



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Robert L. Davis  
Jennifer A. Maguire

**SUBJECT:** SEE BELOW

**DATE:** June 8, 2009

Approved

Date

6/9/09

Council District: City-Wide

**SUBJECT: ADOPTION OF RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE 2009 DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) GRANT IN THE AMOUNT OF \$80,830 AND TO EXECUTE THE GRANT AGREEMENT, ADOPTION OF 2009-2010 APPROPRIATION ORDINANCE AND FUNDING SOURCES RESOLUTION AMENDMENTS IN THE GENERAL FUND FOR THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) GRANT PROGRAM**

## RECOMMENDATION

1. Adopt a resolution authorizing the City Manager to:
  - a. accept the 2009 Alcoholic Beverage Control Grant in the amount of \$80,830;
  - b. execute the grant agreement specifying the grant terms and all related documents necessary to effectuate the grant, including any extensions or amendments and any related subsequent contract; and
  - c. state in the resolution that any liability arising out of the performance of this contract, including civil actions, shall be the responsibility of the City; grant funds received shall not be used to supplant existing expenditures; and the award is not subject to local hiring freezes, which the grantor has stated means the City must agree to provide a project manager for the term of the grant.
2. Adopt the following Appropriation Ordinance and the Funding Sources Resolution amendments in the General Fund for Fiscal Year 2009-2010:

June 8, 2009

Subject: 2009 California Alcoholic Beverage Control Grant

Page 2

- a. Establish a city-wide appropriation to the Police Department for the 2009 Alcoholic Beverage Control (ABC) Grant in the amount of \$80,830;
- b. Increase the estimate for Revenue from the State of California by \$80,830.

### **OUTCOME**

Council's approval of the recommendations above will provide funding for the Police Department's Vice Unit to decrease the number of alcohol-related violations within the two main entertainment areas in San Jose: the Downtown core and Santana Row. These objectives will be met through a combination of education for premise employees, a public awareness campaign, combined police/licensee projects, and both overt and covert Police enforcement. Additionally a task force model will be utilized involving the local ABC office, Code Enforcement, and local business associations. The main goal of this project is to reduce the number of Police reports and arrests related to ABC licensed establishments by 30% during the grant term in the downtown core and Santana Row entertainment zones.

### **BACKGROUND**

In January of 2009, the San Jose Police Department received a request for proposal from the California Department of Alcoholic Beverage Control for Fiscal Year 2009-2010 ABC grant funds. In March of 2009, the San Jose Police Department submitted the completed proposal/application to the California Department of Alcoholic Beverage Control requesting grant funds in the amount of \$80,830. On May 19, 2009, the San Jose Police Department received notification from (ABC) stating that our proposal/application was approved and that grant funds in the amount \$80,830 are being awarded to the San Jose Police Department. The grant term is July 1, 2009 through June 30, 2010.

This grant will reimburse personnel overtime costs incurred by the Vice Unit to conduct the program as described above along with travel costs to attend a required training conference administered by the grantor. No other costs associated with this grant program will be reimbursed by the grantor.

### **ANALYSIS**

The goal of the 2009 Alcoholic Beverage Control (ABC) Grant is to reduce the number of Police reports and arrests related to ABC licensed establishments by 30% during the grant term in the downtown core and Santana Row entertainment zones. This stated goal will be accomplished through education and public awareness campaigns, combined police/licensee projects, and both overt and covert Police enforcement along with collaborative efforts involving the local ABC office, Code Enforcement, and local business associations.

Council authorization for the City Manager to accept and sign the grant agreement and appropriation of these grant funds will allow the San Jose Police Department's Vice Unit to accomplish this stated goal. This program will assist in addressing the issue of decreasing the number of Police reports and arrests related to ABC licensed establishments within the two aforementioned entertainment zones. Additionally, accepting this grant will allow the City of San Jose to conduct this vital program during the upcoming fiscal year at no additional cost.

Although the Municipal Code authorizes the City Manager to execute grant agreements up to \$100,000 without Council authorization, in this case the grantor is requiring a Council resolution with the terms stated in recommendation number one above as a condition for the award of the grant.

### **EVALUATION AND FOLLOW-UP**

No additional Council action is expected for this grant.

### **PUBLIC OUTREACH/INTEREST**

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This memorandum does not meet any of the above criteria, but it is posted on the City's website for the June 30, 2009, Council agenda.

### **COORDINATION**

This memorandum has been coordinated with the Department of Planning, Building, and Code Enforcement and with the Office of the City Attorney.

HONORABLE MAYOR AND CITY COUNCIL

June 8, 2009

Subject: 2009 California Alcoholic Beverage Control Grant

Page 4

**COST SUMMARY/IMPLICATIONS**

The California Department of Alcoholic Beverage Control will provide \$80,830 in grant funding for the reimbursement of personnel overtime and travel costs associated with this grant program. The duties of the Project Manager as identified in recommendation one(c) above will be performed by existing Police Department personnel who are currently funded in the Police personal services budget. There are no on-going costs associated with this grant, and there is no cash or in-kind match requirement.

**CEQA**

Not a project.

*D/c Cavallon*  
for ROBERT L. DAVIS  
Chief of Police

*Jennifer A. Maguire*  
JENNIFER A. MAGUIRE  
Budget Director

For questions please contact Rick Cheney, Grants Analyst, at 408.277.4488.

I hereby certify that there will be available for appropriation in the General Fund in the Fiscal Year 2009-2010 moneys in excess of those heretofore appropriated therefrom, said excess being at least \$80,830.

*Jennifer A. Maguire*  
JENNIFER A. MAGUIRE  
Budget Director