



# ***CITY COUNCIL AGENDA REPORT***

---

MEETING DATE: APRIL 7, 2015

ITEM NUMBER: CC-4

**SUBJECT: REQUEST FOR SALE, SERVICE AND CONSUMPTION OF BEER AND WINE BEVERAGES AT FAIRVIEW PARK FOR 2015 CONCERTS IN THE PARK SERIES**

**DATE: MARCH 17, 2015**

**FROM: PARKS & COMMUNITY SERVICES DEPARTMENT**

**PRESENTATION BY: TRAVIS KARLEN, RECREATION MANAGER**

**FOR FURTHER INFORMATION CONTACT: JUSTIN MARTIN, RECREATION SUPERVISOR AT (714) 754-5065.**

---

## **RECOMMENDATION:**

Staff recommends that the City Council approve the request by the Costa Mesa Community Foundation for the sale, service, and consumption of beer and wine beverages at Fairview Park during the 2015 Summer Concerts in the Park series. It is further recommended, that the City Council grant administrative authority to the CEO to annually authorize such request. The CEO will notify council via memo of said requests and approvals.

## **BACKGROUND:**

The Foundation is a 501(c)(3) non-profit organization that has contributed to, financially supported, and co-organized the Summer Concerts in the Park series. The Summer Concerts in the Park series is a free annual event presented by the Foundation and the City of Costa Mesa. The event takes place every Tuesday in July at Fairview Park and features live music, kids' activities, and gourmet food trucks.

Since 2011, the event also features a beer and wine garden with net proceeds supporting the Foundation's Community Grants Program. This program targets local initiatives that serve and enhance youth education, recreation, public safety and parks; and build community pride.

## **ANALYSIS:**

According to Title 11, Chapter 1, Section 11-3 (Drinking in Public) of the Costa Mesa Municipal Code, "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" (Attachment 1).

The Foundation will obtain the temporary license from the State of California Alcohol Beverage Control (ABC) Department to sell and serve beer and wine beverages. As executed in years 2011 through 2014, the Costa Mesa Foundation directors and trained volunteers will serve as drink servers/bartenders; all Foundation participating directors have completed the recommended ABC online training course, and all volunteers involved with the alcohol portion of the event will be required to complete the online training. The Foundation will ensure full compliance with all ABC requirements and any other conditions imposed.

In accordance with ABC laws, alcohol can only be served and consumed within a confined area, and this area will be designated with fencing around the area. Additionally, the Foundation board and select volunteers will provide security to ensure that alcohol consumption is within the confined area. In 2014, there were no reported incidents related to the service and consumption of beer and wine beverages.

Per the municipal code, the City Council must approve the request to allow the consumption of beer and wine beverages at Fairview Park before the Foundation can proceed with obtaining a permit from the ABC Department for the sale and service of alcohol.

**ALTERNATIVES CONSIDERED:**

The City Council may deny the sale, service, and consumption of beer and wine at the event. However, the denial will prevent the Foundation from generating any revenue from the sale of alcohol, and consequently affect the Foundation's funds which are used to support community efforts.

**FISCAL REVIEW:**

Allowing the Foundation to sell wine and beer will have no fiscal impact on the City as the group 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 to further their assistance to Costa Mesa groups.

**LEGAL REVIEW:**

No legal review is required for this item.

**CONCLUSION:**

Through community fundraising efforts, the Costa Mesa Community Foundation has been a longstanding financial patron and supporter of the Costa Mesa community, schools and other programs which promote the city. Therefore, staff requests that the Council allow the sale, service and consumption of beer and wine beverages at Fairview Park for the 2015 Summer Concerts in the Park series.

---

Travis Karlen  
Recreation Manager

---

Tamara S. Letourneau  
Assistant Chief Executive Officer

ATTACHMENTS: 1. [CMMC Section Regarding Drinking in Public](#)