

OFFICE OF THE CITY MANAGER

TO: City Council

THROUGH: Economic Development and Technology Committee

FROM: City Manager

SUBJECT: Follow up Questions on Job Center

At their February 5 and 19, 2003, meetings, the Economic Development and Technology Committee discussed the attached staff recommendation. In addition to the recommendation contained in that report, the Committee asked staff to meet with representatives of the Job Center to see if other actions could be taken immediately that would provide additional incentives for employers to hire from the Job Center.

In particular the Committee asked if staff could investigate the following:

1. Ways to make sure employers were made aware of the Center when the new ordinance goes into effect, so they are encouraged to continue hiring but from the established location;
2. Additional incentives for employers if they hire from the Center; and,
3. Decentralization of the Center so more smaller sites are available closer to hardware stores, truck rental, moving supply stores, and lumber yards.

Staff met with Job Center representatives and discussed these as well as other ideas. The group was in mutual agreement with the following:

3/24/2003
5.A.(1)

A. Systems Audit

Job Center representatives believe that one of the main reasons workers are not coming to the site is because of rumors that the hiring systems are not fair and that some workers receive preferential treatment. The City offered to use City Audit staff or a contractor to complete a systems audit to see if any inequities exist and make recommendations on how to change the systems if any are found.

B. Information to Employers

The Center and City agree that flyers and banners need to be a major part of implementing a new ordinance. Not only will this bring the employers to the Center for hiring but, additionally, will prevent incorrect information from being circulated. For example, the City was told that some employers believe that the Center would force an employer to take a worker based on lottery and would not allow them to hire a particular worker with whom they had a good experience in the past. This is not the case.

Further, there are services available from the Center that are not available on the streets. The Center has registered 130 women of whom 15 per day come to the Center looking for house keeping work on a regular basis. This information is not well known.

Finally, the Center representatives asked that when the signs announcing the prohibition of stopping and hiring from the traffic lanes are installed that the City also investigate the possibility of signage with a positive message. For example the message could be "Cooperate with your Community – Hire Workers at 500 N. Lake Avenue".

C. Training

While the primary goal of the workers is to get paid employment, training programs have been well received. The Center has a location on site set up to run programs but is waiting for City permits. Staff will find out what permits are needed and see if the process can be accelerated.

Additionally the City will see if City employees who have specific expertise, local contractors and local nurseries would be able to provide classes at the Center. The areas that would be first priority are:

- Flooring
- Windows
- Plumbing
- Tile
- Painting

- Masonry
- Dry walling
- Landscaping
- Domestic Services

At least one local contractor has approached the City about participating in this type of program. In other cities, contractors have used these training programs to find potential employees.

D. City Contractors

The Center asked that staff make information about the presence of the Center available when contractors are hired for City projects in case any hiring needs they have match the skills available through the Center.

E. Information to Larger Community

When more is known about the Job Center, referrals from many areas can assist in increasing hiring. The Center and City will work together to make information known to a larger Community audience. Areas that are being explored include:

- Channel 55 talk show
- In-Focus reminders (3 per year)
- Utility Bill Inserts
- City Web Site
- Press Release
- Editorial Board meeting

F. Incentives

Job Centers in other cities have used incentive programs successfully. The Center and City will put together teams to visit local business to seek their participation in incentive programs. The type of programs that seem to be most popular are discounts on future purchases for employers who hire at the Center.

There are also possible incentive programs for workers in which they would receive discounts at local stores if they were hired from the Center. It was agreed that the employer incentive program would be the first priority because it would encourage employers to come to the Center and would result in more jobs for more workers.

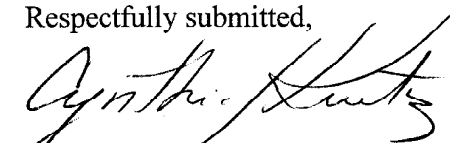
G. De-Centralized Sites

While deserving of more discussion, there is much more that needs to be considered before de-centralized Centers could be recommended. The staffing requirements and logistical concerns need to be researched more thoroughly. The lease for the current location is entering its 4th year (out of 5) but can be terminated with 90-days notice if other location models are determined to be more effective.

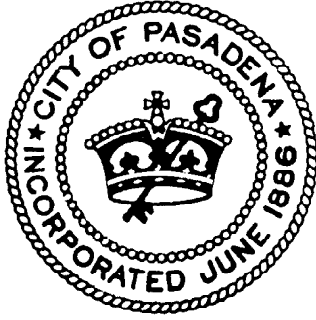
Finally the Committee asked for a more through discussion of enforcement costs. The Agenda Report states that there will be "no fiscal impact" yet staff does recognize that if a new ordinance is adopted, additional police presence will be necessary in the short-term. It is the staff's expectation that over the long-term the Police would experience fewer calls.

The funds needed for the short-term enforcement are available in the adopted budget FY'03 Operating Budget and no additional appropriations are needed.

Respectfully submitted,



Cynthia J. Kurtz
City Manager



Agenda Report

DATE: FEBRUARY 10, 2003

TO: CITY COUNCIL

THROUGH: Economic Development and Technology Committee (February 5, 2003)

FROM: CITY MANAGER

SUBJECT: DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE PROHIBITING COMMERCIAL ACTIVITY IN CERTAIN PUBLIC RIGHT-OF-WAYS WITHIN THE CITY

RECOMMENDATION

It is recommended that the City Council direct the City Attorney to prepare an ordinance that prohibits business and commercial activity in public right-of-ways where curb markings or signs are installed and prepare an amendment to the Pasadena Municipal Code to codify appropriate penalties, signage or other types of regulations to control this commercial activity

BACKGROUND

The City of Pasadena's General Plan promotes a vision that affirms and reaffirms the values of the community and which is embodied in the General Plan's Seven Guiding Principles. Within these principles are objectives that outlines the City's priorities for promoting the relationship of land use and transportation, specifically, the need to reduce traffic congestion and protect residential neighborhoods from traffic impacts and for promoting safe, well-designed, accessible and human-scale residential and commercial areas where people of all ages can live, work, and play.

The City is becoming increasingly concerned, however, that vehicles are frequently stopping in the right-of-way to hire persons seeking employment, which can and does make for unsafe conditions for other drivers and for the people on the sidewalk.

Despite the opening of the Pasadena Employment Job Center, located at 500 N. Lake Avenue, a significant number of persons in vehicles continue to conduct business by hiring persons seeking employment at major intersections, along major corridors, and at specific business locations throughout the City. These locations include Fair Oaks Avenue/Villa Corridor; South Raymond

Avenue (U-haul Center), Fresh Farm Shopping Center (Los Robles Avenue/Orange Grove Blvd), and OSH Hardware at East Colorado Blvd and Madre Street.

This activity continues to generate public safety concerns, increases traffic congestion and traffic hazards, creates obstruction of the streets and sidewalks and encourages an unsafe environment.

Residents and businesses legitimately complain about this prohibited commercial activity by vehicle occupants. In general, commercial activity is not appropriate to many public right-of-ways, and can be regulated by and through the proposed ordinance. This will be determined on the basis of sound traffic engineering principles in accord with the Pasadena Municipal Code.

During a two-week period at various locations in the City and primarily in areas with restricted curb markings, an average of 106 persons were observed waiting for employment between the hours of 6:00 and 8:00 a.m. Between 8:00 and 10:00 a.m., 130 persons were observed on the City streets. Between 10:00 a.m. and 12:00 p.m., approximately 100 persons waited for employment by occupants of vehicles and between 12:00 and 2:00 p.m. another 50 persons waited for employment.

During the year, a total of 1,623 calls for service were recorded in the area surrounded by Fair Oaks, Lake Ave., Maple Street and Orange Grove Blvd. Out of a total of 1,623 calls for service, 855 were along the Villa Street Corridor and were considered related to this commercial activity in violation of the Vehicle and Traffic code. From recent experience, it appears that without additional legislation, the opening of the Job Center alone will not alleviate the commercial activity, which violates City traffic codes. Similar concerns have been raised in other cities. In response, cities have looked at two approaches:

1. Prohibiting the solicitation of employment from the public right-of-way
2. Prohibiting the employment of persons from the public right-of-way

In 1989, several jurisdictions including Los Angeles County, the City of Industry, La Mirada, Lawndale, Malibu, Laguna Beach, Pomona, Glendale, and Gardena, adopted ordinances prohibiting persons from soliciting work on the street. However, recent lawsuits have successfully led to the repeal of many of the ordinances based on violation of the 1st and 14th amendments of the United States Constitution. Those that were repealed or suspended include Los Angeles County (which affected up to 51 cities and all unincorporated areas), and the cities of Lawndale, Mountain View, Agoura Hills and Los Altos. The legal language utilized by many of the cities in their ordinance was borrowed from the Los Angeles County ordinance, which was repealed in June 2000 as violating the 1st and 14th Amendments.

Given the uncertainty of this approach, staff recommends the City of Pasadena adopt an ordinance prohibiting business and commercial activity from the public right-of-way. The ordinance is necessary for the following reasons:

1. To prohibit parking or stopping of vehicles, which causes traffic congestion, creates hazards, and detrimentally affects the public welfare or deprives the public of efficient use of available curb space.

2. To protect the public's health and safety and provide the City of Pasadena control over the use of streets, sidewalks, parkways, and roadways in the interest of traffic regulation and maintenance of free and unobstructed use of public streets, sidewalks, parkways, public and private parking areas, and roadways, when authorized signs and curb marking are in place giving notice thereof.
3. To reduce the unusual concentration of population caused by the unrestricted parking or stopping of vehicles, which is a frequent problem while engaging in this commercial activity; which creates traffic congestion and traffic hazards, tend to impact the welfare of residents who live close to areas where employment occurs; hinders the safety of non-employers who happen to drive or stop their vehicles where hiring occurs; and who become frightened and alarmed by unusual concentration of persons seeking employment; and which can result in potential injury to the persons seeking employment.
4. To ensure that all business is conducted in an organized manner thereby alleviating the health and safety issues associated with the unregulated business and commercial activity on Pasadena streets.
5. To encourage occupants of vehicles to obtain labor at areas designated as employment centers, or that operate as employment centers or offices.

California Vehicle Code Section 22507 provides the City with great latitude in the manner in which it regulates and restricts the stopping, parking or standing of vehicles by ordinance and regulation. California Vehicle Code Section 22455 provides the City with latitude in establishing requirements for public safety regulating any type of vending from vehicles upon any street. While the City can already regulate vehicle parking under its existing ordinances, staff recommends that the City amend the Pasadena Municipal Code to codify appropriate penalties, signage or other types of regulations to control the broader problem of commercial activity being conducted in the public right of way.

Other Actions under Study

There are additional actions that staff will be examining to address the impacts from these employment activities if the proposed ordinance regulating this commercial activity in public right-of-way does not achieve the intended result. The first involves a permitting process for workers and the second encourages potential employees and employers to use private business sites.

Sign-up or Permitting

City staff and the City Attorney, in conjunction with the Job Center and other stakeholders, will investigate the option of establishing a permitting or business license type process for persons, who seek employment on the public right-of-way that could regulate the time, place and manner of their activities with the objective of eliminating neighborhood and business impacts. These may include a mechanism to disperse the potential employees, and regulate the noise and the locations where they can seek employment. The language written for the City's ordinance must significantly protect the constitutional rights of persons, namely the 1st and 14th Amendments. Specifically, the ordinance must meet (1) Time, Place and Manner Test, (2) be narrowly tailored to serve a significant government interest (3) provide alternative avenues of communications.

The City has three (3) related experiences in regulating activities. These include: push cart vendors, newspaper racks and preferential parking.

Private Sites

There are several sites within the City that sell and/or rent goods that attract patrons in need of temporary employees. A few of these sites appear to be large enough to accommodate temporary employees and their potential employers without negatively impacting neighborhoods, public safety or adjacent businesses. Staff will be investigating the operation of these sites with the view of regulating and formalizing this activity at these privately owned and operated sites.

Many cities have organized job centers. Local examples include Glendale, Laguna Beach, and Los Angeles. Others include Austin and Houston, Texas, as well as Silver Spring, Maryland. Some centers provide job-training, classes, English, health education and a variety of services for women in addition to job placement.

On February 24, 2001, the City of Pasadena opened an organized job center at 500 N. Lake Avenue. The City worked with the community and representatives of day workers to identify, construct, and operate a center that facilitates legal and safe hiring of workers on a regular basis. Since the opening of the Job Center, they report that an average of 23 persons or approximately 593 workers per month utilized the facility on a daily basis, representing approximately 11,850 registrations during the 20-month period. These registrations have generated approximately six jobs per day, 161 per month, or 3,214 since the center opened. It is believed that prohibiting this type of commercial activity on the public right-of-way will reduce the number of unsafe hires on the streets and increase safe hires at the job center. A recent survey by the Job Center staff found that the facility is utilized by a broad cross section of employers. Of a total of 63 employers in the survey, 29 (or 46 %) were businesses, 15 (or 24 %) were homeowners, 14 (or 22 %) were contractors, and 5 (or 8 %) were nonprofits.

As cited above, the City of Pasadena facilitated the creation of a Job Center in partnership with community members and the Instituto de Educación Popular del Sur de California (IDEPSCA). The Center allows IDEPSCA the opportunity to maintain a place where employment of persons can take place on a systematic basis. The center also provides training and education, including English as a second language. While the City is not responsible for operation of the facility, the operating funds for rent and staff are provided through Community Development Block Grant funds, which total \$140,000 for fiscal year 2003.

In addition to providing technical assistance as required, the City has provided additional assistance in various ways including donation of computers, copy machines, flyers, signs, plastic bags, posters, banners, doorknob hangers, and contractor mailing lists. The City, in association with the Job Center staff, has coordinated with various hardware and construction material suppliers to provide information about the Job Center and the availability of temporary employees who frequent the facility.

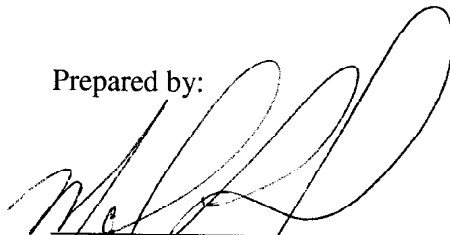
FISCAL IMPACT

Adoption of the ordinance would not have any fiscal impact on the City. While additional Police personnel would be required in the short term, the Police Department would not require additional staff if this ordinance is enacted.

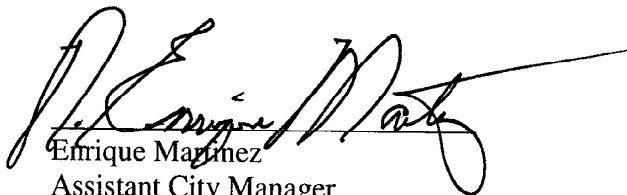
Respectfully submitted,


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