

Agenda Report

DATE: February 23, 2004

TO: CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: PROPOSAL FOR WORKING GROUP REGARDING NUISANCE LIQUOR STORES AND APPROPRIATION OF FUNDS

RECOMMENDATION:

It is recommended that City Council approve the following proposal for a working group to develop recommendations to address neighborhood impacts of nuisance liquor stores and to appropriate \$29,000 from the Unappropriated General Funds to City Attorney and Police Department accounts for a facilitator, legal research and general materials and supplies.

BACKGROUND:

On February 2, 2004, City Council directed staff to prepare a proposal for a working group to develop recommendations to address neighborhood impacts of nuisance liquor stores. Liquor stores are causing significant negative impacts on adjacent areas including loitering, prostitution, public intoxication, and other related illegal activity. The Code Enforcement Division, Police Department, and City Prosecutor's Office are making use of all available remedies but have not been able to solve the problem and remove the impacts on neighborhoods.

The purpose of the working group will be to further define the issues; investigate current law and the constraints it places on local agencies; investigate options such as condemnation, changes to state law, or others that would allow the City to fully address the issue; and to develop a final recommendation for action.

Staff recommends that the working group investigate the use of eminent domain as a possible alternative. The eminent domain provision of the redevelopment areas has expired, but could be renewed through a plan amendment. The amendment process would include public hearings and input from the community.

Staff recommends that the working group be made up of nine voting members: four representatives from the neighborhoods to be selected from applicants (and geographically distributed), three from local agencies including the NAACP, the Old Pasadena Business District Association and the Chamber of Commerce; and two to be appointed by the State legislature (one per each representative). Two non-voting youth representatives could also be appointed at large. In addition, following the format of the Affordable Housing Task Force, it is recommend that a Councilmember serve as non-voting chair. It would be appropriate for other Council members to participate as well.

An application form for appointees is attached. In addition to distribution by Council members, application forms will be sent to those residents who spoke on this issue at the February 2 City Council meeting. To maintain an efficient schedule, staff recommends that appointments be made at the March 22 City Council meeting.

Staff recommends that the working group meet twice a month for three months, for a total of six meetings:

- Meeting 1 Understand the Law
Presentation by the City Attorney's Office, Police Department and Code Enforcement Division regarding current laws and restrictions.

- Meeting 2 Understand the Problem
Presentation by the Police Department and neighbors regarding specific incidents and concerns.

- Meeting 3 Investigation of Alternatives
Discussion of what other cities are doing, possible changes to state law to increase local control, pros and cons of renewing eminent domain within redevelopment areas.

- Meeting 4 Crafting of Recommendations
Group discussion regarding best alternatives.

- Meeting 5 Review of Draft Report

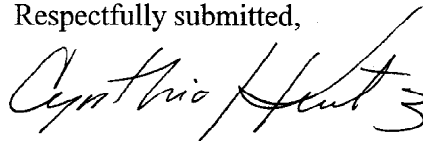
- Meeting 6 Final Report

The City Attorney's Office and the Police Department will provide lead staff with support from a professional facilitator and legal research staff.

FISCAL IMPACT:

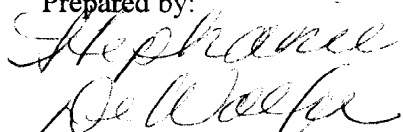
Total costs for the working group will be \$29,000 including: \$10,000 to City Attorney account 8118-101-181000 for legal consulting, \$15,000 to Police Department account 8114-101-403100 for a facilitator and \$4,000 to Police Department account 8181-101-403100 for general materials and supplies. Funds are available for this purpose in the Unappropriated General Fund.

Respectfully submitted,



Cynthia J. Kurtz,
City Manager

Prepared by:



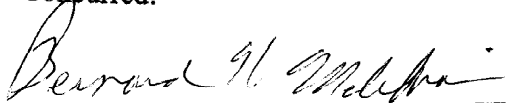
Stephanie DeWolfe
Assistant to the City Manager

Concurred:



Michele Beal Bagneris
City Attorney

Concurred:



Bernard K. Melekian
Police Chief