

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

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Thursday, **February 28** @ 4:00  
Murphy Briefing Room  
215 E. Figueroa St.

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**REGULAR MEETING**

**1. CALL TO ORDER/ROLL CALL:**

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

Staff Present: Police Chief Cam Sanchez, Fire Chief Pat McElroy, Police Technician Holly Perea, Councilmember Bendy White, Police Officer Hunter, and Acting Secretary Carol Lupo

**2. APPROVAL OF MINUTES:**

**MOTION:** Lennon to approve minutes of **January 24, 2013**. Torres-Santos seconded.

**VOTE:** Unanimous voice vote.

**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**

Fire Department – Have not met with department yet.

Police Department – Subcommittee met with Chief Sanchez and went over budget. 145-150 police officers are needed. Next meeting to occur in March.

Tow regulation Subcommittee report will be discussed during Item # 9.

**5. OLD BUSINESS:**

Christensen inquired about follow up on possible dance permit revocation for Michael Stinchfield. Holly Perea will follow up.

Also inquired about ramifications for one of the tow operators who did not attend mandatory meeting in January. Officer Hunter stated he is investigating compliance of that tow operator and will include failure to appear at meeting.

**6. NEW BUSINESS:**

None.

## **7. NIGHTCLUB DANCE PERMIT REVIEW – WHISKEY RICHARDS – 435 STATE ST**

Technician Perea read staff's recommendation.

Public comments were heard:

Douglas Anderson – Holiday Inn Express employee. Continually have issues; noise problems; back door open. His position is that the dance permit should be revoked permanently.

Kay Morter – General Manager, Holiday Inn Express. Noted that similar issues took place with the prior occupant, Kennedy's. Noted that hotel guests have tried to approach the business themselves to request compliance (noise, etc.). She believes the business is poorly operated, and that ABC should be involved, and their liquor license revoked.

Susie Thompson – Nearby resident. Stated that the loud music affects her residence, and that the business has had the chance to make changes, and that the dance permit should be revoked.

Torell inquired if a representative from Whiskey Richards was present at the meeting. No one was present.

Torell inquired if the intervention meeting mentioned in the staff report was held. Perea stated that an invitation was sent to the owner and no response was ever received.

Torres-Santos asked to clarify that the business received citations since last year. Perea confirmed that they had received 10 citations since last year.

inquired as to why revocation of the license is not staff's recommendation. Perea stated that it was a matter of due process. Chief Sanchez commented that it is just a recommendation and commission can change it.

**MOTION:** Torell to uphold Police Department's recommendation to suspend the Nightclub Dance Permit for 6 months. Lennon seconded.

**VOTE:** Ayes – 4 votes; No – 1 vote. Christensen voted No, as she would like a more severe penalty.

Sgt. Kushner, Holly Perea's supervisor, commented that he has contacted ABC and their supervisor has been informed of the issues with Whiskey Richards.

## **8. DANCE PERMIT REQUEST – CADIZ RESTAURANT & LOUNGE – 509 STATE ST.**

Three additional letters were received from individuals.

Torell inquired about condition #2, and asked if there is a minimal decibel level requirement. Perea stated No, decibel levels are not measured, and officers use reason when doing a noise investigation.

Public Comment:

Susie Thompson – Nearby resident. Stated that Cadiz's ABC license does not allow any amplified music/D.J.'s, and they have been cited for that, and noted there have been other ABC violations.

Nadine Turner – Director Sales and Marketing, Hotel Santa Barbara, read a letter from Owner, Tamara Erickson that stated that an additional nightclub should not be added to the area.

Kay Morter – Holiday Inn Express, stated that Cadiz is a good operator and restaurant, but a nightclub permit will produce noise problems. She stated that the number of days being able to operate as a nightclub be limited, and license have more conditions.

Rodriguez invited comments from Cadiz owners present, Michael DeRose, Messina DeRose, Dante DeRose.

The owners noted that they have already had music, and not received any complaints.. They stated there have not been any ABC violations due to lack of evidence in the investigations. They feel they have upgraded lower State street with their restaurant, and are consulting with a security company to set up a program for the dance permit. They have not received any complaints from neighbors.

(Digital recorder stopped. Officer Hunter started to record on his device.)

Torres-Santos inquired asked if the permit would be subject to a yearly renewal. Perea answered Yes. He also asked if the number of days could be restricted. Perea explained that the owners applied for the Nightclub permit level according to the new dance ordinance, which does not limit the number of days. Other permit levels do limit the days of operation.

Torell commented that this commission does not have any jurisdiction over zoning concerns, which currently zoned for business and residential, and stated that some hotel guests may prefer being in an area closed to nightclubs. He believes this restaurant does not have the same atmosphere as the other nearby nightclubs.

Christensen stated she had read the letters of support from a local attorney and Assemblyman Das Williams, and was glad to hear from the community and business owners about their concerns, and glad to hear that Cadiz's owners are willing to be accessible and responsible to area businesses and residents.

**MOTION:** Christensen to uphold Police Department's recommendation to approve the Nightclub Dance Permit application with the stated conditions, following receipt of all live scan fingerprints. Torres-Santo seconded.

**VOTE:** Unanimous voice vote.

Staff clarified that the permit approval will take effect upon receipt of live scans.

## **9. REVIEW OF PROPOSED RULES AND REGULATIONS FOR TOW COMPANIES ON THE CITY'S TOW ROTATION LIST**

Christensen stated that all operators should have received copies of changes; one color coded to highlight changes, and one strike-thru copy. All operators are in agreement with changes.

Charles Love, Love's towing requested all changes or areas of concern, be read. Torell stated there was only 1 item that merited discussion.

Discussion highlighted that the final draft was not distributed. Aaron Boucher from 805 Towing to provide a copy to each tow operator.

Officer Hunter stated he would volunteer to be a liaison to coordinate distribution of the final draft, which will then be sent to sub-committee members Christensen and Torell.

Item continued to March meeting.

SB Towing asked to speak. It was noted that he needs to bring up concern during public comment at next meeting.

## **8. FIRE CHIEF'S REPORT**

From Fire Chief McElroy, who provided handouts on incident statistics.

- Provided handouts on monthly response times, and noted there are still some anomalies that need to be looked at. Times remain under 5 minutes, 86% of the time.
- Jim Bryden has been promoted to Operations Division Chief. He has been with the department for 32 years.
- A Battalion chief test will take place the first week of April to fill the position he vacated.
- A Captains test is taking place next week, and at the end of April, once the BC promotion is decided.
- Conditional job offers have been made to 8 firefighters. McElroy noted that Police department staff conducted the background investigations, and was very pleased with the results. Recruits will begin the academy on April 15, with a graduation date of June 18.
- Budget preparation is underway. McElroy will be involving different staff members in the process to assist with succession planning.
- An Assistance to Firefighters Grant, requested along with Carpinteria and Montecito fire departments, to fund radios is looking promising.
- An informal swearing in ceremony will be taking place tomorrow (March 1, 2013) at fire Station 1.

Torell commented that an explanation of the incident categories be included on the response times report.

## **9. POLICE CHIEF'S REPORT**

From Police Chief Sanchez:

- In car video has been installed in all vehicles, and will go live the 2<sup>nd</sup> week of March, following completion of the written policy.
- Security gates for the parking lot have been approved and will be installed in the next 2 months.
- Hiring: 7 are currently in the academy; 1 employee was injured and will send back to the next academy. The commission is invited to the Swearing-in on April 3, 4 PM, and graduation on April 4, 1 PM, in Camarillo.
- 7-8 additional cadets will be sent to an academy beginning in May.
- Budget – Had an information meeting with 2 commissioners, and plan to meet again in March.
- Department has been busy with large crime cases.

Christensen inquired about response times. Sanchez stated response times remain at less than 6 minutes. Christensen also inquired about crime trends. Sanchez stated that burglaries have been increased, but many are crimes of opportunities, and not break-ins.

Torres-Santos asked if Chief Sanchez met with the man who attended the last meeting and wanted to discuss the gang injunction. Sanchez stated he did meet with him, and discussed the matter, and agreed to disagree.

**10. ADJORN: 5:19 PM**