

Booze and Fresno: City dances around how to control bars, alcohol

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Ten bars in Fresno were so dangerous that City Hall asked the state for help in controlling them.

But City Hall refuses to publicly identify the 10.

That's only half of it.

Fresno officials also have a system of special rules to make sure bar owners run a safe business or face closure.

But the system is so lifeless that the police don't use it for the worst cases.

Welcome to the regulation of booze joints in what has been called the drunkest city in America. Some city officials say their regulatory system needs rehab.

"Where's code enforcement?" asks Council Member Lee Brand. "It's conspicuously absent."

Council Member Steve Brandau says trouble with the 10 bars may be "just the tip" of bigger code enforcement woes.

Council President Oliver Baines says these policy challenges are inevitable in a Fresno that wants to be business friendly while encouraging higher-density living. "This is probably just the beginning of this type of story," he says.

City Manager Bruce Rudd says the administration of Mayor Ashley Swearingin "will have further conversations" about oversight of bars and nightclubs, but gives no details.

There is more at play here than just a secret list of watering holes gone bad.

We've got a lot of issues, and this is just one of them. Our ability to get to everything is, at times, a challenge.

City Manager Bruce Rudd on Fresno's efforts to stop trouble at alcohol-related businesses

The tale in the Swearingin era begins early in the mayor's first term when she made exciting nightlife a key part of her effort to revitalize the urban core. Her rallying cry was "Let the people dance!"

The tale moves into the halls of City Hall, where something called a conditional use permit (CUP) lives. It lists rules (or conditions) a bar owner must obey to keep the doors open.

The tale continues at a Police Department that saw its roster of sworn officers shrink by about 150 positions during the Great Recession. In a town that has experienced a sharp spike in violent crime this year, cops on average answer 15 calls a day for alcohol-related trouble.

And the tale ends at the July 16 City Council meeting. Council members got a report describing the bedlam at the 10 worst bars and the scale of alcohol abuse throughout Fresno. No council member or administration official saw fit to comment. It's far from clear if anyone on the dais read the report.

"We've always had booze problems here," Rudd says. "What else is new?"

'Serve the public'

Alcohol is big business in Fresno.

The state Department of Alcoholic Beverage Control as of June 30 had 1,130 active liquor licenses in Fresno. There are dozens of different types. Bed-and-breakfast inns have their own license. So do caterers.

But two categories dominate the scene. The first consists of liquor and convenience stores selling beer, wine and perhaps distilled spirits. These are “off-sale” businesses. The second category consists of restaurants, bars and nightclubs selling the same items. These are “on-sale” businesses.

There are about 500 liquor licenses in each category in Fresno.

Swearingin took office in January 2009 touting Fresno as a regional hub for entertainment and culture. Alcohol, important in so much of adult life, inevitably became a focus of city policy.

For instance, Swearingin in one of her first initiatives pitched an overhaul of the development code, particularly for downtown. The mayor knew such a code is heavy reading for most Fresnoans. She invariably cut through the fog by saying it should be easier for someone to open a restaurant with sidewalk dining and alcohol service.

Swearingin gave this sentiment a motto in January 2010 at her first State of Downtown speech. She said Fresno is full of entrepreneurs ready to open full-service restaurants and nightspots — if only red tape didn’t make it hard to get dance permits.

“Let the people dance,” Swearingin said.

Many in the audience cheered.

Many people don’t want more alcohol establishments in their neighborhoods. There can be an over-concentration.

Fresno police Chief Jerry Dyer

But it wasn’t long before the more sober side of this issue took precedence.

A crash involving an overturned Greyhound bus and an SUV in July 2010 killed six people. The SUV driver, three years under the state’s legal drinking age of 21, had a blood-alcohol level above the legal driving limit.

The tragedy shined a spotlight on underage drinking and how minors get alcohol. By late 2010, teams of city, Fresno County and state officials were sweeping through selected bars and nightclubs. Their aim: Make sure business owners were following every rule, from fire safety to mandates in their conditional-use permit.

Some owners weren’t happy.

“It’s tough now for all of us, including the city,” said the owner of Twist, the since-closed north Fresno nightclub. “There are so many rules.”

But time moved on, and so did Swearingin’s agenda. The city later reformed its permitting process and dramatically cut fees for many alcohol conditional-use permits.

“The purpose of this policy,” the city told business owners, “is to streamline alcohol permits and better serve the public.”

Keeping the peace

Two things happened as Swearingin looked for her dancing shoes.

First, Men’s Health magazine in early 2010 ranked Fresno as the drunkest among 100 major American cities. The

magazine looked at data such as death rates from liver disease, alcohol-connected car crashes and number of DUI arrests.

The magazine put Boston as the least drunk city, which prompted Bee columnist Bill McEwen to bet that the magazine's editors "have never been to a New England Patriots football game."

McEwen also chided the magazine for misreading the significance of Fresno's high number of DUI arrests. McEwen said any city "with Jerry 'Checkpoint' Dyer as police chief" would be in the same boat.

A few Fresno City Hall officials still joke about the "drunkest" ranking. That leads to the second point — Dyer didn't see the humor.

Police Chief Jerry Dyer, facing a 14% jump in violent crime this year, has expanded his gun crime unit. He says part of the problem is boozed-up gang members trying to intimidate rivals.

The Police Department about 20 years ago began receiving grants from the state Department of Alcoholic Beverage Control to help fund a special-duty officer. The officer was to be a combination investigator of alcohol-related crime and roving ambassador for alcohol education.

But the grant arrived only every other year. Then, in about 2010, Dyer learned that he could get the grant every year if Fresno survived the competitive judging in Sacramento. Fresno has received the grant for about six years running now.

"We find that the source of many of the problems we face today in law enforcement is alcohol," Dyer says. "We know we need to regulate some of the establishments" that serve or sell alcohol.

This summer Fresno won the grant sweepstakes again, receiving \$100,000 from ABC to help pay for the work of detective Janette Olson.

The City Council's chore on July 16 was to accept free money. The staff report included a copy of the grant application.

Overwhelmed with calls

The application proved to be no joke.

"A significant problem within the city of Fresno is the availability of alcoholic beverages to the underage youth in our community," the application says. The city also faces "a high concentration of on-sale and off-sale licenses per capita."

Key numbers from the application:

- Officers in 2014 responded to 396,155 calls for service, including 5,529 related to alcohol (that's an average of 15 booze calls per day).
- There were 80 alcohol-related arrests within a one-mile radius of Fresno State.
- There were 1,323 alcohol-related calls for service within a half-mile radius of a high school. The city has more than 17 high schools, including continuation schools.
- There were 2,862 DUI arrests, 412 DUI collisions, 87 DUI injury collisions and six fatalities in DUI collisions.

Numbers from previous grant applications suggest Fresno's alcohol cop program works. The six DUI fatalities in 2014 compares to 30 in 2011. Alcohol-related arrests near Fresno State have dropped nearly 24% in three years. Alcohol-related calls close to a high school dropped by more than 300 from 2011 to 2014.

Other numbers point to a reversal of fortune. DUI arrests and DUI injury collisions were up slightly in 2014 compared to the previous year.

There's an array of tools that doesn't seem to be utilized.

Council Member Lee Brand on keeping troublesome bars and nightclubs in line

One area in particular worries police.

"A number of nightclubs have been identified as being disorderly, disruptive and have generated an inordinate amount of calls for service for patrol officers resulting in community concerns," the application says.

Some bars and nightclubs were especially bad news in 2014.

"Several of these locations have been under investigation and as a result a list of the top 10 problematic on-sale premises within the city of Fresno was created," the application says. "It was determined that over 450 calls for service were generated at these locations over the past year."

These offenses include "homicide, aggravated assaults (with and without weapons), robbery and sexual assault."

Some of the other calls were for typical beefs among drunks. Other calls involved gangs.

"As a result," the application says, "police resources have been drained."

The application's numbers mean each of the 10 bars/nightclubs on the list stayed open in 2014 long enough to accumulate on average 45 or more calls to Fresno police for help — or nearly one per week.

This in a town with a conditional use permit process designed to nip such business misbehavior in the bud.

"Forty-five is a high number," Rudd says. He adds that "I don't think it's a situation where a CUP is worthless."

Policy wobbles

Council Member Brandau wishes he could get that list of 10 dangerous bars.

"I'd stay away from them," he says.

The Bee asked for the list. City and ABC officials say it isn't public record because the bars are still under investigation.

I have never seen that list. I have no idea where they're at.

Planning manager/conditional use permit boss Mike Sanchez on the list of Fresno's top 10 most dangerous bars and nightclubs

Folks at City Hall aren't on the same page. To wit:

- City officials now insist the list is irrelevant to the public because the "Terrible Ten" is constantly changing. For example, the current list has only one nightclub. The other nine spots are taken by convenience stores, liquor stores and markets.
- No one says why the original list was compiled only after a year of constant trouble, or why most or all of the original "Terrible Ten" dropped off the list.
- Administration officials say the "Terrible Ten" list and the alcohol problems identified in the grant application have no connection to Swearingin's goal to turn Fresno into a regional entertainment hub.

- Alcohol troubles are a drain on police resources at the same time department policy is to work patiently with the owners of troubled bars and nightclubs. “Our goal is not to run people out of business,” Dyer says. “It is to be pro-business.”
- Dyer says his department works closely with the planning department (which is in charge of conditional-use permits) and the code enforcement division to keep troubled bars in line. Top officials in the planning department and code enforcement say they have never seen the “Terrible Ten” list.
- City officials say the permit enforcement process, which could lead to a permit revocation that would drive the bar out of business, is slow. Officials said they can’t recall a single attempt to revoke an alcohol permit. They also say alcohol permits are valuable tools of regulation.
- Dyer says his department bypasses the city’s permit process and goes straight to the ABC (with its authority over liquor licenses) when it wants to put the fear of regulators into defiant bar owners. Dyer says the ABC is much faster.

Enforcing code?

The real issue here may have less to do with Fresno’s love affair with booze and more with City Hall’s attitude toward code enforcement.

Perhaps the hottest topic among community activists these days is what they see as the city’s tepid efforts to hold property owners accountable in blighted neighborhoods.

City Hall’s troubles with on- and off-sale businesses, says Veronica Garibay, co-director for local nonprofit Leadership Counsel for Justice & Accountability, “goes back to the city’s reluctance to enforce its own conditions attached to permits.”

The final word goes to Council President Baines, a former Fresno police officer who busted his share of rowdy bars.

Rudd asks of Fresno’s perpetual booze problems, “What else is new?”

Everything, answers Baines.

Fresno’s new general plan and a handful of other policies mean there’s going to be more to do here and people will live closer to each other.

“To some degree, Ashley’s administration has worked to be more friendly to the entertainment lifestyle,” Baines says. “The Police Department is trying to balance what this will look like.”

Baines says it’s time for the entire town to chime in.

“It’s going to be a very tricky dance over the next decade,” he says.

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