

**CITY OF SANTA BARBARA
FIRE & POLICE COMMISSION MINUTES**

Thursday **November 17, 2011 @ 4:00**
Santa Barbara Fire Department
Emergency Operations Center
121 W. Carrillo Street

REGULAR MEETING

1. CALL TO ORDER/ROLL CALL:

Present: Commissioners: Lennon, Christensen, Rodriguez and Torres-Santos

Staff Present: Police Deputy Chief Frank Mannix, Police Captain Gil Torres, Police Technician Holly Perea, Fire Chief Andrew DiMizio, Councilmember Bendy White, and Acting Secretary Carol Lupo. (No Representative from the City Attorney's Office was present)

SPECIAL RECOGNITION:

Chief Mannix presented Commission Rodriguez with a plaque for his 20 years of service as a Fire & Police Commissioner.

2. APPROVAL OF MINUTES:

Christensen requested that the discussion be added regarding the Section 7 escort permit appeal.

MOTION: Christensen to approve minutes of **October 27, 2011** with the additional modification. Rodriguez seconded.

VOTE: Unanimous voice vote: Motion passed.

3. PUBLIC COMMENT:

Any member of the public may address the Fire & Police Commission for up to one minute on any subject within the jurisdiction of the Commission that is not scheduled for a public hearing before the Commission. The total time for this item is 10 minutes. If you wish to address the Commission under this item, please complete and deliver to the Commission Secretary before the meeting is convened, a "Request to Speak" form, including a description of the subject you wish to address.

None

4. SUBCOMMITTEE REPORTS

None.

5. OLD BUSINESS:

None.

6. NEW BUSINESS:

Commissioner Christensen asked for 3 items:

- 1) The commission receive a report on the parking fees program and internal process changes in light of the embezzlement issue that was discovered.

- 2) The commission hold an annual meeting for tow operator rotation, make it mandatory that operators attend, and review all the operators for compliance.
- 3) Add to the Police Chief's report a brief synopsis of crime/compstats and response times.

Rodriguez requested that Agenda Items 9 and 10 be moved before items 7 & 8.

9. Commission to consider returning Smitty's Towing to active rotation per Greg Voight's request at the October Fire & Police Commission meeting.

Kristy Nichols, Voight's attorney spoke, stating that Smitty's has reviewed their procedures, has documented their changes, and takes responsibility for their suspension, and is asking for reinstatement to the rotation list. Rodriguez says he is going to motion to reinstate Smitty's to the rotation list. Christensen asks whether Smitty's has reapplied. Perea says they have not, that they were waiting for the commission's to decide how to proceed. Rodriguez stated his understanding is that we are not opening up the rotation application for this item. Christensen's understanding is that this would reopen the application process and Smitty's reapply, in a competitive process. Also asked Smitty's for additional references as a towing service on rotation list. Rodriguez understood that after the suspension that they would be put back on the rotation does not need to reapply. Perea states there was a conflict in the language previously voiced in the November, 2010 meeting that 'Smitty's has to reapply like Thomas Towing'.

MOTION: Rodriguez to put Smitty's back on the tow rotation list. Torres-Santos seconded.

VOTE: Vote 2-2. (Aye: Rodriguez and Lennon; No: Christensen and Torres-Santos).
Motion denied.

Christensen will motion to open up and proceed with the application process. Perea stated that it would be opened to all tow companies and send out packets with an application deadline, and time to process and review. There is no set time frame for the entire process, but it would reasonably take 60 days total to complete the process.

MOTION: Christensen to move forward with the application process for the tow rotation list.
Torres-Santos seconded.

VOTE: Vote 2-2. (Aye: Christensen and Torres-Santos No: Rodriguez and Lennon).
Motion denied.

Rodriguez stated we are here to reinstate Smitty's back on rotation and item 10 is a separate issue.

Perea commented that if Smitty's is reinstated the list would be full. The commission would then need to make a decision to add a 7th operator at the next meeting. Christensen stated she will not change her vote on the reinstating Smitty's and that they need to reapply and be verified they are in compliance.

Smitty's attorney commented that the letter they received stated that they could apply for reinstatement and have done the documentation as such and any delay in a decision would be further penalizing Smitty's.

Perea believes slight misunderstanding about process. No one can be removed without it being as separate agenda item.

Christensen agreed with Perea. She also stated she is adamant there is a need to allow staff to review submission before voting.

Rodriguez commented that the Police Department called Smitty's for service while they were suspended and not on the rotation.

Perea stated that they may have been called by an officer due to special equipment needs, but was not dispatched through the normal rotation procedures.

Fire Chief DiMizio also commented that the fire department has used Smitty's towing on number of occasions and assists the fire department with vehicles for training.

MOTION: Rodriguez requests a second vote to put Smitty's back on the tow rotation list. Torres-Santos seconded.

VOTE: Vote 3-1. (Aye: Rodriguez, Lennon, Torres-Santos; No: Christensen). Motion passed.

It was noted that Smitty's will be back on the towing rotation as of this meeting.

10. TOW ROTATION LIST'S 6TH COMPANY – Commission to determine the process by which a sixth tow company will be added to the current Tow Company Rotation List.

Lennon asked if the passing of item #9 negate this item #. It was clarified that it now needs to be changed as it is now a 7th tow company. Rodriguez requested that discussion to add a 7th tow operation to the rotation list be added to next agenda.

7. BAJA SHARKEEZ – 416 STATE ST. – Nightclub Dance Permit Review

Perea read the staff report.

Mr. Rick Warren attorney for Sharkeez commented that his clients have no objection to the recommendation. He noted that the 3 disturbing the peace citations were pled that way, and may not have been the situational circumstances.

Owner Ron Newman commented that their record is good. The 18 and over night was added to increase business during slow times. They have never had a problem at their other business, Sandbar. The 416 State St. business will be sold. Owner Greg Newman commented that the 18 and over nights have been the problem, and won't be continued at the new location.

Rodriguez asked Captain Torres why the commission had not heard about any of the previous violations noted in the staff report. Captain Torres answered that these same problems occur at the other bars as well. The problems were not looked at specifically until this matter of the purchasing of Madison's at 525 State St.

Christensen asked if the new business at 416 State St. will acquire the liquor license. The Newman's answered that the liquor license is part of the sale. The Police department will be able to apply conditions; the dance permit is not transferable. She clarified with Captain Torres that the reason the commission had not been told of these violations was because they did not relate to their dance permit. He confirmed, but also stated that an increase in violations would eventually have been brought to the commission's attention.

Torres-Santos made a statement that it didn't seem unusual for Sharkeez to have violations, but since there were no dance permit violations it wasn't brought before the commission.

Greg Newman stated they have not received any ABC violations for serving alcohol to minors. The citations were issued to the patrons. Christensen mentioned a noted ABC comment. Perea stated she received correspondence that ABC doesn't know whether or not they will take action and will review this matter after this meeting.

Christensen stated there is a big discrepancy between the problems at Sharkeez and the lack of problems at Sandbar, and that they may need to determine why that is occurring. She stated that she would motion to accept the staff recommendation with the caveat that if another violation occurs, that the maximum punishment be imposed.

Greg Newman agreed with Christensen. He stated that in some instances the identification presented appeared to be legitimate to their staff. Some may slip thru. The violations were against customers, not Sharkeez. The 18 and over night has been stopped.

Perea clarified if 416 State St. Sharkeez premise receives one more violation that it be brought before the commission for the extent of the current location.

MOTION: Christensen to approve staff's recommendation with the additional requirement that if any further violations occur for the extent that they occupy 416 State St. the matter will be brought before the commission. Rodriguez seconded.

VOTE: Unanimous voice vote. Motion passed.

8. BAJA SHARKEEZ - 525 STATE ST. - Nightclub Dance Permit

Perea read the staff report.

(THE DIGITAL RECORDER STOPPED WORKING DURING HER READING)

Rodriguez questioned the use of in-house security and the current regulations. Security will be under Sharkeez employment.

Torres-Santos commented that they should keep the same Police connection and procedures as their Sandbar operation.

Public comment from Susan Thompson. She stated that she was not aware the owners also owned the Sandbar. She is a Fig Avenue resident and currently has noise concerns about Sandbar. The addition of the 525 State St. location will increase it. She provided Sandbar advertising samples to the commission. She stated due to the problems that these locations that the Police have to concentrate their efforts there, rather than working on the graffiti problems elsewhere. She asked that the commission deny the permit.

Newman commented that there is already an approved dance permit at the location now.

Lance King, the current General Manager at Madison's commented that dancing is not a crime, and that the security will be as good as at the Sandbar.

Christensen questioned whether Sandbar has the same 50 foot sound limitation that is being required for 525 State St.

Perea read Sandbar's dance permit conditions. She did not review the calls for service for noise at the Sandbar, but no citations have been issued for noise.

MOTION: Christensen to accept staff's recommendation to grant a dance permit at 525 State St. Torres-Santos seconded.

VOTE: Unanimous voice vote. Motion passed.

11. FIRE CHIEF'S REPORT

From Fire Chief DiMizio:

- There have been 1064 calls for service since Sept. 27.
- Code 3 average response time is 3:12 minutes.
- Significant calls, resulting in less than \$53,000 in damage.
 - Residential structure fire via mutual aid on 10/24 on Montrose.
 - Residential structure fire on 11/11 on Portola.
- Personnel issues:
8 injuries – 5 are long term. Recently had 1 serious accident with a firefighter fall into the Station 1 elevator shaft while training. The Chief has initiated a new Preliminary Accident Review process (aka "Blue Sheet") to review serious accidents such as this one.
- Overtime is trending high, but still within the budget. It appears that all the newest 10 firefighters will pass their probationary period. 2 Fire Captains recently retired. Staff is moving to get firefighters certified and eligible to promote into these vacancies by April.
- Administration Office Building construction project move-in date is tentatively scheduled for Dec. 6.
- Strategic planning process is finishing. A final copy will be given to the commission. Christensen stated she would like to hear a report on the planning process as well.

12. POLICE CHIEF'S REPORT

From Deputy Police Chief Mannix:

- Com stat meeting was yesterday. Response times:
 - 6 mins. Priority 1 calls
 - 14 mins. Priority 2 calls
 - ?? Priority 3 calls
 - 50 mins. Priority 4 calls
- Part 1 crimes down 14% over last year. Property crimes static from last year.
- Significant burglary arrest recently. Received valuable information from Ventura County and caught the suspect(s) "red handed".

- Historical homicide arrest for 1987 stabbing. Suspect had fled to Mexico and will be prosecuted there as well.
- Hiring is at full staffing, 140 out of 141 positions. Planning for overhire recruitment for a May academy. December 10 new officers will be going to patrol.
- Sergeant's test in next 6 weeks or so. They are anticipating 14 applicants. The decision making process will take approximately 6 weeks.

13. ADJORN: 5:50 PM