



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
June 19, 2013**

TO: Mayor and City Council
FROM: Chief Gary Peterson
SUBJECT: Department of Alcoholic Beverage Control Grant
DATE: June 3, 2013

RECOMMENDATION:

Staff recommends that the City Council adopt the resolution authorizing the Chief of Police to execute a contract between the City of Martinez and the California Department of Alcoholic Beverage Control (ABC) for receipt of \$44,650 from the grant assistance program.

BACKGROUND:

A grant in the amount of \$44,650 has been awarded to the City of Martinez and the Martinez Police Department by the ABC. The Martinez Police Department will use the grant to fund officer overtime for field operations in coordination and conjunction with our partners at the State of California, Alcohol Beverage Control aimed at enforcing alcohol violations and providing merchants education on alcohol related laws and rules. Field operations may include compliance checks, decoy operations, shoulder-tap and surveillance operations. The primary goals of the grant are to reduce opportunities for minors to access alcohol and to reduce alcohol related crime in the City of Martinez.

FISCAL IMPACT:

The Police Department would receive \$44,650 in grant funding for this project. This would allow the Police Department to increase its enforcement and educational efforts without impacting the FY 2013-14 budget.

ACTION:

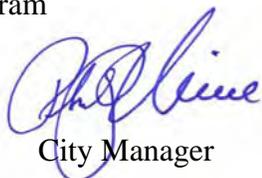
Adopt a resolution authorizing the Chief of Police to receive funding provided by the ABC grant.

Attachments:

Resolution

Letter from ABC and Program

APPROVED BY:


City Manager

RESOLUTION NO. -13

AUTHORIZING THE CHIEF OF POLICE TO EXECUTE CONTRACT BETWEEN THE CITY OF MARTINEZ AND THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR RECEIPT OF \$44,650 FROM THE GRANT ASSISTANCE PROGRAM ADMINISTERED BY THE DEPARTMENT OF ABC

WHEREAS, the City Council of the City of Martinez desires to undertake a certain project designated as "The State of California Department of Alcoholic Beverage Control Project," to be funded in part from funds made available through the Grant Assistance Program (GAP) administered by the Department of Alcoholic Beverage Control (hereafter referred to as ABC).

WHEREAS, the City Council of the City of Martinez desires to reduce the opportunities for minors to obtain alcohol and strives for an overall reduction of alcohol related crime.

NOW, THEREFORE, BE IT RESOLVED that the Chief of Police of the City of Martinez Police Department is hereby authorized, on its behalf to execute on behalf of the City of Martinez and the City Council the attached contract, including any extensions or amendments thereof and any subsequent contract with the State in relation thereto.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

IT IS AGREED that any liability arising out of the performance of this contract, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and ABC disclaim responsibility for any such liability.

IT IS ALSO AGREED that this award is not subject to local hiring freezes.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez, at a Regular Meeting of said Council held on the 19th of June, 2013, by the following vote:

AYEES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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



May 29, 2013

Chief Gary Peterson
Martinez Police Department
525 Henrietta Street
Martinez, CA 94553

Dear Chief Peterson:

Congratulations! Your agency has been selected by the Department of Alcoholic Beverage Control to receive funding for your 2013/2014 GAP grant proposal in the amount of \$44,650. 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 15 – 17, 2013, at the Embassy Suites in Milpitas – Silicon Valley. 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 14, 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 23, 2013**, to guarantee the special room rate or availability. There will be a \$225.00 registration fee per person for the training that is reimbursable through the grant. Please note that due to unforeseen costs 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 Milpitas – Silicon Valley. The distance is based on the agency's physical headquarters address. Agencies that fall in this category are: **Alameda County Sheriff's Office, Berkeley Police Department, Newark Police Department, Pacifica Police Department, Richmond Police Department and San Francisco Police Department.** Travel reimbursable costs for the aforementioned agencies will be limited to the registration fee only.

May 29, 2013

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conference fee has increased by \$25 per person from last year. 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.

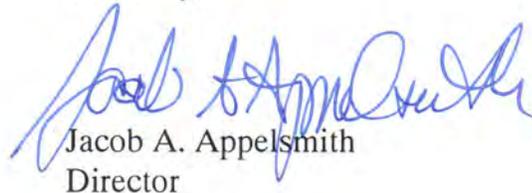
Below are two options:

1. Go to <http://embassysuites.hilton.com/en/es/groups/personalized/M/MILCAES-ABC-20130714/index.jhtml>. *This link is specific to the Alcoholic Beverage Control GAP Conference*, or
2. Call 408-942-0400 main desk at Embassy Suites Milpitas, 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 23, 2013, 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,



Jacob A. Appelsmith
Director

Enclosure

Cc: Lieutenant Aaron Roth, Project Director

**GRANT ASSISTANCE PROGRAM (GAP)
2013 – 2014**

GRANT FORMS



EDMUND G. BROWN JR., *Governor*
State of California

JACOB A. APPELSMITH, *Director*
Department of Alcoholic Beverage Control

January, 2013

GRANT FORMS

Includes:

- Proposal Cover Sheet
- Scope of Work
- Budget Detail
- Other Funding Sources
- Resolution of Governing Body (Sample)
Resolution not needed with RFP package. This will be requested from agencies awarded a grant.

State of California

Department of Alcoholic Beverage Control

Grant Assistance Program

PROPOSAL COVER SHEET

(TO BE COMPLETED BY APPLICANT AGENCY)

1. Name of Applicant Agency:	
2. Description of Applicant Agency: Provide your city or county and a brief summary of department size, staffing, and structure. The City of Martinez is the county seat for Contra Costa County and is approximately 12.47 square miles. Martinez has a population of approximately 36,392 residents. The Martinez Police Department has 37 sworn personnel, 16 civilian personnel, and several volunteers who provide services to the community. The department has assignments ranging from patrol, investigations, traffic, school resource officer, and community resource officer. The department also has its own dispatch center. The rank structure of the department is: 1 chief, 1 captain, 2 lieutenants, 5 sergeants, and 27 officers. Due to current staffing levels and budget constraints, some of these special assignments have been temporarily vacated awaiting 3 officers to complete field training.	
3. Number of Licenses in Project Area: 81	4. Population of Service Area: 36,392
5. Project Description: Provide a list of your projects goals and objectives and briefly summarize. The project objectives will include a wide array of activities targeted at reducing future crimes involving alcohol and alcohol licensees. The project will also strive to reduce the opportunities for minors to obtain alcohol, as well as reduce the ability for drunkards to continue violating alcohol laws. This will be done, in part, by educating merchants and the public about alcohol laws. The project will be evaluated using incident data and arrest statistics as they relate to the specific goals outlined in the project. The end result of the project is to improve the quality of life in Martinez as it relates to alcohol related crimes and violations.	
6. Funds Requested: \$44,650.00	7. Project Period: July 1, 2013 – June 30, 2014
8. Acceptance of Conditions: By submitting this proposal, the applicant signifies acceptance of the responsibility to comply with all requirements stated in the Request for Proposals. The applicant understands that ABC is not obligated to fund the project until the applicant submits correctly completed documents required for the contract.	
A. Project Director (person having day-to-day responsibility for the project)	B. Chief of Police or Sheriff (authorizing official)
Name: Aaron Roth Address: 525 Henrietta St. Martinez, CA 94553 Phone: (925)372-3444 Fax: (925)228-3753 E. Mail Address: aroth@cityofmartinez.org Signature:	Name: Gary Peterson Address: 525 Henrietta St. Martinez, CA 94553 Phone: (925)372-3448 Fax: (925)228-3753 E. Mail Address: gpeterson@cityofmartinez.org Signature:
Title: Police Lieutenant	Title: Police Chief
C. Fiscal or Accounting Official	D. ABC USE ONLY
Name: Cathy Spinella Address: 525 Henrietta St. Martinez, CA 94553 Phone: (925)372-3579 Fax: (925)228-3753 E. Mail Address: cspinella@cityofmartinez.org Signature:	
Title: Finance Manager	

SCOPE OF WORK

Maximum of 4 pages for scope of work

Font size no smaller than 12 pitch, standard format

1. Summary

- a. Agency Description – Describe your agency, including size, structure, staffing, demographics of jurisdiction, and number of ABC licensed locations.
- b. Funding Requested – Dollar amount requested.
- c. Goals and Objectives – List the goals and objectives of your project.
- d. Number of ABC Licensed Locations – List the number of on-sale and off-sale licenses in your jurisdiction.

2. Problem Statement - Describe the issues or problems to be addressed with grant funds.

- a. Clearly identify the area to be served, any specific problem locations, any specific community concerns, and the factors contributing to the problem.

3. Project Description - What are the goals and objectives of the proposed project?

- a. Describe in detail the goals and objectives you wish to accomplish.
- b. Objectives should be measurable, concise, deal with a specific item, and be realistic with a reasonable probability of achievement.
- c. You are encouraged to be creative and to state your objectives by describing them in terms of tasks that you want to accomplish.
- d. You are also encouraged to utilize ABC enforcement strategies that target the illegal purchasing of alcoholic beverages as well as the illegal sale of alcoholic beverages.

4. Project Personnel – Describe the staffing required to carry out the grant objectives as supported by the proposed budget.

- a. Include the number of staff, type of staff, and staff qualifications.
- b. Include unit/division that will be responsible for the grant.
- c. Include the names, rank, and current assignment of personnel involved.

5. Budget

- a. Budget Detail – A sample budget display appears in the Grantee Handbook. The budget is the basis for management, fiscal review, and audit. Project costs must be directly related to the objectives and activities of the project. The budget must be detailed and cover the entire grant period. Include only those items specifically authorized; i.e., salaries, overtime, employee benefits, travel, operating expenses, and certain items of equipment. (Refer to Grantee Handbook, Section I, for details on preparing your budget.)
- b. Other Funding Sources – Describe other funds that your Department will contribute towards the success of this project.

SCOPE OF WORK

Agency/City Description

The City of Martinez is made up of approximately 36,392 residents encompassing 12.47 square miles. Martinez is in Contra Costa County about 20 miles northeast of the City of Oakland. Martinez has the only Amtrak train depot in Contra Costa County and it is the county seat. Martinez is also home to the only county operated hospital, the primary county detention facility, and main county superior courthouse buildings. Contra Costa County has a total population of just over 1 million people, reported in 2009.

The Martinez Police Department (MPD) is authorized by council resolution to staff 37 sworn officers (down from an authorized strength of 39 in 2010). The current rank structure of MPD is: 1 chief, 1 captain, 2 lieutenants, 5 sergeants, and 27 officers. Special assignments within the department have recently included investigations, narcotics, school resource officer, community resource officer, and traffic enforcement, but many of these assignments have been suspended due to the reduction in staffing levels, budget constraints, and the training of newly hired officers.

Over the past year, MPD has been plagued with several officer injuries. At least 1 of these injuries will likely result in a retirement. In addition, MPD has had two retirements over the past year. One of these positions has purposely been left unfilled due to budget concerns. At the time of this proposal, MPD has only 35 officers eligible to work full duty out of the 37 positions in the department's rank structure, and 3 of the eligible officers are not cleared from training to work as solo officers, thereby reducing the effective staff to 32. As a result, many special assignments have been vacated in order to maintain minimum and safe patrol staffing levels.

In the city of Martinez, there are approximately 81 locations with liquor licenses (39 of these are on sale and 42 are off sale establishments). Of these 81 locations, 23 of them are located in the downtown area all within a 65,000 square foot area, which is about 1 1/3 the size of a football field. This lends its own challenge; as many alcohol related crimes are committed in this richly populated licensee area.

Funding Requested

The funding requested in this proposal reflects reimbursement for overtime hours worked by officers while conducting the ABC operations, "buy funds" used for Shoulder Tap/Minor Decoy and narcotics operations that may arise. MPD also would like to purchase 2 PAS IV Passive Alcohol Sensors capable of sensing alcohol in ambient air or on someone's breath to assist with the detection of alcohol in open containers, etc. The total funding requested is: \$44,650.00.

Goals and Objectives

The goals and objectives of the project will include activities targeted at reducing future crimes involving alcohol, as well as crimes occurring at establishments that are licensed by the Alcoholic Beverage Control, which may include stolen property offenses, prostitution, or narcotics distribution. The project will also specifically seek to reduce the opportunities for minors to obtain alcohol through both enforcement operations and the continued education of merchants and the public with regard to alcohol laws.

SCOPE OF WORK

These goals will be made possible by conducting 2 IMPACT operations, 2 ROSTF operations, 4 Minor Decoy operations, 8 Shoulder Tap operations, 12 surveillance operations (all using 2 officer teams) and hosting 1 LEAD training.

Problem Statement

Previously, The Martinez Police Department (MPD) has joined efforts with ABC in combating alcohol violations and providing education for local alcohol licensees. This partnership was made possible through previous grants (2006-2007 and 2009-2010 grant periods), as well as through relationships formed between ABC and MPD during these grant periods. Unfortunately, MPD is currently working with depleted current budgets, as well as waning budget projections. This is causing an inability for MPD to conduct Minor Decoy/Shoulder Tap operations and directed enforcement of alcohol related laws at ABC licensed establishments.

MPD is also currently unable to provide alcoholic beverage education for citizens and merchants and has been forced to temporarily vacate special assignment positions that would assist in such education in order to backfill patrol vacancies. Among these positions are the Community Resource Officer and the School Resource Officer positions. These vacancies, coupled with the lack of directed personnel to educate merchants and proactively combat liquor law violations place MPD in a perilous position with regard to teen and minor related alcohol violations. During 2010, agents from ABC conducted a minor decoy operation and cited 3 businesses for selling alcohol to minors. All three of the businesses cited had previously refused sales to minors during grant funded operations. MPD believes the current lack of directed enforcement and the lack of education with regard to alcohol related laws is partially responsible for the willingness of these retailers to sell alcohol to minors.

Receiving this grant will allow MPD to revise education efforts for the local merchants and continue enforcing liquor laws in a directed enforcement fashion. It is believed this revised effort will ultimately reduce the number of opportunities minors will have to obtain alcohol, as merchants will have a renewed sense of responsibility towards the community, and persons arrested during operations will understand that MPD will continue enforcing alcohol related laws.

MPD has also noticed a continuing issue with regard to a specific geographic area downtown. The 600 block of Ferry Street is a city block roughly 70 yards in length. Within this block there are two bars and one liquor store. The majority of problems have been noted at these two bars.

At the Whiskey Lane bar, it is common to see members of the CoCo Boys and FAIM gangs comingling. Both of these gangs have been identified in Contra Costa County Superior Court as being criminal street gangs, and it has been anonymously reported subjects associated with these gangs are selling marijuana and offering prostitution services out of the bar. Previous investigations could not confirm these accusations, but a grant funded IMPACT inspection in early 2009 revealed the establishment was the purveyor of a gambling pool. This resulted in the business being fined and receiving a 10 day license suspension.

In addition to the sustained gambling allegation at this bar, there have been multiple violent incidents in this block attributed to this bar to include a suspected gang member stabbing a subject

SCOPE OF WORK

several times during an altercation over drugs, and another incident where officers responded to shots fired to find another subject who had been stabbed. Officers also have arrested multiple subjects in this block for being drunk in public after they have left this bar.

At the other bar in this block, Ferry Street Station, there have been multiple incidents of fights, drunk in public, and reports of illegal drug dealing inside this bar. During one incident at the bar, a subject attempted to shoot a firearm near a crowd of people during an altercation. Fortunately, the subject's firearm malfunctioned, and he was apprehended.

In addition to the aforementioned criminal street gangs that frequent the bars in the 600 block of Ferry Street, these bars also seem to attract outlaw motorcycle gangs. On any given evening, members of Amons, the Heavy Hitters and the Hells Angels motorcycle gangs frequent these bars. Members of the Hells Angels have coexisted with the Heavy Hitters and Amons at these bars, all while flying their colors. It is common knowledge that any motorcycle club that flies colors while in the presence of the Hells Angels does so only with approval of the Hells Angels gang. In order to gain approval from the Hells Angels, other motorcycle gangs must show public support for the Hells Angels and are often called upon to further the Hells Angels' criminal enterprise. The Hells Angels have been identified by multiple federal agencies as being a criminal street gang whose primary financial means is the distribution of illegal drugs.

MPD believes there is a multitude of illegal activity occurring between these two bars, which is primarily going unreported due to fear of reprisal from the motorcycle gangs and other street gangs mentioned. MPD has responded to the local hospital for batteries committed inside the bar in which the victim did not want to make a statement and as mentioned, MPD has received anonymous complaints of drug dealing in or around these bars. MPD believes the motorcycle gangs and other gangs frequenting these bars are dictating police response through fear and intimidation of witnesses and victims.

Currently, MPD has a vehicle that has been outfitted for long term, medium range surveillance. Unfortunately, the current state of the city budget prohibits the ability to safely and properly conduct surveillance operations of our local bars on a regular basis. MPD believes if funding is obtained for surveillance operations on these problem bars, as well as other off and on sale liquor establishments, any illegal activity occurring within any ABC licensed establishments will be identified and addressed through the criminal investigation process.

Project Description

The goals and objectives of this project will primarily focus on the downtown area, as this is an identified area of concern, but will also reach out to the other liquor stores and bars that are located within the city limits. The project will utilize existing resources (i.e. surveillance van equipped with video equipment, undercover vehicles, previously obtained grant equipment) and couple them with officers who are familiar with the utilization of this equipment, as well as coupling them with those officers familiar with the ABC defined operations supported by the project. The project will employ training strategies for officers, education strategies for merchants, and enforcement planning towards ABC regulated establishments similar to those employed during the previous grant projects and defined by ABC. In addition, the two identified

SCOPE OF WORK

personnel who will be facilitating the project will attend the GAP conference to aid in their performance with regard to the below project goals and objectives:

- Increase public and merchant awareness of alcohol related laws.
- Increase the visibility of officers addressing alcohol related violations in order to decrease alcohol related crime and specifically address the crime of furnishing alcohol to a minor by both the merchants and the public.
- Reduce the number of businesses selling alcohol to a minor from the reported 3 businesses by ABC to zero just as in grant years past.
- Directed enforcement of applicable laws at ABC licensed establishments.
- Have project personnel attend ABC Grant Conferences during this project period.
- To organize, implement, and document ABC training on a quarterly basis.
- To train all sworn personnel on alcohol related laws during briefing trainings.
- To issue press release announcing the grant project prior to the grant activities.
- To issue periodic press releases as warranted by grant enforcement activities.
- To conduct at least 4 minor decoy operations.
- To conduct at least 8 shoulder tap operations.
- To host 1 LEAD training to interested businesses.
- To conduct at least 2 IMPACT inspections of all bars and liquor stores in Martinez.
- To conduct 12 surveillances (2 person teams) of bars and liquor stores to determine if businesses are selling alcohol to intoxicated subjects, minors, or committing other violations of the law.
- To conduct 2 ROSTF operations.

Project Personnel

The personnel required for this project will be a mixture of dedicated and rotating personnel. The project will be led by the patrol bureau commander, Lt. Aaron Roth, who will be assigned to facilitate the project and ensure adherence to the guidelines and perseverance towards the project goals. This lieutenant will be assisted by a sergeant who will also be dedicated to the aforementioned tasks. This sergeant has not been chosen at this time, but the appointment will be based on familiarity with the program and anticipated longevity in the department. Both of these individuals will be assigned to the project throughout its life, and they will be scheduled to attend the GAP conference.

Additional sworn personnel will be offered the opportunity to sign up for overtime shifts as outlined by this project. These officers will be briefed on current trends and chosen by the willingness to work on the project and enforce any applicable laws. This pool of officers is mainly made up of former traffic and DUI enforcement officers, former detectives with knowledge of the district attorney's complaint procedures, and officers who have had prior experience in conducting minor decoy, shoulder tap, and surveillance operations. The project will also utilize officers assigned to neighborhood policing areas that have community and merchant relationships that will assist with disseminating information and meeting the project goals. Lastly, minor decoy and shoulder tap operations will be conducted using police explorers willing to volunteer for these operations. MPD currently has explorers who have previously participated in such operations and have expressed interest in assisting with future operations.

BUDGET DETAIL

Exhibit B

BUDGET CATEGORY AND LINE-ITEM DETAIL	COST
A. Personnel Services (straight time salaries, overtime, and benefits)	(Round budget amounts to nearest dollar)
A.1 Straight Time All straight time hours will be funded by MPD	
A.2 Overtime 64 officer shifts x 8 hour shifts @ \$60.71	\$25,255.00
21 sergeant shifts x 8 hour shifts @ \$73.30	\$12,314.00
A.3 Benefits 6.5% x \$37,569.00	\$2,441.00
TOTAL PERSONNEL SERVICES	\$40,010.00
B. Operating Expenses (maximum \$2,500)	
Decoy Operations, Shoulder Tap Operations, and Narcotic Investigations "buy money."	\$1,500.00
TOTAL OPERATING EXPENSES	\$1,500.00
C. Equipment (maximum \$2,500) (Attach receipts for all equipment purchases to monthly billing invoice)	
2 PAS IV Passive Alcohol Sensors @ \$695.00 each	\$1,390.00
TOTAL EQUIPMENT	\$1,390.00
D. Travel Expense/Registration Fees (maximum \$2,000) (Registration fee for July 2013 GAP Conference attendees is \$225 each)	
2 registration fees for attendees @ \$225	\$450.00
Travel, per diem, and lodging for July conference	\$1,300.00
TOTAL TRAVEL EXPENSE	\$1,750.00
TOTAL BUDGET DETAIL COST, ALL CATEGORIES	\$44,650.00

OTHER FUNDING SOURCES

Complete the following to report the total funds available to support the activities related to accomplishing the goals and objectives of the contract. In the "Grant Funds" column, report the ABC funds requested by category. In the "Other Funds" column, report all other funds available to support the project by category (if none, leave blank). Then calculate the totals by category in the "Program Total" column. Total each column down to arrive at the total program funds available. **(Round all budget amounts to the nearest dollar.)**

BUDGET CATEGORY	GRANT FUNDS	OTHER FUNDS	PROGRAM TOTAL
Personnel Services			
Sworn personnel for project operations	40,010.00		
Supervision and oversight of project (4 hours per month straight time)		3,378.00	
Operating Expenses			
Decoy and shoulder tap operations buy money, as well as buy money for any additional investigations that arise relating to ABC regulated establishments	1,500.00		
Police vehicle and equipment use – maintenance, gas, and upkeep		5,000.00	
Travel/Registration Fees			
1 GAP conference, 2 attendees, plus travel, meals and lodging	1,750.00		
Equipment			
2 PAS IV Passive Alcohol Sensors @ \$695.00 each	1,390.00		
TOTALS	\$44,650.00	8,378.00	\$53,028.00

(This form does not become part of the contract.)