



CITY OF OAKLAND

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OFFICE OF THE CITY CLERK
OAKLAND

2014 JUN 12 PM 2:26

AGENDA REPORT

TO: HENRY L. GARDNER
INTERIM CITY ADMINISTRATOR

FROM: Chief Sean Whent

SUBJECT: \$90,000 Grant from the Department
of Alcoholic Beverage Control

DATE: June 2, 2014

City Administrator
Approval

Date

6/4/14

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate grant funds in an amount not to exceed \$90,000 from the State of California, Department of Alcoholic Beverage Control (ABC), Grant Assistance Program (GAP), for the Federal Fiscal Year 2014-2015 implementation of the Alcohol Control Enforcement Program within the Police Department.

OUTCOME

Adoption of the resolution accepting the grant funds will allow the Oakland Police Department's ABAT (Alcoholic Beverage Action Team) Unit to perform the following actions during the grant period of July 1, 2014 – June 30, 2015:

- Conduct no less than 1 Licensee Education on Alcohol and Drugs (LEAD) Training
- Conduct no less than 5 Specialized Multi-Agency Response Team (SMART) inspections
- Conduct no less than 60 Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) inspections
- Conduct no less than 3 Taxi Drop / Trap Door Operations
- Conduct no less than 8 Anti-Loitering operations
- Conduct no less than 20 Shoulder Tap/Minor Decoy Operations
- Conduct no less than 4 Minor In Possession Operations

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- Issue no less than 5 press releases regarding the grant and/or activities conducted under the grant
- Conduct no less than 4 community meetings to increase involvement with local community groups

BACKGROUND / LEGISLATIVE HISTORY

The Alcoholic Beverage Control grant program is specifically designated to provide financial resources to law enforcement agencies throughout the State of California to expand their efforts in addressing alcohol-related problems through a comprehensive alcohol beverage control program. The primary goal of the Police Department's initiative is to increase the Department's ability to identify and prevent the unlawful sale of alcoholic beverages, including illegal sales to minors. The Alcoholic Beverage Action Team (ABAT) focuses on the regulation of alcohol licensees and premises, the unit falls under the Special Operations Division (SOD) within the Bureau of Field Operations 2.

In August 1993, the Oakland City Council adopted a "Deemed Approved" program (Ordinance No. 11624 C.M.S.) which was designed to improve enforcement efforts and investigations against problem alcoholic beverage retailers through the combined efforts of the Oakland Police Department (OPD), The Office of Planning and Building, and the State of California Department of Alcoholic Beverage Control. The Deemed Approved Program requires that retailers pay an annual fee, which offsets the expenses incurred by the ABAT team, as well as costs associated with a dedicated City Attorney. The program also requires that merchants adhere to a specific set of performance standards, and provides education, monitoring, and enforcement efforts against licensed premises.

Since 2009, the City of Oakland has seen a reduction in the number of retail alcoholic beverage licenses from a high of 1,037 down to the current 930. Although ABAT efforts have produced some positive results, the City still has substantial problem areas when it comes to retail alcoholic beverage sales. There were 24 accusations filed against alcohol merchants in 2012, and OPD has noted a prevalence of illegal sales of alcoholic beverages, including an alarming amount of unauthorized sales to minors, throughout the City.

OPD has verified that alcohol and narcotics sales to minors decrease when targeted intervention initiatives, financed through grant funds, can be applied. However, a lack of funds to implement expanded enforcement operations remains ABAT's greatest shortcoming. Without financial support, such as the grant funds currently being offered by the Department of Alcohol Beverage Control, it is a relative certainty that issues of illegal alcohol sales to minors and retail operating standards violations of on- and off-sale premises will continue to blight our city.

The City of Oakland has also attempted to solve alcohol control enforcement issues through the enactment of local ordinances. In 1977, Oakland granted a blanket conditional use permit for

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alcoholic beverage outlets, such as bars and stores selling alcohol (restaurants excluded). Liquor stores are regulated through conditions of approval, and these conditions are interpreted as performance standards. Liquor stores may lose their permits if they continuously violate these conditions. Oakland also requires that new liquor outlets be separated from existing ones by at least 1,000 feet.

ANALYSIS

The ABAT Unit will use the \$90,000 in grant funding from the California Department of Alcoholic Beverage Control (ABC) (Award letter included as *Attachment A*) to pursue the following goals and objectives:

Goals:

1. Reduce illegal alcohol sales to minors by 20% from the 2010 base year percentage of 20%.
2. Develop a policy and procedure to inform citizens about this project and give periodic updates on the status and accomplishments of the project.
3. Reduce the number of incidents of loitering and reports of retail operating standards violations by 20% from the 2010 base year percentage of 25%.
4. Conduct enforcement during major sporting events and street festivals relating to minors in possession of alcoholic beverages and counterfeit identification.
5. Increase communication and involvement with local community groups and citizen action committees by meeting with them at a minimum of four times (quarterly) per year.

Objectives:

1. Identify, target, and abate problematic ABC licensed establishments.
2. Expand trainings for merchants who sell alcohol, which includes LEAD training, IMPACT inspections, and fortifying outreach and education to community groups.
3. Collaborate with ABC personnel, City Attorney's Office, and District Attorney's Office to hold problem merchants accountable with civil and criminal penalties.
4. Educate and enforce laws related to minors possessing fake identification, and the possession and consumption of alcoholic beverages.

PUBLIC OUTREACH/INTEREST

This item did not require any additional public outreach other than the required posting on the City's website.

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COORDINATION

The City Attorney's Office and the Budget Office were consulted in the preparation of this report.

COST SUMMARY / IMPLICATIONS

Approval of this resolution will authorize the Police Department to accept and appropriate grant funds in an amount not to exceed \$90,000 for the enactment of its FY 2014/2015 Alcohol Control Enforcement Project. Revenues and appropriations will be allocated in the State of California Grant Fund (2159); Alcoholic Beverage Action Team (ABAT) Organization (107710), Special Operations Program (PS13), in a Project Account to be determined. The funds will be allocated in keeping with the following spending plan:

Description and Use of Funds	Amount
Personnel Charges (Sworn/Civilian Overtime)	\$83,151.64
Buy Monies (for undercover purchases)	\$2,348.36
Equipment	\$2,500.00
Training / Travel	\$2,000.00
TOTAL	\$90,000.00

Central Services Overhead (CSO) charges associated with the \$83,151.64 in charges for salary and wages equals \$11,341.88, based on a 13.64% calculation rate. However, the granting agency specifically disallows indirect costs (CSO). The Department requests a contribution from the General Purpose Fund in an amount equivalent to the Department's Central Services Overhead cost of \$11,341.88.

SUSTAINABLE OPPORTUNITIES

Economic: Supplies and reprographic needs will be purchased locally. The possible reduction in the amount of sales tax collected from alcohol products is offset by the improved opportunities for economic growth in areas where liquor stores are known as "problem" stores.

Environmental: ABAT inspections lead to reduced amounts of litter around liquor store locations.

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Henry L. Gardner, Interim City Administrator

Subject: \$90,000 Grant from the Department of Alcoholic Beverage Control

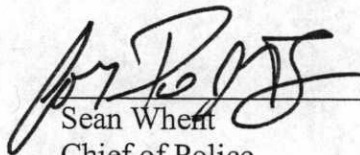
Date: June 2, 2014

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Social Equity: Grant funds and other resources contributed to the initiative are directed toward achieving increased service levels and long-term benefits for communities throughout the City of Oakland.

For questions regarding this report, please contact Lieutenant Nishant Joshi, Special Operations Section, at (510) 777-8526.

Respectfully submitted,



Sean Whent
Chief of Police
Oakland Police Department

Prepared by:
Sgt. Andrew McNeil
Alcoholic Beverage Action Team Unit

Officer Jennifer Sena
Alcoholic Beverage Action Team Unit

Attachment A – ABC Award letter

- Resolution

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DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

3927 Lennane Drive, Suite 100
Sacramento, CA 95834
(916) 419-2500



May 16, 2014

Interim Chief Sean Whent
Oakland Police Department
455 Seventh Street
Oakland, CA 94607

Dear Chief Whent:

Congratulations! Your agency has been selected by the Department of Alcoholic Beverage Control to receive funding for your 2014/2015 GAP grant proposal in the amount of \$90,000. We look forward to working with your department to meet the goals and objectives in your proposal.

A grant contract will be forthcoming within the next couple of weeks which requires a resolution from your agency's governing body. A sample resolution was included in the Request for Proposal packet. **Due to the fact that these resolutions have to be put on your governing body's calendar, we ask that you do this as soon as possible.**

We are planning a two and a half-day training conference July 7-9, 2014, at the Embassy Suites San Diego Bay – Downtown. The conference can accommodate two attendees from each agency and it is recommended that your Project Director and the officer assigned to the grant program attend.

This conference will offer valuable training in alcohol enforcement and will also be an excellent opportunity for the officers and deputies from your agency to meet and share information with others. Attendees are encouraged to utilize a pre-registration session on Sunday, July 6, from 4:00 – 5:00 p.m. in order to expedite the registration on the next day.

A block of rooms at a special conference rate of \$149.00 plus tax has been reserved for grant agency participants.¹ **PLEASE NOTE THAT ATTENDEES MUST MAKE RESERVATIONS BY THE HOTEL'S DEADLINE OF JUNE 13, 2014**, to guarantee the special room rate or availability. There will be a \$225.00 registration fee per person for the

¹ Based on the State regulations we are unable to reimburse those agencies that are within a 50 mile radius from the Embassy Suites San Diego Bay - Downtown. The distance is based on the agency's physical headquarters address. Agencies that fall in this category are: Chula Vista Police Department, La Mesa Police Department, Oceanside Police Department and San Diego County Sheriff's Department. Travel reimbursable costs for the aforementioned agencies will be limited to the registration fee only.

training that is reimbursable through the grant. Space at the hotel is limited and late registrants may be referred to nearby hotels.

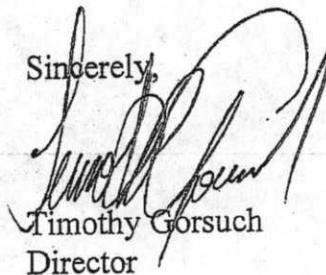
Participants must contact the Embassy Suites Hotel **directly** to make reservations. Below are two options:

1. Go to http://embassysuites.hilton.com/en/es/groups/personalized/S/SANDNES-ABC-20140703/index.jhtml?WT.mc_id=POG. *This link is specific to the Alcoholic Beverage Control GAP Conference, or*
2. Call 619-239-2400 main desk at Embassy Suites San Diego Bay – Downtown, or 1-800- EMBASSY (800-362-2779) and ask for the **ABC Grant Assistance Program** discount rate.

Due to the short time frame for registering at the hotel, your prompt attention is appreciated. The special room rate will only be available until June 13, 2014, or until the group block is sold out, whichever comes first. We have also enclosed a conference registration form to be filled out and returned using the same time frame.

If you have any questions, please call Grant Coordinator Suzanne Pascual at (916) 419-2572.

Sincerely,



Timothy Gorsuch
Director

Enclosure

Cc: Sergeant Andrew McNeil, Project Director

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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED NINETY THOUSAND DOLLARS (\$90,000) FROM THE STATE OF CALIFORNIA, DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC), GRANT ASSISTANCE PROGRAM (GAP), FOR THE FEDERAL FISCAL YEAR 2014-2015 IMPLEMENTATION OF THE ALCOHOL CONTROL ENFORCEMENT PROGRAM WITHIN THE POLICE DEPARTMENT

WHEREAS, it is anticipated that grant funds in an amount not to exceed ninety thousand dollars (\$90,000) will be received from the State of California, Department of Alcoholic Beverage Control (ABC), Grant Assistance Program (GAP), for the Federal fiscal year 2014-2015 implementation of the Alcohol Control Enforcement Project within the Police Department; and

WHEREAS, these State of California grant funds are to be used to expand law enforcement efforts to address alcohol-related problems through a comprehensive alcohol beverage control program within the City of Oakland; and

WHEREAS, the Police Department's primary goals through the Alcohol Control Enforcement Project is to reduce the illegal sales and possession of alcoholic beverages to minors, prevent and reduce the incidents of loitering at alcoholic beverage establishments, and increase involvement with local community groups by providing a minimum of four community outreach meetings; and

WHEREAS, the proposed grant does not allow for indirect costs (Central Services Overhead) charges in the amount of \$11,341.88, and the Department has requests a contribution from the General Purpose Fund in an amount equivalent to the Department's Central Services Overhead charges of \$11,341.88; and

WHEREAS, the City Council previously authorized acceptance of similar grant funds by Resolution No. 83306 C.M.S dated May 3, 2011, Resolution No. 82872 C.M.S. dated July 6, 2010, and Resolution No. 8222 C.M.S. dated July 21, 2009; now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator, or his designee, to accept grant funds not to exceed \$90,000 from the State of California, Department of Alcoholic Beverage Control and appropriate said funds to the Police Department; and be it

FURTHER RESOLVED: That the funds shall be maintained in the State of California Grant Fund: 2159; Alcoholic Beverage Action Team (ABAT) Org: 107710; Special Operations Division Program PS13, with a Project Number to be established; and be it

FURTHER RESOLVED: That Central Services Overhead costs of \$11,341.88 (13.64%) be covered by a contribution from the General Purpose Fund in an amount equivalent to the Department's Central Services Overhead costs of \$11,341.88; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is authorized to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the grant award.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2014

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND
PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California