

# Agenda Report

**TO:** CITY COUNCIL JANUARY 10, 2005

**THROUGH:** FINANCE COMMITTEE

**FROM:** CITY MANAGER

**SUBJECT:** APPROVAL OF A JOURNAL VOUCHER APPROPRIATING \$17,500 TO THE PLANNING AND DEVELOPMENT DEPARTMENT FOR ENHANCED CODE ENFORCEMENT EFFORTS AND AUTHORIZE STAFF TO BEGIN THE RECRUITMENT PROCESS FOR A NEIGHBORHOOD ACTION TEAM

## RECOMMENDATION

It is recommended that the City Council:

1. Authorize staff to undertake recruitment efforts for a Neighborhood Action Team (NAT), consisting of 5 Police Officers and 1 Police Sergeant. Funding for these positions and associated materials and supplies for the NAT, in the amount of \$757,366 will be included in the FY 2006 Recommended Operating Budget, and
2. Approve a Journal voucher appropriating \$17,500 to the Planning and Development Department, budget account number 101-448100, from the General Fund unappropriated fund balance, for overtime night and weekend code enforcement efforts relating to off-site liquor store operations.

## BACKGROUND

On September 13, 2004, the City Council accepted the 11 recommendations of the Working Liquor Store Committee. The Council directed the City Manager to return to Council to provide budgetary impacts, staffing and a methodology for implementing the recommendations. In response to the Working Liquor Store Committee recommendations, staff has undertaken the continuation and commencement, of a number of investigative and community outreach efforts. In order to implement these efforts, existing staff resources will be redirected and additional personnel will be required. Staff's response to each of the 11 recommendations is provided below.

**1. Improve coordination among City departments and the Department of Alcoholic Beverage Control in addressing alcohol license transfers.**

The Department of Alcoholic Beverage Control (ABC) sends off-sales alcohol license transfers to the City each month. Until recently, the Planning and Development and Police Departments routinely approved alcohol license transfers. Currently, when the ABC sends the City off-premises sales license transfers of liquor stores, the Planning and Development Department does the following:

- Reviews Department files of the premises for violations or problems;
- Deploys a Code Inspector to check the premises for violations; and
- Provides the Police Department with the results of their investigation.

The Police Department does the following:

- Reviews Department files of the premises for violations or problems;
- Consults with the Department of Alcoholic Beverage Control to check their files;
- Completes a background investigation of the license applicant (when appropriate);
- Notifies Day One and Neighborhood Connections of the license transfer so that they may gather feedback from residents and affected businesses and report this information to the Police Department;
- Prepares a protest and notifies ABC (when appropriate); and
- Prepares a quarterly report to the Public Safety Committee.

**2. It is recommended that the City utilize the maximum allowable time to assess license transfer applications.**

The Police Department has instituted a practice of submitting a written request to the Department of Alcoholic Beverage Control for a 20-day extension to complete background investigations. The Department will also prepare a protest if it is necessary.

**3. Identify existing tools and resources available throughout the City that can be used to mitigate problematic off-sale premises.**

In addition to existing enforcement efforts conducted by the Planning and Development and Police Departments, the following resources can be used to mitigate problematic off-sale premises:

- Neighborhood Connections, a Division of the Human Services and Recreation Department, serves as an informational resource to community members and facilitates communication between the community and liquor store owners;
- Safe Streets Now, a non-profit organization, helps citizens resolve specific neighborhood problems and empowers those citizens in ways that

encourage additional problem solving and strengthening neighborhoods. The signature activity is the filing of small claims court actions against property owners who refuse to address known problems on their property;

- Day One is a non-profit organization dedicated to providing alcohol, tobacco and other drug prevention programs, education and advocacy to the Pasadena and Altadena communities; and
- The Nuisance Abatement Team, comprised of representatives from the City Prosecutor's office, Neighborhood Connections, Pasadena Police Department, Code Compliance, the Housing Department and Day One, is designed to address problem property locations within the City in a comprehensive manner.

**4. Identify and improve area and methods of data collection and analysis.**

The Police Department now provides a 24-hour phone number to report problems associated with off-sale alcohol licensed premises. Calls are checked each business day, and returned by the following business day, if necessary. As well, the Police Department is in the process of distributing posters to off-sales alcohol retail outlets to provide information to the public on how to report problems associated with alcohol sales.

With the implementation of a new data collection and records management system, the Police Department will improve its ability to collect and analyze records that may be used to build a case against a problematic licensee.

**5. Direct the City Attorney to draft an ordinance improving local control in addressing nuisance off-premises locations.**

The City Attorney's office is in the process of developing an ordinance related to this issue. The proposed ordinance will be presented to the City Council at the January 24th council meeting.

**6. Share with and/or monitor other cities' legislative action and innovative efforts to address problematic off-sales premises.**

With the addition of the Neighborhood Action Team, the Police Department will assign staff to do the following:

- Work with adjacent agencies to abate issues when the liquor outlet is in the adjacent community;
- Monitor methodologies other agencies use to address nuisance off-sale premises; and
- Enhance efforts to engage community members, organizations, and local businesses to identify innovative approaches to ensure responsible alcohol sales.

**7. Direct the City Attorney to draft an ordinance prohibiting open containers adjacent to posted premises.**

The City Attorney's office drafted revisions to PMC 9.24 (Alcoholic Beverages in Public) and on November 1, 2004, the City Council adopted ordinance 6994.

**8. Actively work with area legislators to pursue modification of legislation, including amortization of nuisance off-premises location, as a means to address problems.**

On December 20, 2004, the City Council approved staff's recommendation to request that the State Legislature amend Business and Professions Code Section 23790 and to require that Retail Liquor Sales Licenses comply with zoning regulations which a city or county has adopted after the Licensee obtains its license. The City Council also approved the recommendation to request that the Legislature amend Section 24070 to prevent expungement of violations upon transfer of a retail liquor license. Staff is working with the City's State lobbyist and will continue work in cooperation with area legislators and other cities to garner support to amend the subject legislation.

**9. Promote voluntary compliance among the off-premise owners to promote responsible business operations and a positive relationship with the neighborhoods.**

The new Neighborhood Action Team will continue the Police Department's efforts to work with off-premises owners to promote voluntary compliance.

**10. Work with community-based organizations to empower youth and residents in the community to take an active role in responding to problematic off-premise locations in their neighborhood.**

Police Department staff continues to work in cooperation with Day One to achieve this objective.

**11. Explore contracting a full time investigator from ABC for exclusive use in Pasadena.**

The Department of Alcoholic Beverage Control has advised staff that contracting a full time investigator for exclusive use in Pasadena is not possible at this time.

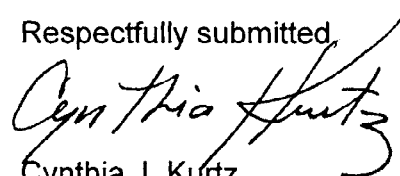
**FISCAL IMPACT**

With approval of the requested action, the FY 2006 Recommended Operating Budget will include \$757,366 for a Neighborhood Action Team and \$35,000 for additional code enforcement relating to off-site liquor store operations. Funding for the NAT will include:

- \$659,296 for 6 additional FTEs (1 Police Sergeant and 5 Police Officers);
- \$35,000 for a police car;
- \$10,000 for annual car maintenance and fuel;
- \$14,070 for equipment;
- \$18,000 for 6 radios;
- \$15,000 for 6 bicycles; and
- \$6,000 for bicycle maintenance

Approval would also provide \$17,500 to enhance existing code enforcement efforts relating to off-site liquor store operations for the remainder of the current fiscal year.

Respectfully submitted,



Cynthia J. Kurtz  
City Manager

Prepared by:



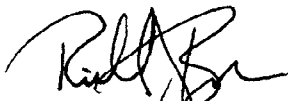
Charles Peretz  
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Approved by:



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Concurrence:



Richard Bruckner  
Director of Planning and Development

Concurrence:



Michele Bagneris  
City Attorney