



## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve Class B and C Late Night Permit Requests (1:00 a.m. and 2:00 a.m.) for FY16/17 Renewal Period
Presenter:	Chief Keegan

*Please check appropriate box:*

X	Government Operations (3/7/16)		Government Services
	Planning & Development		City Council
	Public Hearing		Liquor Control Commission

Estimated Cost:		Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

### Executive Summary:

Ordinance 2014-M-4 amending Chapter 5.08 was approved at the January 21, 2014 City Council meeting to establish fees for Class B and C liquor licensees who would like to extend their operating hours pass the general 12:00 midnight closing time to 1:00 a.m. or 2:00 a.m. closing time.

Attached is a memo of explanation and list of current liquor license holders requesting late night permits that the Police Department recommending approval from this Commission to move forward committee/council approval for FY16/17.

This item was recommended by the Liquor Control Commission on February 15, 2016 with a vote of 4-0 in favor to carry this forward to this committee for recommendation of City Council approval.

### Attachments: (please list)

Memo with list of Late Night Permit Requests

### Recommendation / Suggested Action (briefly explain):

Recommendation to approve Class B and C Late Night Permit Requests (1:00 a.m. and 2:00 a.m.) for FY16/17 renewal period.

For office use only:	Agenda Item Number: 5a
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# Memo

To: Mayor Raymond Rogina, Liquor Commissioner  
From: James Keegan, Chief of Police  
Date: February 9, 2016  
Re: Late night liquor license renewals

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The following businesses have submitted renewals of their late night permits. Pursuant to guidelines established in the attached ordinance; I have summarized both police responses requiring written documentation and any action taken from the Liquor Control Commission during the last calendar year (2015). I have also included in this memorandum my recommendation for renewal.

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## **City Ordinance/5.08.095 Late Night Permit**

- C. Annually, the liquor license renewal process shall commence on the first city business day in February. Current license holders shall submit a renewal application and include any requested changes. For those license holders applying for a new or renewing a late night permit, they are required to specify whether they are applying for the 1:00 a.m. or the 2:00 a.m. permit. In addition, any new or renewal applications shall include a current business concept outlining the operations intended during the late night permit term of one year, in conjunction with the liquor license to be issued on May 1 of the same year. Failure to provide a timely renewal application or late night permit application may result in a delay in issuing said license and permit by May 1 of that year.
- D. Upon receipt of a new or renewal application, the Liquor Commissioner shall cause a review of the previous year license application to determine whether there have been any changes noted with regard to ownership, management or business concept. This application shall be forwarded to:
1. Chief of Police
  2. Fire Department
  3. Finance Department
  4. Community Development Department
- E. The city departments indicated in Section D will review any infractions of any city code, reflecting negatively on the license holder that should be taken into account by the Liquor Control Commission and City Council. That information shall be returned to the Liquor Commissioner for review. In addition, the Chief of Police shall cause a review of the police related activity which will support a



recommendation from the Chief of Police on whether the late night permit shall be issued and whether a 1:00 a.m. or 2:00 a.m. closing is recommended based on the permit application. The Chief of Police shall forward the recommendation to the Liquor Commissioner.

- F. Any application and recommendation for a new or renewal of a late night permit, shall be reviewed by the Liquor Control Commission. Based on this review the Local Liquor Commissioner shall make a recommendation on issuance to City Council. An applicant for a late night permit shall have the opportunity to be present and provide input on said application, prior to the Liquor Control Commission making a recommendation. Late night permits and renewals of late night permits shall be issued by the Liquor Commissioner with the advice and consent of the City Council.
- G. Any new liquor license application where a new late night permit is also applied for shall follow the same review process as outlined in paragraphs B, C, D, E and F of this Chapter.
- H. Notice of Violation Process-Late Night Permit. If during a liquor license year, May 1 through April 30, where a liquor license holder has been issued a late night permit and a notice of violation is issued by the Liquor Control Commissioner, the Liquor Control Commission shall hold a hearing on the matter. The liquor license with the late night permit shall be given notice of the purpose, date, time and location of the hearing in a similar manner to a liquor license violation. The matter will be heard before the Liquor Control Commission in the same manner as any license violation. The Liquor Control Commission shall provide advice and consent to the Local Liquor Control Commissioner, who shall make a final decision on the matter.
- I. Cause to Reduce Hours, Revoke Late Night Permit or Not Issue Late Night Permit. In the event that a liquor license holder, has applied for or been issued a late night permit, and has demonstrated circumstances giving reason to review whether that late night permit shall be issued, reduced in hours or revoked, the Liquor Control Commission shall receive input from these city departments:
  - 1. Finance Department as it relates to unpaid fees, utilities or city taxes;
  - 2. Fire Department as it relates to repetitive fire code violations affecting health and safety;
  - 3. Community Development Department, Building and Code Enforcement Division as it relates to building code violations;
  - 4. Police Department as it relates to repetitive calls for service that are indicative of underage patrons, over service of patrons, or liquor license violations affecting the safety of the general public where the licensee is not taking proactive measures to abate the problems;
  - 5. Other departments with applicable information.
- J. The license holder shall have the opportunity to respond to information in a public hearing prior to any action being taken, by the Liquor Control Commission before sending any recommendation to City Council.
- K. The Liquor Control Commission may recommend the issuance or denial of a requested late night permit for 1:00 a.m. or 2:00 a.m., or reduction in hours based on cause to the City Council for final decision.

## 2015 Activity by Establishment

Business	Number of Police incidents	Written Warnings from LCC	Arrests at or near the Business	Local Order Citations	Liquor Control Commission Violations	Recommendation for Renewal
Mark's Second Street Tavern	3					Yes / 2:00 a.m.
Alibi Bar and Grill	14		4	2		Yes / 2:00 a.m.
Alley 64	19	1	2	1		Yes / 2:00 a.m.
A'Salute	1				1	Yes / 2:00 a.m.
The Beehive	3	1		1		Yes / 2:00 a.m.
Dawns Beach Hut	0					Yes / 2:00 a.m.
Filling Station	5	1	2	1		Yes / 2:00 a.m.
Los Burritos	0					Yes / 1:00 a.m.
McNally's	0					Yes / 1:00 a.m.
Pizzeria Neo	2					Yes / 1:00 a.m.
Pub 222	7		2			Yes / 2:00 a.m.
Puebla	0					Yes / 1:00 a.m.
Ray's Evergreen	0					Yes / 2:00 a.m.
Riverside Pizza & Pub	1					Yes / 2:00 a.m.
Rookies	1					Yes / 2:00 a.m.
St. Charles Bowl	2					Yes / 1:00 a.m.
Shakou	0					Yes / 1:00 a.m.
Spotted Fox	0					Yes / 1:00 a.m.
Tap House	2					Yes / 1:00 a.m.
The House Pub	4	1			1	Yes / 2:00 a.m.
The Office	3					Yes / 2:00 a.m.

Please note that the decision to recommend renewal of the respective late night permit was not based solely on the number of incidents requiring police services, but rather a comprehensive review of the nature of the incidents combined with the willingness of the business to cooperate in abating the issues at their establishment and work with the police department to promote and insure an inviting social experience at their place of business. We in no way want to discourage a liquor establishment from contacting 911 whether they are being proactive in addressing an issue before it escalates or reacting to an issue that necessitated police intervention.

As always, I stand ready to discuss my recommendations with you at your convenience. Thank you for your cooperation in this matter.

Respectfully submitted,

Chief James Keegan