manager  
Contract Administrator  
Costa Mesa Foundation

ATTACHMENTS: 1 ABC Form 221  
2 Fairview Park Aerial with Event Layout.  
3 ServeTrain Online Course

# ATTACHMENT 1

Department of Alcoholic Beverage Control

State of California  
Edmund G. Brown Jr., Governor

## DAILY LICENSE APPLICATION/AUTHORIZATION - Non Transferable

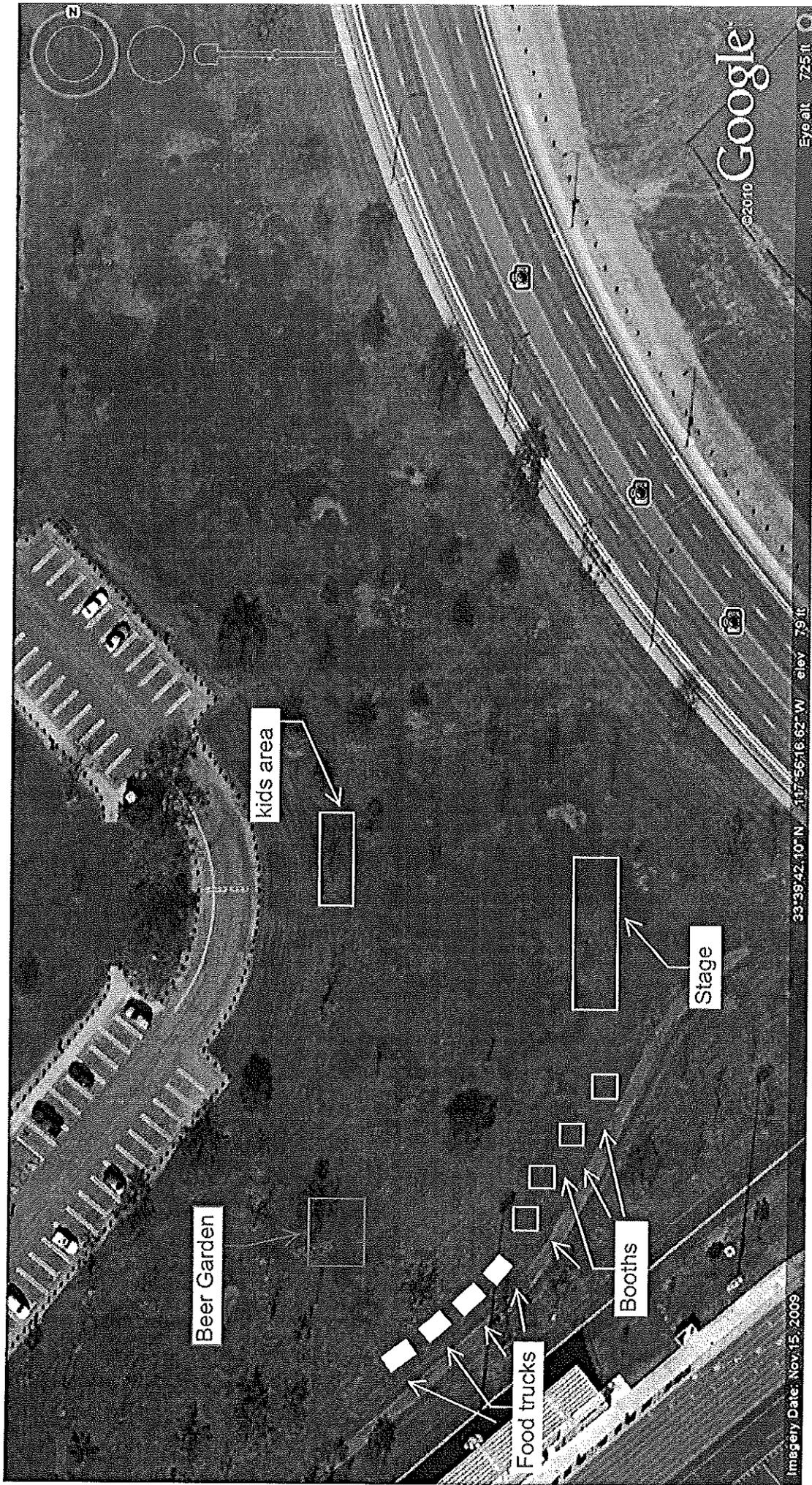
*Instructions: Complete all items. Submit to local ABC District Office with required fee (Cashier's Check or Money Order) payable to ABC. Once license is issued, fee cannot be refunded. For a listing of ABC District Offices please visit <http://www.abc.ca.gov/dismap.html>*

*Pursuant to the authority granted by the organization named below, the undersigned hereby applies for the license(s) described below.*

1. ORGANIZATION'S NAME		CONDITIONS REQUIRED <input type="checkbox"/> Yes <input type="checkbox"/> No	DIAGRAM REQUIRED <input type="checkbox"/> Yes <input type="checkbox"/> No
2. LICENSE TYPE (Check appropriate license type AND organization type)			
a. <input type="checkbox"/> Daily General (\$25.00) (Includes beer, wine and distilled spirits)			
<input type="checkbox"/> Political Party/Affiliate Supporting Candidate for Public Office or Ballot Measure		<input type="checkbox"/> Fraternal Organization in Existence Over Five Years with Regular Membership	
<input type="checkbox"/> Organization Formed for Specific Charitable or Civic Purpose		<input type="checkbox"/> Religious Organization	
<input type="checkbox"/> Other: _____		<input type="checkbox"/> Vessel per Section 24045.10 B&P (\$50.00)	
		NUMBER OF DISPENSING POINTS	
b. <input type="checkbox"/> Special Daily Beer (\$25.00) <input type="checkbox"/> Special Daily Beer & Wine (\$50.00) <input type="checkbox"/> Special Daily Wine (\$25.00)			
<input type="checkbox"/> Charitable <input type="checkbox"/> Fraternal <input type="checkbox"/> Social <input type="checkbox"/> Political <input type="checkbox"/> Other: _____			
<input type="checkbox"/> Civic <input type="checkbox"/> Religious <input type="checkbox"/> Cultural <input type="checkbox"/> Amateur Sports Organization			
		NUMBER OF DISPENSING POINTS	
c. <input type="checkbox"/> Special Temporary License (\$100.00) (Different privileges depending on statute)			
<input type="checkbox"/> Television Station per Section 24045.2 or 24045.9 B&P		<input type="checkbox"/> Person conducting Estate Wine Sale per Section 24045.8 B&P	
<input type="checkbox"/> Nonprofit Corporation per Sections 24045.4 and 24045.6 B&P		<input type="checkbox"/> Women's Educational and Charitable Organization per Section 24045.3 B&P	
<input type="checkbox"/> Other Special Temporary Licenses, per Section _____			
License number		Amount \$	
3. EVENT TYPE			
<input type="checkbox"/> Dinner <input type="checkbox"/> Dance <input type="checkbox"/> Wedding <input type="checkbox"/> Lunch <input type="checkbox"/> Picnic <input type="checkbox"/> Barbeque <input type="checkbox"/> Social Gathering <input type="checkbox"/> Festival			
<input type="checkbox"/> Sports Event <input type="checkbox"/> Concert <input type="checkbox"/> Birthday <input type="checkbox"/> Mixer <input type="checkbox"/> Carnival <input type="checkbox"/> Dinner Dance <input type="checkbox"/> Other: _____			
4. TOTAL # OF DAYS	5. ESTIMATED ATTENDANCE	6. HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND/OR CONSUMPTION	
		From _____ To _____	
7. EVENT DATE(S)		8. EVENT IS OPEN TO THE PUBLIC <input type="checkbox"/> Yes <input type="checkbox"/> No	
9. EVENT LOCATION (Give facility name, if any, street number and name, and city)			
10. LOCATION IS WITHIN THE CITY LIMITS <input type="checkbox"/> Yes <input type="checkbox"/> No		11. TYPE OF ENTERTAINMENT	
		12. SECURITY GUARDS <input type="checkbox"/> Yes <input type="checkbox"/> No      If yes, how many? _____	
13. AUTHORIZED REPRESENTATIVE'S NAME			14. REPRESENTATIVE'S TELEPHONE NUMBER
15. REPRESENTATIVE'S ADDRESS			
16. ORGANIZATION'S MAILING ADDRESS (If different from #15 above)			
17. AUTHORIZED REPRESENTATIVE'S SIGNATURE			18. DATE SIGNED
PROPERTY OWNER APPROVAL BY (Name), REQUIRED		PHONE NUMBER	PROPERTY OWNER SIGNATURE
LAW ENFORCEMENT APPROVAL BY (Name), IF APPLICABLE		PHONE NUMBER	LAW ENFORCEMENT SIGNATURE
DISTRICT OFFICE APPROVAL BY (Name)			ABC EMPLOYEE SIGNATURE
			ISSUANCE DATE

The above-named organization is hereby licensed, pursuant to the California Business and Professions Code Division 9 and California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above named location for the period authorized above. This license does not include off-sale ("to-go") privileges.

This license may be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State.



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## ServeTrain Online Training Program Overview

ServeTrain.COM provides an online method of delivering a Responsible Alcohol Beverage Service training certificate program to all individuals who serve or work where alcohol beverages are sold and served.

**This program is for:**

- servers, bartenders, managers, licensees
- door staff, security
- convention and special event planners
- anyone who is involved in an event where alcohol is served

Our program will also be of benefit to the owners and operators who rent their facilities for Special Events, such as:

- Banquet Halls
- Church Halls
- Bowling Alleys
- Arenas
- Municipal facilities
- Outdoor facilities

ServeTrain's Responsible Alcohol Beverage Service training is a convenient & self-paced training program. The Online training is designed to be taken entirely over the Internet. It is an alternative method of delivery to the classroom & Video/Workbook program. This method of training has been developed to satisfy the growing need for ease, flexibility and convenience.

It covers topics such as:

- Understanding the physiological effects of Alcohol on the Body
- Recognizing signs of intoxication, and prevention
- Handling difficult situations and preventing disturbances
- Identifying minors & how to check IDs

- Prevention and intervention techniques
- Refusing a Sale and Effective communication techniques with patrons
- Review of relevant state and local laws

## Certificate

Students will receive a certificate after the successful conclusion of the course and passing the Final Exam.

Last modified: Tuesday, February 1, 2011, 02:29 PM

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