



City of Palo Alto

City Council Staff Report

(ID # 5935)

Report Type: Consent Calendar

Meeting Date: 8/17/2015

Summary Title: Resolution for Receipt of ABC Grant Funds

Title: Adoption of a Resolution Authorizing the City Manager to Sign a Contract on Behalf of the City of Palo Alto and to Receive Grant Funds from the State Department of Alcoholic Beverage Control, for Proactive Enforcement Activities to Limit Violations of Alcohol-Related Incidents in Fiscal Year 2016; and Approval of a General Fund Budget Amendment Ordinance in the Amount of the Grant Fund (\$41,053)

From: City Manager

Lead Department: Police

Recommendation

Staff recommends that the Council:

1. Adopt the attached Resolution authorizing the City Manager to accept a grant of funds for Fiscal Year 2016 in the amount of \$41,053 from the California Department of Alcoholic Beverage Control for increased education and enforcement efforts; and
2. Approve a Budget Amendment Ordinance (BAO) to increase revenue in the amount of \$41,053 in the General Fund and allocate that funding to Overtime for the Police Department to increase education and enforcement efforts in the area of Alcohol related incidents.

Discussion

The state Department of Alcoholic Beverage Control (ABC) has awarded a grant to the Police Department to fund increased education and enforcement efforts for the coming year. The monies will be directed to fund additional overtime shifts for officers to increase enforcement of laws pertaining to alcohol, specifically by targeting sales to minors, impaired driving, over-service/overconsumption of alcohol, alcohol-related nuisances and violence in the Downtown Entertainment District. In addition, 80 hours of Department staff time will be dedicated to outreach and education at City bars/restaurants, middle and high schools, and through press releases.

In accordance with the terms of the grant agreement, the Police Department will submit monthly reports to the ABC detailing project accomplishments.

Resource Impact

The increased education and enforcement efforts will be accomplished using police overtime. The grant funds will offset those overtime expenses, in addition to some required travel and training expenses associated with the grant. Revenue and expenditures of \$41,053 are recommended to be appropriated in the General Fund as outlined in the attached Budget Amendment Ordinance.

Policy Implications

The recommendation in this report does not represent a change in City policies.

Environmental Review

The recommendation in this report does not constitute a project requiring review under the California Environmental Quality Act.

Attachments:

- ATTACHMENT A - RESO ABC Funding (PDF)
- ATTACHMENT B- Dept of Alcoholic Beverage Control Agreement (PDF)
- ATTACHMENT C - ABC GRANT BAO (PDF)

NOT YET APPROVED

Resolution No. _____

Resolution of the City Council of the City of Palo Alto Authorizing the Adoption of the Attached Resolution Authorizing the City Manager to Accept a Grant of Funds for Fiscal Year 2016 in the Amount of \$41,053 from the California Department of Alcoholic Beverage Control for Increased Education and Enforcement Efforts.

R E C I T A L S

- A. The California State Department of Alcoholic Beverage Control (ABC) has awarded a grant to the Palo Alto Police Department to fund increased education and enforcement efforts pertaining to alcoholic beverage control for FY2016.
- B. The monies will be directed to fund additional overtime shifts for officers to specifically target the over-service/overconsumption of alcohol, alcohol-related nuisances and violence in the Downtown Entertainment District, sales to minors, and impaired driving.
- C. An additional 80 hours of Department staff time will be dedicated to outreach and education at our bars/restaurants, Middle and High schools, and through press releases.
- D. In accordance with the terms of the grant agreement, the Police Department will submit monthly reports to the ABC detailing project accomplishments.
- E. This City Council has determined that it is in the best interests of the City for the City to be a recipient of the designated grant funds for FY 2016.

NOW, THEREFORE, the Council of the City of Palo Alto does RESOLVE as follows:

SECTION 1. The City hereby elects to be a recipient of the designated grant funds and hereby authorizes the ABC to release the designated grant funds to the City.

SECTION 2. The Chief of Police of the City or his designee are each, acting individually, hereby authorized and directed to take, for and on behalf of the City, all such actions by the City as shall be necessary to enable receipt of the grant funds from the state.

SECTION 3. All actions heretofore taken by any officers, employees, or agents of the City with respect to receipt of designated grant funds are hereby approved, confirmed and ratified; and any such other officers, employees, or agents of the City as may be authorized by City Manager and/or Chief of Police are hereby authorized and directed, for and in the name of and on behalf of the City, to do any and all things and take any and all actions, which they, or any of them, may deem necessary or desirable to carry out, give effect to, and comply with the terms and intent of this Resolution.

NOT YET APPROVED

SECTION 4. The adoption of this resolution does not meet the California Environmental Quality Act's definition of a "project" pursuant to Public Resources Code Section 21065, thus no environmental review under CEQA is required.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

INTRODUCED AND PASSED: _____

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Administrative Services

Police Chief

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

3927 Lennane Drive, Suite 100
Sacramento, CA 95834
(916) 419-2500 FAX (916) 419-2599



June 9, 2015

Received
JUN 15 2015
Police Chief

Chief Dennis Burns
Palo Alto Police Department
275 Forest Avenue
Palo Alto, CA 94301

Subject: Grant Contract 15G-LA21

Dear Chief Burns:

Enclosed are three (3) copies of the Standard Agreement STD 213 contract to be entered into between the Department of Alcoholic Beverage Control and the Palo Alto Police Department for the total amount of \$41,053.

To help expedite processing, please ensure below items are completed before returning documents.

1. **Budget Detail** – 1) Please add Personnel Services subtotal and 2) Equipment category does not add to \$2,000. Total needs to be \$41,053.
2. Sign and return all three (3) copies to my attention. **Each contract must have an original signature.**
3. A copy of your Governing Body’s Resolution in acceptance of this funding.
4. Confirm your Federal Taxpayer’s Identification Number _____ and return this document with the signed STD213’s.

After we receive the above information from your agency, we will process the contract package for approval. Upon approval, we will execute a fully signed contract for your records.

If you have any questions, please feel free to me contact at (916) 419-2572.

Sincerely,

Suzanne Pascual
Grant Coordinator

Enclosures

Cc: Officer Dan Ryan, Project Director (enclosure not included)

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|-------------------------------------|
| AGREEMENT NUMBER 15G-LA21 |
| REGISTRATION NUMBER |

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

CONTRACTOR'S NAME
 City of Palo Alto through the Palo Alto Police Department

2. The term of this Agreement is: **July 1, 2015** through **June 30, 2016**

3. The maximum amount of this Agreement is: **\$ 41,053**

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

- | | |
|--|---------------|
| Exhibit A – Scope of Work | 4 page(s) |
| Exhibit B – Budget Detail and Payment Provisions | 3 page(s) |
| Exhibit C* – General Terms and Conditions | GTC 610 |
| Check mark one item below as Exhibit D: | |
| <input checked="" type="checkbox"/> Exhibit - D Special Terms and Conditions (Attached hereto as part of this agreement) | 1 page(s) |
| <input type="checkbox"/> Exhibit - D* Special Terms and Conditions | |
| Exhibit E – Additional Provisions | _____ page(s) |

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

| | | |
|--|--------------------------|---|
| CONTRACTOR | | California Department of General Services Use Only |
| CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.) City of Palo Alto through the Palo Alto Police Department | | |
| BY (Authorized Signature) | DATE SIGNED(Do not type) | |
| PRINTED NAME AND TITLE OF PERSON SIGNING Dennis Burns, Chief | | |
| ADDRESS 275 Forest Avenue Palo Alto, CA 94301 | | |
| STATE OF CALIFORNIA | | |
| AGENCY NAME Department of Alcoholic Beverage Control | | |
| BY (Authorized Signature) | DATE SIGNED(Do not type) | |
| PRINTED NAME AND TITLE OF PERSON SIGNING Ed Jimenez, Assistant Director, Administration | | |
| ADDRESS 3927 Lennane Drive, Suite 100; Sacramento CA 95834 | | |

Exempt per: **SCM 4.04.(A)(3)**

SCOPE OF WORK

Summary:

The City of Palo Alto is the northernmost City in Santa Clara County, on the Peninsula between San Jose and San Francisco, in the Heart of Silicon Valley. The Police Department of 92 sworn Officers and 9 Reserve Officers serves a community of 66,400 residents, which swells to a daytime population of over 100,000 citizens, workers, business travelers, students, and tourists. Adjacent to Stanford University, with its own population of nearly 14,000 residents, the City has a vibrant entertainment/restaurant district that serves as a regional draw for people from the entire San Francisco Bay Area. The City is over-saturated with licensed premises, including **33 off-sale establishments** and **182 on-sale establishments**. Significant dates for the Entertainment District include most weekends, Super Bowl Sunday, Mardi Gras, St. Patrick's Day, Graduation Week, Thanksgiving Eve, the Christmas party season and New Year's Eve.

The Police Department has 130 total employees, serving in four Divisions: Administration, Investigative Services, Field Services, and Technical Services. The Field Services Division has 48 Officers, Agents and Sergeants in Patrol. Our uniformed Special Enforcement Team has another 4 Officers/Agents and one Sergeant, and our Traffic Team currently has 3 Officers/Agents and 1 Sergeant. The Special Events Sergeant coordinates over 100 special events each year, including Presidential/VIP visits, Stanford Football game traffic, block parties, and parades.

The Department responds to 23,000 calls for service each year, initiates another 24,500 contacts/investigations and makes an average of 2,400 arrests. We made 150 arrests for public intoxication last year, and sent scores more home with a friend or in a taxi, owing to limited staffing. Our total of 281 DUI arrests in 2014 was nearly double the 2013 total of 141, and we averaged 3 DUI arrests per night for the last few weeks of December, during the Avoid the 13 Campaign.

The goals of this program are to reduce the number of alcohol-related fights and public offenses by better educating and regulating our ten most popular on-sale premises. We will coordinate three LEAD training sessions for Entertainment District premises during the first quarter of the Grant Period, to better enable the premises to control problem patrons, reducing calls for service to specific premises. We will increase inspections/enforcement at those same locations throughout the year, and we will increase our proactive enforcement against public intoxication and impaired driving in the Entertainment District, with 3 extra officers assigned on the "First Friday" of each month.

Special Terms and Conditions

1. Disputes: Any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Director, Department of Alcoholic Beverage Control, or designee, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Department shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the State a written appeal addressed to the Director, Department of Alcoholic Beverage Control. The decision of the Director of Alcoholic Beverage Control or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, capricious, arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, Contractor shall proceed diligently with the performance of the contract and in accordance with the decision of the State.
2. Termination Without Cause: Either party may terminate this agreement at any time for any reason upon ten (10) days written notice. No penalty shall accrue to either party because of contract termination.
3. Contract Validity: This contract is valid and enforceable only if adequate funds are appropriated in Item 2100-101-3036, Budget Act of 2015, for the purposes of this program.
4. Contractor Certifications: By signing this agreement, Contractor certifies compliance with the provisions of CCC 307, Standard Contractor Certification Clauses. This document may be viewed at <http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx> .
5. If the State determines that the grant project is not achieving its goals and objectives on schedule, funding may be reduced by the State to reflect this lower level of project activity.

Ordinance No. XXXX

ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO AMENDING THE BUDGET FOR FISCAL YEAR 2016 TO INCREASE REVENUE ESTIMATES FOR INCREASED EDUCATION AND ENFORCEMENT OF OVER-SERVICE/OVERCONSUMPTION OF ALCOHOL FROM THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) IN THE GENERAL FUND BY \$41,053 WITH A CORRESPONDING INCREASE TO THE OVERTIME EXPENDITURE ALLOCATION FOR THE POLICE DEPARTMENT OF \$41,053 IN THE GENERAL FUND.

The Council of the City of Palo Alto does ordain as follows:

SECTION 1. The Council of the City of Palo Alto finds and determines as follows:

A. Pursuant to the provisions of Section 12 of Article III of the Charter of the City of Palo Alto, the Council on June 15, 2015 did adopt a budget for fiscal year 2016; and

B. The City of Palo Alto received official notice from the California Department of Alcoholic Beverage Control (ABC) in June 2015 that the City would be awarded an ABC Grant in the amount of \$41,053 for Fiscal Year 2016; and

C. ABC grant funding will be directed to fund additional overtime shifts for officers to specifically target the over-service/overconsumption of alcohol, alcohol-related nuisances and violence in the Downtown Entertainment District, sales to minors, and impaired driving; and

D. An additional 80 hours of Department staff time will be dedicated to outreach and education at City bars/restaurants, middle and high schools, and through press releases; and

E. City Council authorization is needed to amend the 2016 budget as hereinafter set forth.

SECTION 2. The revenue estimate from the State of California in the amount of Forty-One Thousand Fifty-Three (\$41,053) is hereby increased in the General Fund.

SECTION 3. The Overtime Allocation for the Police Department in the General Fund is hereby increased by Forty-One Thousand Fifty-Three (\$41,053).

SECTION 4. As specified in Section 2.28.080(a) of the Palo Alto Municipal Code, a two-thirds vote of the City Council is required to adopt this ordinance.

SECTION 5. As provided in Section 2.04.330 of the Palo Alto Municipal Code, this ordinance shall become effective upon adoption.

SECTION 6. The actions taken in this ordinance do not constitute a project requiring environmental review under the California Environmental Quality Act (CEQA).

INTRODUCED AND PASSED: Enter Date Here

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Assistant City Attorney

City Manager

Director of Administrative Services

Police Chief